

105TH CONGRESS  
1ST SESSION

# H. R. 2607

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1997

Ordered to be printed with the amendments of the Senate numbered

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## AN ACT

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 ~~(1)~~ That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 District of Columbia for the fiscal year ending September  
6 30, 1998, and for other purposes, namely:

1           **TITLE I—FISCAL YEAR 1998**  
2                           **APPROPRIATIONS**

3                                   FEDERAL FUNDS

4    FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE  
5                                   NATION'S CAPITAL

6           For a Federal contribution to the District of Colum-  
7    bia towards the costs of the operation of the government  
8    of the District of Columbia, \$180,000,000; as authorized  
9    by section 11601 of the National Capital Revitalization  
10   and Self-Government Improvement Act of 1997, Public  
11   Law 105-33.

12                                   OFFICE OF THE INSPECTOR GENERAL

13           For the Office of the Inspector General, \$2,000,000,  
14   to prevent and detect fraud, waste, and abuse in the pro-  
15   grams and operations of all functions, activities, and enti-  
16   ties within the government of the District of Columbia.

17                                   METROPOLITAN POLICE DEPARTMENT

18           For the Metropolitan Police Department,  
19   \$5,400,000, for a 5 percent pay increase for sworn officers  
20   who perform primarily nonadministrative public safety  
21   services and are certified by the Chief of Police as having  
22   met certain minimum standards referred to in section 148  
23   of this Act.

1 FIRE AND EMERGENCY MEDICAL SERVICES  
2 DEPARTMENT

3 For the Fire and Emergency Medical Services De-  
4 partment, \$2,600,000, for a 5 percent pay increase for  
5 uniformed fire fighters.

6 FEDERAL CONTRIBUTION TO PUBLIC SCHOOLS

7 For the public schools of the District of Columbia,  
8 \$1,000,000, which shall be paid to the District Education  
9 and Learning Technologies Advancement (DELTA) Coun-  
10 cil established by section 2604 of the District of Columbia  
11 School Reform Act of 1995, Public Law 104–134, within  
12 10 days of the effective date of the appointment of a ma-  
13 jority of the Council’s members.

14 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA  
15 CORRECTIONS TRUSTEE OPERATIONS

16 For payment to the District of Columbia Corrections  
17 Trustee for the administration and operation of correc-  
18 tional facilities, \$169,000,000, as authorized by the Na-  
19 tional Capital Revitalization and Self-Government Im-  
20 provement Act of 1997, Public Law 105–33.

21 PAYMENT TO THE DISTRICT OF COLUMBIA CORREC-  
22 TIONS TRUSTEE FOR CORRECTIONAL FACILITIES,  
23 CONSTRUCTION AND REPAIR

24 For payment to the District of Columbia Corrections  
25 Trustee for Correctional Facilities, \$302,000,000, to re-

1 main available until expended, of which not less than  
 2 \$294,900,000 is available for transfer to the Federal Pris-  
 3 on System, as authorized by section 11202 of the National  
 4 Capital Revitalization and Self-Government Improvement  
 5 Act of 1997; and \$7,100,000 shall be for security improve-  
 6 ments and repairs at the Lorton Correctional Complex.

7 EXECUTIVE OFFICE OF THE PRESIDENT

8 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

9 CRIMINAL JUSTICE SYSTEM

10 (INCLUDING TRANSFER OF FUNDS)

11 Pursuant to the National Capital Revitalization and  
 12 Self-Government Improvement Act of 1997 (Public Law  
 13 105-33) \$146,000,000 for the Office of Management and  
 14 Budget, of which: (1) not to exceed \$121,000,000 shall  
 15 be transferred to the Joint Committee on Judicial Admin-  
 16 istration in the District of Columbia for operation of the  
 17 District of Columbia Courts; (2) not to exceed \$2,000,000  
 18 shall be transferred to the District of Columbia Truth in  
 19 Sentencing Commission to implement section 11211 of the  
 20 National Capital Revitalization and Self-Government Im-  
 21 provement Act of 1997; (3) not to exceed \$22,200,000  
 22 shall be transferred to the Pretrial Services, Defense Serv-  
 23 ices, Parole, Adult Probation, and Offender Supervision  
 24 Trustee for expenses relating to pretrial services, defense  
 25 services, parole, adult probation and offender supervision  
 26 in the District of Columbia, and for operating expenses

1 of the Trustee; and (4) not to exceed \$800,000 shall be  
2 transferred to the United States Parole Commission to im-  
3 plement section 11231 of the National Capital Revitaliza-  
4 tion and Self-Government Improvement Act of 1997.

5 UNITED STATES PARK POLICE

6 For payment to the United States Park Police for  
7 policing services performed within the District of Colum-  
8 bia, \$12,500,000.

9 FEDERAL CONTRIBUTION TO THE DISTRICT OF  
10 COLUMBIA SCHOLARSHIP FUND

11 For the District of Columbia Scholarship Fund,  
12 \$7,000,000, as authorized by section 342 of this Act for  
13 scholarships to students of low-income families in the Dis-  
14 trict of Columbia to enable them to have educational  
15 choice.

16 DIVISION OF EXPENSES

17 The following amounts are appropriated for the Dis-  
18 trict of Columbia for the current fiscal year out of the  
19 general fund of the District of Columbia, except as other-  
20 wise specifically provided.

21 DISTRICT OF COLUMBIA TAXPAYERS RELIEF FUND

22 For the District of Columbia Taxpayers Relief Fund,  
23 an amount equal to the difference between the amount of  
24 District of Columbia local revenues provided under this  
25 Act and the actual amount of District of Columbia local

1 revenues generated during fiscal year 1998 (as determined  
2 and certified by the Chief Financial Officer of the District  
3 of Columbia): *Provided*, That such amount shall be depos-  
4 ited into an escrow account held by the District of Colum-  
5 bia Financial Responsibility and Management Assistance  
6 Authority, which shall allocate the funds to the Mayor,  
7 or such other District official as the Authority may deem  
8 appropriate, in amounts and in a manner consistent with  
9 the requirements of this Act: *Provided further*, That these  
10 funds shall only be used to offset reductions in District  
11 of Columbia local revenues as a result of reductions in Dis-  
12 trict of Columbia taxes or fees enacted by the Council of  
13 the District of Columbia (based upon the recommenda-  
14 tions of the District of Columbia Tax Revision Commis-  
15 sion and the Business Regulatory Reform Commission)  
16 and effective no later than October 1, 1998.

17 DISTRICT OF COLUMBIA DEFICIT REDUCTION FUND

18 For the District of Columbia Deficit Reduction Fund,  
19 \$200,000,000, to be deposited into an escrow account held  
20 by the District of Columbia Financial Responsibility and  
21 Management Assistance Authority, which shall allocate  
22 the funds to the Mayor, or such other District official as  
23 the Authority may deem appropriate, at such intervals and  
24 in accordance with such terms and conditions as the Au-  
25 thority considers appropriate: *Provided*, That an addi-

1 tional amount shall be deposited into the Fund each  
2 month equal to the amount saved by the District of Co-  
3 lumbia during the previous month as a result of cost-sav-  
4 ing initiatives of the Mayor of the District of Columbia  
5 (described in the fiscal year 1998 budget submission of  
6 June 1997), as determined and certified by the Chief Fi-  
7 nancial Officer of the District of Columbia: *Provided fur-*  
8 *ther*, That the District government shall make every effort  
9 to implement such cost-saving initiatives so that the total  
10 amount saved by the District of Columbia during all  
11 months of fiscal year 1998 as a result of such initiatives  
12 is equal to or greater than \$100,000,000: *Provided fur-*  
13 *ther*, That the Chief Financial Officer shall submit a re-  
14 port to Congress not later than January 1, 1998, on a  
15 timetable for the implementation of such initiatives under  
16 which all such initiatives shall be implemented by not later  
17 than September 30, 1998: *Provided further*, That amounts  
18 in the Fund shall only be used for reduction of the accu-  
19 mulated general fund deficit existing as of September 30,  
20 1997.

21 GOVERNMENTAL DIRECTION AND SUPPORT

22 Governmental direction and support, \$119,177,000  
23 and 1,479 full-time equivalent positions (including  
24 \$98,316,000, and 1,400 full-time equivalent positions  
25 from local funds, \$14,013,000 and 9 full-time equivalent

1 positions from Federal funds, and \$6,848,000 and 70 full-  
 2 time equivalent positions from other funds): *Provided,*  
 3 That not to exceed \$2,500 for the Mayor, \$2,500 for the  
 4 Chairman of the Council of the District of Columbia, and  
 5 \$2,500 for the City Administrator shall be available from  
 6 this appropriation for official purposes: *Provided further,*  
 7 That any program fees collected from the issuance of debt  
 8 shall be available for the payment of expenses of the debt  
 9 management program of the District of Columbia: *Pro-*  
 10 *vided further,* That no revenues from Federal sources shall  
 11 be used to support the operations or activities of the State-  
 12 hood Commission and Statehood Compact Commission:  
 13 *Provided further,* That the District of Columbia shall iden-  
 14 tify the sources of funding for Admission to Statehood  
 15 from its own locally-generated revenues: *Provided further,*  
 16 That \$240,000 shall be available for citywide special elec-  
 17 tions: *Provided further,* That all employees permanently  
 18 assigned to work in the Office of the Mayor shall be paid  
 19 from funds allocated to the Office of the Mayor:

20           ECONOMIC DEVELOPMENT AND REGULATION

21           Economic development and regulation, \$120,072,000  
 22 and ~~1,283~~ full-time equivalent positions (including  
 23 \$40,377,000 and ~~561~~ full-time equivalent positions from  
 24 local funds, \$42,065,000 and ~~526~~ full-time equivalent po-  
 25 sitions from Federal funds, and \$25,630,000 and ~~196~~ full-



1 time equivalent positions from other funds and  
2 \$12,000,000 collected in the form of Business Improve-  
3 ment Districts tax revenue collected by the District of Co-  
4 lumbia on behalf of business improvement districts pursu-  
5 ant to the Business Improvement Districts Act of 1996,  
6 effective May 29, 1996 (D.C. Law 11-134; D.C. Code,  
7 sec. 1-2271 et seq.) and the Business Improvement Dis-  
8 tricts Temporary Amendment Act of 1997 (Bill 12-230).

9 PUBLIC SAFETY AND JUSTICE

10 Public safety and justice, including purchase of 135  
11 passenger-carrying vehicles for replacement only, includ-  
12 ing 130 for police-type use and five for fire-type use, with-  
13 out regard to the general purchase price limitation for the  
14 current fiscal year, \$502,970,000 and 9,719 full-time  
15 equivalent positions (including \$483,557,000 and 9,642  
16 full-time equivalent positions from local funds,  
17 \$13,519,000 and 73 full-time equivalent positions from  
18 Federal funds, and \$5,894,000 and 4 full-time equivalent  
19 positions from other funds): *Provided*, That the Metropoli-  
20 tan Police Department is authorized to replace not to ex-  
21 ceed 25 passenger-carrying vehicles and the Department  
22 of Fire and Emergency Medical Services of the District  
23 of Columbia is authorized to replace not to exceed five pas-  
24 senger-carrying vehicles annually whenever the cost of re-  
25 pair to any damaged vehicle exceeds three-fourths of the

1 cost of the replacement. *Provided further*, That not to ex-  
2 ceed \$500,000 shall be available from this appropriation  
3 for the Chief of Police for the prevention and detection  
4 of crime. *Provided further*, That the Metropolitan Police  
5 Department shall provide quarterly reports to the Com-  
6 mittees on Appropriations of the House and Senate on ef-  
7 forts to increase efficiency and improve the professional-  
8 ism in the department. *Provided further*, That notwith-  
9 standing any other provision of law, or Mayor's Order 86-  
10 45, issued March 18, 1986, the Metropolitan Police De-  
11 partment's delegated small purchase authority shall be  
12 \$500,000. *Provided further*, That the District of Columbia  
13 government may not require the Metropolitan Police De-  
14 partment to submit to any other procurement review proc-  
15 ess, or to obtain the approval of or be restricted in any  
16 manner by any official or employee of the District of Co-  
17 lumbia government, for purchases that do not exceed  
18 \$500,000. *Provided further*, That the District of Columbia  
19 Fire Department shall provide quarterly reports to the  
20 Committees on Appropriations of the House and Senate  
21 on efforts to increase efficiency and improve the profes-  
22 sionalism in the department. *Provided further*, That not-  
23 withstanding any other provision of law, or Mayor's Order  
24 86-45, issued March 18, 1986, the District of Columbia  
25 Fire Department's delegated small purchase authority

1 shall be \$500,000: *Provided further*, That the District of  
2 Columbia government may not require the District of Co-  
3 lumbia Fire Department to submit to any other procure-  
4 ment review or contract approval process, or to obtain the  
5 approval of or be restricted in any manner by any official  
6 or employee of the District of Columbia government, for  
7 purchases that do not exceed \$500,000: *Provided further*,  
8 That the Mayor shall reimburse the District of Columbia  
9 National Guard for expenses incurred in connection with  
10 services that are performed in emergencies by the National  
11 Guard in a militia status and are requested by the Mayor,  
12 in amounts that shall be jointly determined and certified  
13 as due and payable for these services by the Mayor and  
14 the Commanding General of the District of Columbia Na-  
15 tional Guard: *Provided further*, That such sums as may  
16 be necessary for reimbursement to the District of Colum-  
17 bia National Guard under the preceding proviso shall be  
18 available from this appropriation, and the availability of  
19 the sums shall be deemed as constituting payment in ad-  
20 vance for emergency services involved: *Provided further*,  
21 That the Metropolitan Police Department is authorized to  
22 maintain 3,800 sworn officers, with leave for a 50 officer  
23 attrition: *Provided further*, That no more than 15 mem-  
24 bers of the Metropolitan Police Department shall be de-  
25 tailed or assigned to the Executive Protection Unit, until

1 the Chief of Police submits a recommendation to the  
2 Council for its review: *Provided further*, That \$100,000  
3 shall be available for inmates released on medical and geri-  
4 atric parole: *Provided further*, That not less than  
5 \$2,254,754 shall be available to support a pay raise for  
6 uniformed firefighters, when authorized by the District of  
7 Columbia Council and the District of Columbia Financial  
8 Responsibility and Management Assistance Authority,  
9 which funding will be made available as savings are  
10 achieved through actions within the appropriated budget:  
11 *Provided further*, That funds appropriated for expenses  
12 under the District of Columbia Criminal Justice Act, ap-  
13 proved September 3, 1974 (88 Stat. 1090; Public Law  
14 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal  
15 year ending September 30, 1998, shall be available for ob-  
16 ligations incurred under the Act in each fiscal year since  
17 inception in fiscal year 1975: *Provided further*, That funds  
18 appropriated for expenses under the District of Columbia  
19 Neglect Representation Equity Act of 1984, effective  
20 March 13, 1985 (D.C. Law 5-129; D.C. Code, Sec. 16-  
21 2304), for the fiscal year ending September 30, 1998,  
22 shall be available for obligations incurred under the Act  
23 in each fiscal year since inception in fiscal year 1985: *Pro-*  
24 *vided further*, That funds appropriated for expenses under  
25 the District of Columbia Guardianship, Protective Pro-

ceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1998, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed \$1,500 for the Chief Judge of the District of Columbia Court of Appeals, \$1,500 for the Chief Judge of the Superior Court of the District of Columbia, and \$1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes.

#### PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$673,444,000 and 11,314 full-time equivalent positions (including \$531,197,000 and 9,595 full-time equivalent positions from local funds, \$112,806,000 and 1,424 full-time equivalent positions from Federal funds, and \$29,441,000 and 295 full-time equivalent positions from other funds), to be allocated as follows: \$560,114,000 and 9,979 full-time equivalent positions (including \$456,128,000 and 8,623 full-time equivalent positions from local funds, \$98,491,000 and 1,251 full-time equivalent positions from Federal funds, and \$5,495,000 and 105 full-time equivalent positions from other funds), for the public schools of

1 the District of Columbia; \$5,250,000 (including \$300,000  
2 for the Public Charter School Board) from local funds for  
3 public charter schools: *Provided*, That if the entirety of  
4 this allocation has not been provided as payments to one  
5 or more public charter schools by May 15, 1998, and re-  
6 mains unallocated, the funds will revert to the general  
7 fund of the District of Columbia in accordance with sec-  
8 tion 2403(a)(2)(D) of the District of Columbia School Re-  
9 form Act of 1995 (Public Law 104-134); \$8,900,000 from  
10 local funds for the District of Columbia Teachers' Retire-  
11 ment Fund; \$1,000,000 from local funds for the District  
12 Education and Learning Technologies Advancement  
13 (DELTA) Council to be paid to the Council within 10 days  
14 of the effective date of the appointment of a majority of  
15 the Council's members; \$70,687,000 and 872 full-time  
16 equivalent positions (including \$37,126,000 and 562 full-  
17 time equivalent positions from local funds; \$12,804,000  
18 and 156 full-time equivalent positions from Federal funds;  
19 and \$20,757,000 and 154 full-time equivalent positions  
20 from other funds) for the University of the District of Co-  
21 lumbia (excluding the U.D.C. School of Law); \$3,400,000  
22 and 45 full-time equivalent positions (including \$665,000  
23 and 10 full-time equivalent positions from local funds and  
24 \$2,735,000 and 35 full-time equivalent positions from  
25 other funds) for the U.D.C. School of Law; \$22,036,000

1 and 409 full-time equivalent positions (including  
2 \$20,424,000 and 398 full-time equivalent positions from  
3 local funds; \$1,158,000 and 10 full-time equivalent posi-  
4 tions from Federal funds; and \$454,000 and 1 full-time  
5 equivalent position from other funds) for the Public Li-  
6 brary; \$2,057,000 and 9 full-time equivalent positions (in-  
7 cluding \$1,704,000 and 2 full-time equivalent positions  
8 from local funds and \$353,000 and 7 full-time equivalent  
9 positions from Federal funds) for the Commission on the  
10 Arts and Humanities: *Provided*, That the public schools  
11 of the District of Columbia are authorized to accept not  
12 to exceed 31 motor vehicles for exclusive use in the driver  
13 education program: *Provided further*, That not to exceed  
14 \$2,500 for the Superintendent of Schools; \$2,500 for the  
15 President of the University of the District of Columbia;  
16 and \$2,000 for the Public Librarian shall be available  
17 from this appropriation for official purposes: *Provided fur-*  
18 *ther*, That not less than \$1,200,000 shall be available for  
19 local school allotments in a restricted line item: *Provided*  
20 *further*, That not less than \$4,500,000 shall be available  
21 to support kindergarten aides in a restricted line item:  
22 *Provided further*, That not less than \$2,800,000 shall be  
23 available to support substitute teachers in a restricted line  
24 item: *Provided further*, That not less than \$1,788,000  
25 shall be available in a restricted line item for school coun-

1 selors: *Provided further*, That this appropriation shall not  
2 be available to subsidize the education of nonresidents of  
3 the District of Columbia at the University of the District  
4 of Columbia, unless the Board of Trustees of the Univer-  
5 sity of the District of Columbia adopts, for the fiscal year  
6 ending September 30, 1998, a tuition rate schedule that  
7 will establish the tuition rate for nonresident students at  
8 a level no lower than the nonresident tuition rate charged  
9 at comparable public institutions of higher education in  
10 the metropolitan area: *Provided further*, That not less than  
11 \$584,000 shall be available to support high school dropout  
12 prevention programs: *Provided further*, That not less than  
13 \$295,000 shall be available for youth leadership and con-  
14 flict resolution programs: *Provided further*, That not less  
15 than \$10,000,000 shall be available to support a pay raise  
16 for principals and assistant principals of the District of  
17 Columbia Public Schools, and for teachers of the Schools  
18 with valid teaching credentials who are primarily engaged  
19 in classroom instruction during the SY 1997–1998: *Pro-*  
20 *vided further*, That not less than \$250,000 shall be avail-  
21 able to support Truancy Prevention Programs: *Provided*  
22 *further*, That by the end of fiscal year 1998, the District  
23 of Columbia Schools shall designate at least 2 or more  
24 District of Columbia Public School buildings as “Commu-  
25 nity Hubs” which, in addition to serving as educational



1 facilities, shall serve as multi-purpose centers that provide  
 2 opportunities to integrate support services and enable  
 3 inter-generational users to meet the lifelong learning needs  
 4 of community residents, and may support the following ac-  
 5 tivities: before and after school care; counseling; tutoring;  
 6 vocational and career training; art and sports programs;  
 7 housing assistance; family literacy; health and nutrition  
 8 programs; parent education; employment assistance; adult  
 9 education; and access to state-of-the-art technology.

#### 10 HUMAN SUPPORT SERVICES

11 Human support services, \$1,718,939,000 and 6,096  
 12 full-time equivalent positions (including \$789,350,000 and  
 13 ~~3,583~~ full-time equivalent positions from local funds,  
 14 \$886,702,000 and 2,444 full-time equivalent positions  
 15 from Federal funds, and \$42,887,000 and 69 full-time  
 16 equivalent positions from other funds): *Provided*, That  
 17 \$21,089,000 of this appropriation, to remain available  
 18 until expended, shall be available solely for District of Co-  
 19 lumbia employees' disability compensation: *Provided fur-*  
 20 *ther*, That a Peer Review Committee shall be established  
 21 to review medical payments and the type of service re-  
 22 ceived by a disability compensation claimant: *Provided fur-*  
 23 *ther*, That the District of Columbia shall not provide free  
 24 government services such as water, sewer, solid waste dis-  
 25 posal or collection, utilities, maintenance, repairs, or simi-

1 lar services to any legally constituted private nonprofit or-  
 2 ganization (as defined in section 411(5) of Public Law  
 3 100-77, approved July 22, 1987) providing emergency  
 4 shelter services in the District, if the District would not  
 5 be qualified to receive reimbursement pursuant to the  
 6 Stewart B. McKinney Homeless Assistance Act, approved  
 7 July 22, 1987 (101 Stat. 485; Public Law 100-77; 42  
 8 U.S.C. 11301 et seq.).

#### 9 PUBLIC WORKS

10 Public works, including rental of one passenger-car-  
 11 rying vehicle for use by the Mayor and three passenger-  
 12 carrying vehicles for use by the Council of the District of  
 13 Columbia and leasing of passenger-carrying vehicles  
 14 \$241,934,000 and 1,292 full-time equivalent positions (in-  
 15 cluding \$227,983,000 and 1,162 full-time equivalent posi-  
 16 tions from local funds, \$3,350,000 and 51 full-time equiv-  
 17 alent positions from Federal funds, and \$10,601,000 and  
 18 79 full-time equivalent positions from other funds): *Pro-*  
 19 *vided*, That this appropriation shall not be available for  
 20 collecting ashes or miscellaneous refuse from hotels and  
 21 places of business: *Provided further*, That \$3,000,000 shall  
 22 be available for the lease financing, operation, and mainte-  
 23 nance of two mechanical street sweepings, one flusher  
 24 truck, 5 packer trucks, one front-end loader, and various

1 public litter containers: *Provided further*, That \$2,400,000  
2 shall be available for recycling activities.

3 WASHINGTON CONVENTION CENTER FUND TRANSFER  
4 PAYMENT

5 For payment to the Washington Convention Center  
6 Enterprise Fund, \$5,400,000 from local funds.

7 REPAYMENT OF LOANS AND INTEREST

8 For reimbursement to the United States of funds  
9 loaned in compliance with An Act to provide for the estab-  
10 lishment of a modern, adequate, and efficient hospital cen-  
11 ter in the District of Columbia, approved August 7, 1946  
12 (60 Stat. 896; Public Law 79-648); section 1 of An Act  
13 to authorize the Commissioners of the District of Colum-  
14 bia to borrow funds for capital improvement programs and  
15 to amend provisions of law relating to Federal Govern-  
16 ment participation in meeting costs of maintaining the  
17 Nation's Capital City, approved June 6, 1958 (72 Stat.  
18 183; Public Law 85-451; D.C. Code, sec. 9-219); section  
19 4 of An Act to authorize the Commissioners of the District  
20 of Columbia to plan, construct, operate, and maintain a  
21 sanitary sewer to connect the Dulles International Airport  
22 with the District of Columbia system, approved June 12,  
23 1960 (74 Stat. 211; Public Law 86-515); sections 723  
24 and 743(f) of the District of Columbia Home Rule Act  
25 of 1973, approved December 24, 1973, as amended (87

1 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321,  
2 note; 91 Stat. 1156; Public Law 95-131; D.C. Code, sec.  
3 9-219, note); including interest as required thereby,  
4 \$366,976,000 from local funds.

5 REPAYMENT OF GENERAL FUND RECOVERY DEBT

6 For the purpose of eliminating the \$331,589,000  
7 general fund accumulated deficit as of September 30,  
8 1990, \$39,020,000 from local funds, as authorized by sec-  
9 tion 461(a) of the District of Columbia Home Rule Act,  
10 approved December 24, 1973, as amended (105 Stat. 540;  
11 Public Law 102-106; D.C. Code, sec. 47-321(a)(1)).

12 PAYMENT OF INTEREST ON SHORT-TERM BORROWING

13 For payment of interest on short-term borrowing,  
14 \$12,000,000 from local funds.

15 CERTIFICATES OF PARTICIPATION

16 For lease payments in accordance with the Certifi-  
17 cates of Participation involving the land site underlying  
18 the building located at One Judiciary Square, \$7,923,000.

19 HUMAN RESOURCES DEVELOPMENT

20 For Human resources development, including costs of  
21 increased employee training, administrative reforms, and  
22 an executive compensation system, \$6,000,000.

## 1 MANAGEMENT REFORM AND PRODUCTIVITY FUND

2 For the Management Reform and Productivity Fund,  
3 \$5,000,000, to improve management and service delivery  
4 in the District of Columbia.

5 CRITICAL IMPROVEMENTS AND REPAIRS TO SCHOOL  
6 FACILITIES AND STREETS

7 For expenditures for immediate, one-time critical im-  
8 provements and repairs to school facilities (including roof,  
9 boiler, and chiller renovation or replacement) and for  
10 neighborhood and other street repairs, to be completed not  
11 later than August 1, 1998, \$30,000,000, to be derived  
12 from current local general fund operating revenues, to be  
13 expended on a pay-as-you-go basis.

14 DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY  
15 AND MANAGEMENT ASSISTANCE AUTHORITY

16 For the District of Columbia Financial Responsibility  
17 and Management Assistance Authority, established by sec-  
18 tion 101(a) of the District of Columbia Financial Respon-  
19 sibility and Management Assistance Act of 1995, approved  
20 April 17, 1995 (109 Stat. 97; Public Law 104-8),  
21 \$3,220,000.

22 WATER AND SEWER AUTHORITY AND THE WASHINGTON  
23 AQUEDUCT

24 For the Water and Sewer Authority and the Wash-  
25 ington Aqueduct, \$297,310,000 from other funds (includ-

1 ing \$263,425,000 for the Water and Sewer Authority and  
2 \$33,885,000 for the Washington Aqueduct) of which  
3 \$41,423,000 shall be apportioned and payable to the Dis-  
4 trict's debt service fund for repayment of loans and inter-  
5 est incurred for capital improvement projects:

6 LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

7 For the Lottery and Charitable Games Enterprise  
8 Fund, established by the District of Columbia Appropria-  
9 tion Act for the fiscal year ending September 30, 1982,  
10 approved December 4, 1981 (95 Stat. 1174, 1175; Public  
11 Law 97-91), as amended, for the purpose of implementing  
12 the Law to Legalize Lotteries, Daily Numbers Games, and  
13 Bingo and Raffles for Charitable Purposes in the District  
14 of Columbia, effective March 10, 1981 (D.C. Law 3-172;  
15 D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.);  
16 \$213,500,000 and 100 full-time equivalent positions (in-  
17 cluding \$7,850,000 and 100 full-time equivalent positions  
18 for administrative expenses and \$205,650,000 for non-ad-  
19 ministrative expenses from revenue generated by the Lot-  
20 tery Board), to be derived from non-Federal District of  
21 Columbia revenues: *Provided*, That the District of Colum-  
22 bia shall identify the source of funding for this appropria-  
23 tion title from the District's own locally-generated reve-  
24 nues: *Provided further*, That no revenues from Federal

1 sources shall be used to support the operations or activi-  
2 ties of the Lottery and Charitable Games Control Board.

3 ~~CABLE TELEVISION ENTERPRISE FUND~~

4 For the Cable Television Enterprise Fund, estab-  
5 lished by the Cable Television Communications Act of  
6 1981, effective October 22, 1983 (D.C. Law 5-36; D.C.  
7 Code, sec. 43-1801 et seq.), \$2,467,000 and 8 full-time  
8 equivalent positions (including \$2,135,000 and 8 full-time  
9 equivalent positions from local funds and \$332,000 from  
10 other funds).

11 ~~PUBLIC SERVICE COMMISSION~~

12 For the Public Service Commission, \$4,547,000 (in-  
13 cluding \$4,250,000 from local funds, \$117,000 from Fed-  
14 eral funds, and \$180,000 from other funds).

15 ~~OFFICE OF THE PEOPLE'S COUNSEL~~

16 For the Office of the People's Counsel, \$2,428,000  
17 from local funds.

18 ~~DEPARTMENT OF INSURANCE AND SECURITIES~~

19 ~~REGULATION~~

20 For the Department of Insurance and Securities Reg-  
21 ulation, \$5,683,000 and 89 full-time equivalent positions  
22 from other funds.

## 1 OFFICE OF BANKING AND FINANCIAL INSTITUTIONS

2 For the Office of Banking and Financial Institutions,  
3 \$600,000 (including \$100,000 from local funds and  
4 \$500,000 from other funds).

## 5 STARPLEX FUND

6 For the Starplex Fund, \$5,936,000 from other funds  
7 for expenses incurred by the Armory Board in the exercise  
8 of its powers granted by An Act To Establish A District  
9 of Columbia Armory Board, and for other purposes, ap-  
10 proved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-  
11 301 et seq.) and the District of Columbia Stadium Act  
12 of 1957, approved September 7, 1957 (71 Stat. 619; Pub-  
13 lic Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided,*  
14 That the Mayor shall submit a budget for the Armory  
15 Board for the forthcoming fiscal year as required by sec-  
16 tion 442(b) of the District of Columbia Home Rule Act,  
17 approved December 24, 1973 (87 Stat. 824; Public Law  
18 93-198; D.C. Code, sec. 47-301(b)).

## 19 D.C. GENERAL HOSPITAL

20 For the District of Columbia General Hospital, estab-  
21 lished by Reorganization Order No. 57 of the Board of  
22 Commissioners, effective August 15, 1953, \$103,934,000  
23 of which \$44,335,000 shall be derived by transfer from  
24 the general fund and \$59,599,000 shall be derived from  
25 other funds.



## 1 D.C. RETIREMENT BOARD

2 For the D.C. Retirement Board, established by sec-  
3 tion ~~121~~ of the District of Columbia Retirement Reform  
4 Act of 1979, approved November 17, 1979 (~~93~~ Stat. 866;  
5 D.C. Code, sec. ~~1-711~~), \$4,898,000 and 8 full-time equiv-  
6 alent positions from the earnings of the applicable retire-  
7 ment funds to pay legal, management, investment, and  
8 other fees and administrative expenses of the District of  
9 Columbia Retirement Board: *Provided*, That the District  
10 of Columbia Retirement Board shall provide to the Con-  
11 gress and to the Council of the District of Columbia a  
12 quarterly report of the allocations of charges by fund and  
13 of expenditures of all funds: *Provided further*, That the  
14 District of Columbia Retirement Board shall provide the  
15 Mayor, for transmittal to the Council of the District of  
16 Columbia, an itemized accounting of the planned use of  
17 appropriated funds in time for each annual budget sub-  
18 mission and the actual use of such funds in time for each  
19 annual audited financial report.

## 20 CORRECTIONAL INDUSTRIES FUND

21 For the Correctional Industries Fund, established by  
22 the District of Columbia Correctional Industries Estab-  
23 lishment Act, approved October 3, 1964 (78 Stat. 1000;  
24 Public Law 88-622), \$3,332,000 and 50 full-time equiva-  
25 lent positions from other funds.

## 1 WASHINGTON CONVENTION CENTER ENTERPRISE FUND

2 For the Washington Convention Center Enterprise  
3 Fund, \$46,400,000 of which \$5,400,000 shall be derived  
4 by transfer from the general fund.

## 5 CAPITAL OUTLAY

6 For construction projects, \$269,330,000 (including  
7 \$105,485,000 from local funds, \$31,100,000 from the  
8 highway trust fund, and \$132,745,000 in Federal funds),  
9 as authorized by An Act authorizing the laying of water  
10 mains and service sewers in the District of Columbia, the  
11 levying of assessments therefor, and for other purposes,  
12 approved April 22, 1904 (33 Stat. 244; Public Law 58-  
13 140; D.C. Code, secs. 43-1512 through 43-1519); the  
14 District of Columbia Public Works Act of 1954, approved  
15 May 18, 1954 (68 Stat. 101; Public Law 83-364); An  
16 Act to authorize the Commissioners of the District of Co-  
17 lumbia to borrow funds for capital improvement programs  
18 and to amend provisions of law relating to Federal Gov-  
19 ernment participation in meeting costs of maintaining the  
20 Nation's Capital City, approved June 6, 1958 (72 Stat.  
21 183; Public Law 85-451); including acquisition of sites,  
22 preparation of plans and specifications, conducting pre-  
23 liminary surveys, erection of structures, including building  
24 improvement and alteration and treatment of grounds, to  
25 remain available until expended: *Provided*, That funds for

1 use of each capital project implementing agency shall be  
2 managed and controlled in accordance with all procedures  
3 and limitations established under the Financial Manage-  
4 ment System: *Provided further*, That all funds provided  
5 by this appropriation title shall be available only for the  
6 specific projects and purposes intended: *Provided further*,  
7 That notwithstanding the foregoing, all authorizations for  
8 capital outlay projects, except those projects covered by  
9 the first sentence of section 23(a) of the Federal Aid  
10 Highway Act of 1968, approved August 23, 1968 (82  
11 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134,  
12 note), for which funds are provided by this appropriation  
13 title, shall expire on September 30, 1999, except author-  
14 izations for projects as to which funds have been obligated  
15 in whole or in part prior to September 30, 1999: *Provided*  
16 *further*, That upon expiration of any such project author-  
17 ization the funds provided herein for the project shall  
18 lapse: *Provided further*, That the District has approved  
19 projects to finance capital related items, such as vehicles  
20 and heavy equipment, through a master lease purchase  
21 program. The District will finance \$13,052,000 of its  
22 equipment needs up to a 5 year-period. The fiscal year  
23 1998 operating budget includes a total of \$3,741,000 for  
24 the debt associated with the lease purchase.

## GENERAL PROVISIONS

1  
2       SEC. 101. The expenditure of any appropriation  
3 under this Act for any consulting service through procure-  
4 ment contract, pursuant to 5 U.S.C. 3109, shall be limited  
5 to those contracts where such expenditures are a matter  
6 of public record and available for public inspection, except  
7 where otherwise provided under existing law, or under ex-  
8 isting Executive order issued pursuant to existing law.

9       SEC. 102. Except as otherwise provided in this Act,  
10 all vouchers covering expenditures of appropriations con-  
11 tained in this Act shall be audited before payment by the  
12 designated certifying official and the vouchers as approved  
13 shall be paid by checks issued by the designated disbursing  
14 official.

15       SEC. 103. Whenever in this Act, an amount is speci-  
16 fied within an appropriation for particular purposes or ob-  
17 jects of expenditure, such amount, unless otherwise speci-  
18 fied, shall be considered as the maximum amount that  
19 may be expended for said purpose or object rather than  
20 an amount set apart exclusively therefor.

21       SEC. 104. Appropriations in this Act shall be avail-  
22 able, when authorized by the Mayor, for allowances for  
23 privately-owned automobiles and motoreycles used for the  
24 performance of official duties at rates established by the  
25 Mayor: *Provided*, That such rates shall not exceed the

1 maximum prevailing rates for such vehicles as prescribed  
2 in the Federal Property Management Regulations 101-7  
3 (~~Federal Travel Regulations~~).

4       SEC. 105. Appropriations in this Act shall be avail-  
5 able for expenses of travel and for the payment of dues  
6 of organizations concerned with the work of the District  
7 of Columbia government, when authorized by the Mayor:  
8 *Provided*, That the Council of the District of Columbia  
9 and the District of Columbia Courts may expend such  
10 funds without authorization by the Mayor.

11       SEC. 106. There are appropriated from the applicable  
12 funds of the District of Columbia such sums as may be  
13 necessary for making refunds and for the payment of  
14 judgments that have been entered against the District of  
15 Columbia government: *Provided*, That nothing contained  
16 in this section shall be construed as modifying or affecting  
17 the provision of section 11(e)(3) of title XII of the District  
18 of Columbia Income and Franchise Tax Act of 1947, ap-  
19 proved March 31, 1956 (70 Stat. 78; Public Law 84-460;  
20 D.C. Code, sec. 47-1812.11(e)(3)).

21       SEC. 107. Appropriations in this Act shall be avail-  
22 able for the payment of public assistance without reference  
23 to the requirement of section 544 of the District of Colum-  
24 bia Public Assistance Act of 1982, effective April 6, 1982  
25 (~~D.C. Law 4-101; D.C. Code, sec. 3-205.44~~), and for the

1 non-Federal share of funds necessary to qualify for Fed-  
2 eral assistance under the Juvenile Delinquency Prevention  
3 and Control Act of 1968, approved July 31, 1968 (82  
4 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

5       SEC. 108. No part of any appropriation contained in  
6 this Act shall remain available for obligation beyond the  
7 current fiscal year unless expressly so provided herein.

8       SEC. 109. No funds appropriated in this Act for the  
9 District of Columbia government for the operation of edu-  
10 cational institutions; the compensation of personnel; or for  
11 other educational purposes may be used to permit, encour-  
12 age, facilitate, or further partisan political activities.  
13 Nothing herein is intended to prohibit the availability of  
14 school buildings for the use of any community or partisan  
15 political group during non-school hours.

16       SEC. 110. None of the funds appropriated in this Act  
17 shall be made available to pay the salary of any employee  
18 of the District of Columbia government whose name, title,  
19 grade, salary, past work experience, and salary history are  
20 not available for inspection by the House and Senate Com-  
21 mittees on Appropriations; the Subcommittee on the Dis-  
22 trict of Columbia of the House Committee on Government  
23 Reform and Oversight; the Subcommittee on Oversight of  
24 Government Management and the District of Columbia of  
25 the Senate Committee on Governmental Affairs; and the

1 Council of the District of Columbia, or their duly author-  
2 ized representative.

3       SEC. 111. There are appropriated from the applicable  
4 funds of the District of Columbia such sums as may be  
5 necessary for making payments authorized by the District  
6 of Columbia Revenue Recovery Act of 1977, effective Sep-  
7 tember 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-  
8 421 et seq.).

9       SEC. 112. No part of this appropriation shall be used  
10 for publicity or propaganda purposes or implementation  
11 of any policy including boycott designed to support or de-  
12 feat legislation pending before Congress or any State legis-  
13 lature.

14       SEC. 113. At the start of the fiscal year, the Mayor  
15 shall develop an annual plan, by quarter and by project,  
16 for capital outlay borrowings: *Provided*, That within a rea-  
17 sonable time after the close of each quarter, the Mayor  
18 shall report to the Council of the District of Columbia and  
19 the Congress the actual borrowings and spending progress  
20 compared with projections.

21       SEC. 114. The Mayor shall not borrow any funds for  
22 capital projects unless the Mayor has obtained prior ap-  
23 proval from the Council of the District of Columbia, by  
24 resolution, identifying the projects and amounts to be fi-  
25 nanced with such borrowings.

1       SEC. 115. The Mayor shall not expend any moneys  
2 borrowed for capital projects for the operating expenses  
3 of the District of Columbia government.

4       SEC. 116. None of the funds appropriated by this Act  
5 may be obligated or expended by reprogramming except  
6 pursuant to advance approval of the reprogramming  
7 granted according to the procedure set forth in the Joint  
8 Explanatory Statement of the Committee of Conference  
9 (House Report No. 96-443), which accompanied the Dis-  
10 trict of Columbia Appropriation Act, 1980, approved Octo-  
11 ber 30, 1979 (93 Stat. 713; Public Law 96-93), as modi-  
12 fied in House Report No. 98-265, and in accordance with  
13 the Reprogramming Policy Act of 1980, effective Septem-  
14 ber 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361  
15 et seq.): *Provided*, That for the fiscal year ending Septem-  
16 ber 30, 1998 the above shall apply except as modified by  
17 Public Law 104-8.

18       SEC. 117. None of the Federal funds provided in this  
19 Act shall be obligated or expended to provide a personal  
20 cook, chauffeur, or other personal servants to any officer  
21 or employee of the District of Columbia.

22       SEC. 118. None of the Federal funds provided in this  
23 Act shall be obligated or expended to procure passenger  
24 automobiles as defined in the Automobile Fuel Efficiency  
25 Act of 1980, approved October 10, 1980 (94 Stat. 1824;



1 Public Law 96-425, 15 U.S.C. 2001(2)), with an Environ-  
2 mental Protection Agency estimated miles per gallon aver-  
3 age of less than 22 miles per gallon: *Provided*, That this  
4 section shall not apply to security, emergency rescue, or  
5 armored vehicles.

6       SEC. 119. (a) Notwithstanding section 422(7) of the  
7 District of Columbia Home Rule Act of 1973, approved  
8 December 24, 1973 (87 Stat. 790; Public Law 93-198;  
9 D.C. Code, sec. 1-242(7)), the City Administrator shall  
10 be paid, during any fiscal year, a salary at a rate estab-  
11 lished by the Mayor, not to exceed the rate established  
12 for Level IV of the Executive Schedule under 5 U.S.C.  
13 5315.

14       (b) For purposes of applying any provision of law lim-  
15 iting the availability of funds for payment of salary or pay  
16 in any fiscal year, the highest rate of pay established by  
17 the Mayor under subsection (a) of this section for any po-  
18 sition for any period during the last quarter of calendar  
19 year 1997 shall be deemed to be the rate of pay payable  
20 for that position for September 30, 1997.

21       (c) Notwithstanding section 4(a) of the District of  
22 Columbia Redevelopment Act of 1945, approved August  
23 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code,  
24 sec. 5-803(a)), the Board of Directors of the District of  
25 Columbia Redevelopment Land Agency shall be paid, dur-

1 ing any fiscal year, per diem compensation at a rate estab-  
2 lished by the Mayor.

3       ~~SEC. 120.~~ Notwithstanding any other provisions of  
4 law, the provisions of the District of Columbia Govern-  
5 ment Comprehensive Merit Personnel Act of 1978, effec-  
6 tive March 3, 1979 (~~D.C. Law 2-139~~; D.C. Code, sec. 1-  
7 601.1 et seq.); enacted pursuant to section 422(3) of the  
8 District of Columbia Home Rule Act of 1973, approved  
9 December 24, 1973 (87 Stat. 790; Public Law 93-198;  
10 D.C. Code, sec. 1-242(3)); shall apply with respect to the  
11 compensation of District of Columbia employees: *Provided*,  
12 That for pay purposes, employees of the District of Co-  
13 lumbia government shall not be subject to the provisions  
14 of title 5, United States Code.

15       ~~SEC. 121.~~ The Director of the Department of Admin-  
16 istrative Services may pay rentals and repair, alter, and  
17 improve rented premises, without regard to the provisions  
18 of section 322 of the Economy Act of 1932 (Public Law  
19 72-212; 40 U.S.C. 278a), based upon a determination by  
20 the Director, that by reason of circumstances set forth in  
21 such determination, the payment of these rents and the  
22 execution of this work, without reference to the limitations  
23 of section 322, is advantageous to the District in terms  
24 of economy, efficiency, and the District's best interest.

1        SEC. 122. No later than 30 days after the end of the  
2 first quarter of the fiscal year ending September 30, 1998,  
3 the Mayor of the District of Columbia shall submit to the  
4 Council of the District of Columbia the new fiscal year  
5 1998 revenue estimates as of the end of the first quarter  
6 of fiscal year 1998. These estimates shall be used in the  
7 budget request for the fiscal year ending September 30,  
8 1999. The officially revised estimates at midyear shall be  
9 used for the midyear report.

10       SEC. 123. No sole source contract with the District  
11 of Columbia government or any agency thereof may be re-  
12 newed or extended without opening that contract to the  
13 competitive bidding process as set forth in section 303 of  
14 the District of Columbia Procurement Practices Act of  
15 1985, effective February 21, 1986 (D.C. Law 6-85; D.C.  
16 Code, sec. 1-1183.3), except that the District of Columbia  
17 Public Schools may renew or extend sole source contracts  
18 for which competition is not feasible or practical, provided  
19 that the determination as to whether to invoke the com-  
20 petitive bidding process has been made in accordance with  
21 duly promulgated Emergency Transitional Education  
22 Board of Trustees rules and procedures.

23       SEC. 124. For purposes of the Balanced Budget and  
24 Emergency Deficit Control Act of 1985, approved Decem-  
25 ber 12, 1985 (99 Stat. 1037; Public Law 99-177), as

1 amended, the term “program, project, and activity” shall  
2 be synonymous with and refer specifically to each account  
3 appropriating Federal funds in this Act, and any seques-  
4 tration order shall be applied to each of the accounts rath-  
5 er than to the aggregate total of those accounts: *Provided,*  
6 That sequestration orders shall not be applied to any ac-  
7 count that is specifically exempted from sequestration by  
8 the Balanced Budget and Emergency Deficit Control Act  
9 of 1985, approved December 12, 1985 (99 Stat. 1037;  
10 Public Law 99-177), as amended.

11       SEC. 125. In the event a sequestration order is issued  
12 pursuant to the Balanced Budget and Emergency Deficit  
13 Control Act of 1985, approved December 12, 1985 (99  
14 Stat. 1037; Public Law 99-177), as amended, after the  
15 amounts appropriated to the District of Columbia for the  
16 fiscal year involved have been paid to the District of Co-  
17 lumbia, the Mayor of the District of Columbia shall pay  
18 to the Secretary of the Treasury, within 15 days after re-  
19 ceipt of a request therefor from the Secretary of the  
20 Treasury, such amounts as are sequestered by the order:  
21 *Provided,* That the sequestration percentage specified in  
22 the order shall be applied proportionately to each of the  
23 Federal appropriation accounts in this Act that are not  
24 specifically exempted from sequestration by the Balanced  
25 Budget and Emergency Deficit Control Act of 1985, ap-

1 proved December 12, 1985 (99 Stat. 1037; Public Law  
2 99-177), as amended.

3       SEC. 126. Nothing in this Act shall be construed to  
4 authorize any office, agency or entity to expend funds for  
5 programs or functions for which a reorganization plan is  
6 required but has not been approved by the Council pursu-  
7 ant to section 422(12) of the District of Columbia Home  
8 Rule Act of 1973, approved December 24, 1973 (87 Stat.  
9 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and  
10 the Governmental Reorganization Procedures Act of 1981,  
11 effective October 17, 1981 (D.C. Law 4-42; D.C. Code,  
12 secs. 1-299.1 to 1-299.7). Appropriations made by this  
13 Act for such programs or functions are conditioned on the  
14 approval by the Council of the required reorganization  
15 plans.

16       SEC. 127. (a) An entity of the District of Columbia  
17 government may accept and use a gift or donation during  
18 fiscal year 1998 if—

19               (1) the Mayor approves the acceptance and use  
20 of the gift or donation: *Provided*, That the Council  
21 of the District of Columbia may accept and use gifts  
22 without prior approval by the Mayor; and

23               (2) the entity uses the gift or donation to carry  
24 out its authorized functions or duties.

1           (b) Each entity of the District of Columbia govern-  
2 ment shall keep accurate and detailed records of the ac-  
3 ceptance and use of any gift or donation under subsection  
4 (a) of this section, and shall make such records available  
5 for audit and public inspection.

6           (c) For the purposes of this section, the term “entity  
7 of the District of Columbia government” includes an inde-  
8 pendent agency of the District of Columbia.

9           (d) This section shall not apply to the District of Co-  
10 lumbia Board of Education, which may, pursuant to the  
11 laws and regulations of the District of Columbia, accept  
12 and use gifts to the public schools without prior approval  
13 by the Mayor.

14           SEC. 128. None of the Federal funds provided in this  
15 Act may be used by the District of Columbia to provide  
16 for salaries, expenses, or other costs associated with the  
17 offices of United States Senator or United States Rep-  
18 resentative under section 4(d) of the District of Columbia  
19 Statehood Constitutional Convention Initiatives of 1979,  
20 effective March 10, 1981 (D.C. Law 3-171; D.C. Code,  
21 sec. 1-113(d)).

22           PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

23           SEC. 129. None of the funds appropriated under this  
24 Act shall be expended for any abortion except where the  
25 life of the mother would be endangered if the fetus were

1 carried to term or where the pregnancy is the result of  
 2 an act of rape or incest.

3 PROHIBITION ON DOMESTIC PARTNERS ACT

4 SEC. 130. None of the funds made available in this  
 5 Act may be used to implement or enforce the Health Care  
 6 Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C.  
 7 Code, sec. 36-1401 et seq.) or to otherwise implement or  
 8 enforce any system of registration of unmarried, cohabit-  
 9 ing couples (whether homosexual, heterosexual, or les-  
 10 bian), including but not limited to registration for the pur-  
 11 pose of extending employment, health, or governmental  
 12 benefits to such couples on the same basis as such benefits  
 13 are extended to legally married couples.

14 MONTHLY REPORTING REQUIREMENTS—PUBLIC SCHOOLS

15 SEC. 131. The Emergency Transitional Education  
 16 Board of Trustees shall submit to the Congress, the  
 17 Mayor, the District of Columbia Financial Responsibility  
 18 and Management Assistance Authority, and the Council  
 19 of the District of Columbia no later than fifteen (15) cal-  
 20 endar days after the end of each month a report that sets  
 21 forth—

22 (1) current month expenditures and obligations,  
 23 year-to-date expenditures and obligations, and total  
 24 fiscal year expenditure projections vs. budget broken  
 25 out on the basis of control center, responsibility cen-

1 ter, agency reporting code, and object class, and for  
2 all funds, including capital financing;

3 ~~(2)~~ a list of each account for which spending is  
4 frozen and the amount of funds frozen, broken out  
5 by control center, responsibility center, detailed ob-  
6 ject, and agency reporting code, and for all funding  
7 sources;

8 ~~(3)~~ a list of all active contracts in excess of  
9 \$10,000 annually, which contains the name of each  
10 contractor, the budget to which the contract is  
11 charged broken out on the basis of control center,  
12 responsibility center, and agency reporting code; and  
13 contract identifying codes used by the D.C. Public  
14 Schools; payments made in the last month and year-  
15 to-date; the total amount of the contract and total  
16 payments made for the contract and any modifica-  
17 tions, extensions, renewals; and specific modifica-  
18 tions made to each contract in the last month;

19 ~~(4)~~ all reprogramming requests and reports  
20 that are required to be, and have been, submitted to  
21 the Board of Education; and

22 ~~(5)~~ changes made in the last month to the orga-  
23 nizational structure of the D.C. Public Schools, dis-  
24 playing previous and current control centers and re-  
25 sponsibility centers; the names of the organizational



1 entities that have been changed; the name of the  
2 staff member supervising each entity affected; and  
3 the reasons for the structural change.

4 MONTHLY REPORTING REQUIREMENTS

5 UNIVERSITY OF THE DISTRICT OF COLUMBIA

6 SEC. 132. The University of the District of Columbia  
7 shall submit to the Congress, the Mayor, the District of  
8 Columbia Financial Responsibility and Management As-  
9 sistance Authority, and the Council of the District of Co-  
10 lumbia no later than fifteen (15) calendar days after the  
11 end of each month a report that sets forth—

12 (1) current month expenditures and obligations;  
13 year-to-date expenditures and obligations; and total  
14 fiscal year expenditure projections versus budget  
15 broken out on the basis of control center, respon-  
16 sibility center, and object class, and for all funds;  
17 non-appropriated funds; and capital financing;

18 (2) a list of each account for which spending is  
19 frozen and the amount of funds frozen, broken out  
20 by control center, responsibility center, detailed ob-  
21 ject, and for all funding sources;

22 (3) a list of all active contracts in excess of  
23 \$10,000 annually, which contains the name of each  
24 contractor; the budget to which the contract is  
25 charged broken out on the basis of control center  
26 and responsibility center, and contract identifying

1 codes used by the University of the District of Co-  
2 lumbia; payments made in the last month and year-  
3 to-date; the total amount of the contract and total  
4 payments made for the contract and any modifica-  
5 tions; extensions; renewals; and specific modifica-  
6 tions made to each contract in the last month;

7 (4) all reprogramming requests and reports  
8 that have been made by the University of the Dis-  
9 trict of Columbia within the last month in compli-  
10 ance with applicable law; and

11 (5) changes made in the last month to the orga-  
12 nizational structure of the University of the District  
13 of Columbia; displaying previous and current control  
14 centers and responsibility centers; the names of the  
15 organizational entities that have been changed; the  
16 name of the staff member supervising each entity af-  
17 fected; and the reasons for the structural change.

18 ANNUAL REPORTING REQUIREMENTS

19 SEC. 133. (a) IN GENERAL.—The Emergency Tran-  
20 sitional Education Board of Trustees of the District of  
21 Columbia and the University of the District of Columbia  
22 shall annually compile an accurate and verifiable report  
23 on the positions and employees in the public school system  
24 and the university, respectively. The annual report shall  
25 set forth—

1           (1) the number of validated schedule A posi-  
2           tions in the District of Columbia Public Schools and  
3           the University of the District of Columbia for fiscal  
4           year 1996, fiscal year 1997, and thereafter on a full-  
5           time equivalent basis, including a compilation of all  
6           positions by control center, responsibility center,  
7           funding source, position type, position title, pay  
8           plan, grade, and annual salary; and

9           (2) a compilation of all employees in the Dis-  
10          trict of Columbia Public Schools and the University  
11          of the District of Columbia as of the preceding De-  
12          cember 31, verified as to its accuracy in accordance  
13          with the functions that each employee actually per-  
14          forms, by control center, responsibility center, agen-  
15          cy reporting code, program (including funding  
16          source), activity, location for accounting purposes,  
17          job title, grade and classification, annual salary, and  
18          position control number.

19          (b) SUBMISSION.—The annual report required by  
20          subsection (a) of this section shall be submitted to the  
21          Congress, the Mayor, the District of Columbia Council,  
22          the Consensus Commission, and the Authority, not later  
23          than February 15 of each year.

24                   ANNUAL BUDGETS AND BUDGET REVISIONS

25          SEC. 134. (a) No later than October 1, 1997, or with-  
26          in 15 calendar days after the date of the enactment of

1 the District of Columbia Appropriations Act, 1998, which-  
2 ever occurs later, and each succeeding year, the Emer-  
3 gency Transitional Education Board of Trustees and the  
4 University of the District of Columbia shall submit to the  
5 appropriate congressional committees, the Mayor, the Dis-  
6 trict of Columbia Council, the Consensus Commission, and  
7 the District of Columbia Financial Responsibility and  
8 Management Assistance Authority, a revised appropriated  
9 funds operating budget for the public school system and  
10 the University of the District of Columbia for such fiscal  
11 year that is in the total amount of the approved appropria-  
12 tion and that realigns budgeted data for personal services  
13 and other-than-personal services, respectively, with antici-  
14 pated actual expenditures.

15 (b) The revised budget required by subsection (a) of  
16 this section shall be submitted in the format of the budget  
17 that the Emergency Transitional Education Board of  
18 Trustees and the University of the District of Columbia  
19 submit to the Mayor of the District of Columbia for inclu-  
20 sion in the Mayor's budget submission to the Council of  
21 the District of Columbia pursuant to section 442 of the  
22 District of Columbia Home Rule Act, Public Law 93-198,  
23 as amended (D.C. Code, sec. 47-301).

24 EDUCATIONAL BUDGET APPROVAL

25 SEC. 135. The Emergency Transitional Education  
26 Board of Trustees, the Board of Trustees of the Univer-

1 city of the District of Columbia, the Board of Library  
2 Trustees, and the Board of Governors of the D.C. School  
3 of Law shall vote on and approve their respective annual  
4 or revised budgets before submission to the Mayor of the  
5 District of Columbia for inclusion in the Mayor's budget  
6 submission to the Council of the District of Columbia in  
7 accordance with section 442 of the District of Columbia  
8 Home Rule Act, Public Law 93-198, as amended (D.C.  
9 Code, sec. 47-301), or before submitting their respective  
10 budgets directly to the Council.

11 PUBLIC SCHOOL EMPLOYEE EVALUATIONS

12 SEC. 136. Notwithstanding any other provision of  
13 law, rule, or regulation, the evaluation process and instru-  
14 ments for evaluating District of Columbia Public Schools  
15 employees shall be a non-negotiable item for collective bar-  
16 gaining purposes.

17 SEC. 137. (a) Notwithstanding any other provision  
18 of law, rule, or regulation, an employee of the District of  
19 Columbia Public Schools shall be—

20 (1) classified as an Educational Service em-  
21 ployee;

22 (2) placed under the personnel authority of the  
23 Board of Education; and

24 (3) subject to all Board of Education rules.

25 (b) School-based personnel shall constitute a separate  
26 competitive area from nonschool-based personnel who shall

1 not compete with school-based personnel for retention pur-  
2 poses.

3 MISCELLANEOUS PROVISIONS RELATING TO DISTRICT OF  
4 COLUMBIA EMPLOYEES

5 SEC. 138. (a) RESTRICTIONS ON USE OF OFFICIAL  
6 VEHICLES.—(1) None of the funds made available by this  
7 Act or by any other Act may be used to provide any officer  
8 or employee of the District of Columbia with an official  
9 vehicle unless the officer or employee uses the vehicle only  
10 in the performance of the officer's or employee's official  
11 duties. For purposes of this paragraph, the term "official  
12 duties" does not include travel between the officer's or em-  
13 ployee's residence and workplace (except in the case of a  
14 police officer who resides in the District of Columbia).

15 (2) The Chief Financial Officer of the District of Co-  
16 lumbia shall submit, by December 15, 1997, an inventory,  
17 as of September 30, 1997, of all vehicles owned, leased  
18 or operated by the District of Columbia government. The  
19 inventory shall include, but not be limited to, the depart-  
20 ment to which the vehicle is assigned; the year and make  
21 of the vehicle; the acquisition date and cost; the general  
22 condition of the vehicle; annual operating and mainte-  
23 nance costs; current mileage; and whether the vehicle is  
24 allowed to be taken home by a District officer or employee  
25 and if so, the officer or employee's title and resident loca-  
26 tion.

1 (b) SOURCE OF PAYMENT FOR EMPLOYEES DE-  
2 TAILED WITHIN GOVERNMENT.—For purposes of deter-  
3 mining the amount of funds expended by any entity within  
4 the District of Columbia government during fiscal year  
5 1998 and each succeeding fiscal year, any expenditures  
6 of the District government attributable to any officer or  
7 employee of the District government who provides services  
8 which are within the authority and jurisdiction of the en-  
9 tity (including any portion of the compensation paid to  
10 the officer or employee attributable to the time spent in  
11 providing such services) shall be treated as expenditures  
12 made from the entity’s budget, without regard to whether  
13 the officer or employee is assigned to the entity or other-  
14 wise treated as an officer or employee of the entity.

15 (c) MODIFICATION OF REDUCTION IN FORCE PROCE-  
16 DURES.—The District of Columbia Government Com-  
17 prehensive Merit Personnel Act of 1978 (D.C. Code, sec-  
18 1–601.1 et seq.), as amended by section 140(b) of the Dis-  
19 trict of Columbia Appropriations Act, 1997 (Public Law  
20 104–194), is amended by adding at the end the following  
21 new section:

22 **“SEC. 2408. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR**  
23 **1998.**

24 “(a) Notwithstanding any other provision of law, reg-  
25 ulation, or collective bargaining agreement either in effect

1 or to be negotiated while this legislation is in effect for  
2 the fiscal year ending September 30, 1998, each agency  
3 head is authorized, within the agency head's discretion,  
4 to identify positions for abolishment.

5       “(b) Prior to February 1, 1998, each personnel au-  
6 thority (other than a personnel authority of an agency  
7 which is subject to a management reform plan under sub-  
8 title B of title XI of the Balanced Budget Act of 1997)  
9 shall make a final determination that a position within the  
10 personnel authority is to be abolished.

11       “(c) Notwithstanding any rights or procedures estab-  
12 lished by any other provision of this title, any District gov-  
13 ernment employee, regardless of date of hire, who encum-  
14 bers a position identified for abolishment shall be sepa-  
15 rated without competition or assignment rights, except as  
16 provided in this section.

17       “(d) An employee affected by the abolishment of a  
18 position pursuant to this section who, but for this section  
19 would be entitled to compete for retention, shall be entitled  
20 to one round of lateral competition pursuant to Chapter  
21 24 of the District of Columbia Personnel Manual, which  
22 shall be limited to positions in the employee's competitive  
23 level.

24       “(e) Each employee who is a bona fide resident of  
25 the District of Columbia shall have added 5 years to his



1 or her creditable service for reduction-in-force purposes.  
2 For purposes of this subsection only, a nonresident Dis-  
3 trict employee who was hired by the District government  
4 prior to January 1, 1980, and has not had a break in  
5 service since that date, or a former employee of the United  
6 States Department of Health and Human Services at  
7 Saint Elizabeths Hospital who accepted employment with  
8 the District government on October 1, 1987, and has not  
9 had a break in service since that date, shall be considered  
10 a District resident.

11       “(f) Each employee selected for separation pursuant  
12 to this section shall be given written notice of at least 30  
13 days before the effective date of his or her separation.

14       “(g) Neither the establishment of a competitive area  
15 smaller than an agency, nor the determination that a spe-  
16 cific position is to be abolished, nor separation pursuant  
17 to this section shall be subject to review except that—

18               “(1) an employee may file a complaint contest-  
19 ing a determination or a separation pursuant to title  
20 XV of this Act or section 303 of the Human Rights  
21 Act of 1977 (D.C. Code, sec. 1-2543); and

22               “(2) an employee may file with the Office of  
23 Employee Appeals an appeal contesting that the sep-  
24 aration procedures of subsections (d) and (f) were  
25 not properly applied.

1       “(h) An employee separated pursuant to this section  
2 shall be entitled to severance pay in accordance with title  
3 XI of this Act, except that the following shall be included  
4 in computing creditable service for severance pay for em-  
5 ployees separated pursuant to this section—

6               “(1) four years for an employee who qualified  
7 for veterans preference under this Act, and

8               “(2) three years for an employee who qualified  
9 for residency preference under this Act.

10       “(i) Separation pursuant to this section shall not af-  
11 fect an employee’s rights under either the Agency Reem-  
12 ployment Priority Program or the Displaced Employee  
13 Program established pursuant to Chapter 24 of the Dis-  
14 trict Personnel Manual.

15       “(j) With respect to agencies which are not subject  
16 to a management reform plan under subtitle B of title XI  
17 of the Balanced Budget Act of 1997, the Mayor shall sub-  
18 mit to the Council a listing of all positions to be abolished  
19 by agency and responsibility center by March 1, 1998 or  
20 upon the delivery of termination notices to individual em-  
21 ployees.

22       “(k) Notwithstanding the provisions of section 1708  
23 or section 2402(d), the provisions of this Act shall not be  
24 deemed negotiable.

1       “(l) A personnel authority shall cause a 30-day termi-  
2 nation notice to be served, no later than September 1,  
3 1998, on any incumbent employee remaining in any posi-  
4 tion identified to be abolished pursuant to subsection (b)  
5 of this section.

6       “(m) In the case of an agency which is subject to  
7 a management reform plan under subtitle B of title XI  
8 of the Balanced Budget Act of 1997, the authority pro-  
9 vided by this section shall be exercised to carry out the  
10 agency’s management reform plan, and this section shall  
11 otherwise be implemented solely in a manner consistent  
12 with such plan.”.

13       (d) RESTRICTING PROVIDERS FROM WHOM EMPLOY-  
14 EES MAY RECEIVE DISABILITY COMPENSATION SERV-  
15 ICES.—

16           (1) IN GENERAL.—Section 2303(a) of the Dis-  
17 trict of Columbia Comprehensive Merit Personnel  
18 Act of 1978 (D.C. Code, sec. 1-624.3(a)) is amend-  
19 ed by striking paragraph (3) and all that follows and  
20 inserting the following:

21           “(3) By or on the order of the District of Co-  
22 lumbia government medical officers and hospitals, or  
23 by or on the order of a physician or managed care  
24 organization designated or approved by the Mayor.”.

1           (2) SERVICES FURNISHED.—Section 2303 of  
2           such Act (D.C. Code, sec. 1-624.3) is amended by  
3           adding at the end the following new subsection:

4           “(c)(1) An employee to whom services, appliances, or  
5           supplies are furnished pursuant to subsection (a) shall be  
6           provided with such services, appliances, and supplies (in-  
7           cluding reasonable transportation incident thereto) by a  
8           managed care organization or other health care provider  
9           designated by the Mayor, in accordance with such rules,  
10          regulations, and instructions as the Mayor considers ap-  
11          propriate.

12          “(2) Any expenses incurred as a result of furnishing  
13          services, appliances, or supplies which are authorized by  
14          the Mayor under paragraph (1) shall be paid from the  
15          Employees’ Compensation Fund.

16          “(3) Any medical service provided pursuant to this  
17          subsection shall be subject to utilization review under sec-  
18          tion 2323.”.

19           (3) REPEAL PENALTY FOR DELAYED PAYMENT  
20           OF COMPENSATION.—Section 2324 of such Act  
21           (D.C. Code, sec. 1-624.24) is amended by striking  
22           subsection (c).

23           (4) DEFINITIONS.—Section 2301 of such Act  
24           (D.C. Code, sec. 1-624.1) is amended—

1           (A) in the first sentence of subsection (c);  
2           by inserting “and as designated by the Mayor  
3           to provide services to injured employees” after  
4           “State law”; and

5           (B) by adding at the end the following new  
6           subsection:

7           “(1) The term ‘managed care organization’ means  
8           an organization of physicians and allied health profes-  
9           sionals organized to and capable of providing systematic  
10          and comprehensive medical care and treatment of injured  
11          employees which is designated by the Mayor to provide  
12          such care and treatment under this title.

13          “(2) The term ‘allied health professional’ means a  
14          medical care provider (including a nurse, physical thera-  
15          pist, laboratory technician, X-ray technician, social work-  
16          er, or other provider who provides such care within the  
17          scope of practice under applicable law) who is employed  
18          by or affiliated with a managed care organization.”.

19          (5) EFFECTIVE DATE.—The amendments made  
20          by this subsection shall apply with respect to serv-  
21          ices, supplies, or appliances furnished under title  
22          XXIII of the District of Columbia Merit Personnel  
23          Act of 1978 on or after the date of the enactment  
24          of this Act.

1 (c) APPLICATION OF BINDING ARBITRATION PROCE-  
 2 DURES UNDER NEW PERSONNEL RULES.—

3 (1) IN GENERAL.—Section 11105(b)(3) of the  
 4 Balanced Budget Act of 1997 is amended in the  
 5 matter preceding subparagraph (A) by striking  
 6 “pursuant” and inserting “in accordance with bind-  
 7 ing arbitration procedures in effect under a collective  
 8 bargaining agreement, or pursuant”.

9 (2) EFFECTIVE DATE.—The amendment made  
 10 by paragraph (1) shall take effect as if included in  
 11 the enactment of the Balanced Budget Act of 1997.

12 CEILING ON OPERATING EXPENSES AND DEFICIT  
 13 SEC. 139. (a) CEILING ON TOTAL OPERATING EX-  
 14 PENSES.—

15 (1) IN GENERAL.—Notwithstanding any other  
 16 provision of law, the total amount appropriated in  
 17 this Act for operating expenses for the District of  
 18 Columbia for fiscal year 1998 under the caption  
 19 “DIVISION OF EXPENSES” may not exceed the lesser  
 20 of—

21 (A) the sum of the total revenues of the  
 22 District of Columbia for such fiscal year less  
 23 \$192,741,000; or

24 (B) \$4,493,375,000 (excluding intra-District  
 25 funds of \$118,269,000) of which  
 26 \$2,655,232,000 is from local funds;

1           \$1,072,572,000 is from Federal grants; and  
2           \$765,571,000 in private and other funds.

3           ~~(2) ENFORCEMENT.~~—The Chief Financial Offi-  
4           cer of the District of Columbia and the District of  
5           Columbia Financial Responsibility and Management  
6           Assistance Authority (hereafter in this section re-  
7           ferred to as the “Authority”) shall take such steps  
8           as are necessary to assure that the District of Co-  
9           lumbia meets the requirements of this section, in-  
10          cluding the apportioning or reprogramming by the  
11          Chief Financial Officer of the appropriations and  
12          funds made available to the District during fiscal  
13          year 1998, except that the Chief Financial Officer  
14          may not reprogram for operating expenses any funds  
15          derived from bonds, notes, or other obligations is-  
16          sued for capital projects.

17          ~~(b) ACCEPTANCE AND USE OF GRANTS NOT IN-~~  
18          ~~CLUDED IN CEILING.~~—

19                 ~~(1) IN GENERAL.~~—Notwithstanding subsection  
20                 ~~(a)~~, the Mayor of the District of Columbia may ac-  
21                 cept, obligate, and expend Federal, private, and  
22                 other grants received by the District government  
23                 that are not reflected in the amounts appropriated  
24                 in this Act.

1           ~~(2) REQUIREMENT OF CHIEF FINANCIAL OFFI-~~  
2           ~~CER REPORT AND AUTHORITY APPROVAL.—No such~~  
3           ~~Federal, private, or other grant may be accepted, ob-~~  
4           ~~ligated, or expended pursuant to paragraph (1)~~  
5           ~~until—~~

6                   ~~(A) the Chief Financial Officer of the Dis-~~  
7                   ~~trict submits to the Authority a report setting~~  
8                   ~~forth detailed information regarding such grant;~~  
9                   ~~and~~

10                   ~~(B) the Authority has reviewed and ap-~~  
11                   ~~proved the acceptance, obligation, and expendi-~~  
12                   ~~ture of such grant in accordance with review~~  
13                   ~~and approval procedures consistent with the~~  
14                   ~~provisions of the District of Columbia Financial~~  
15                   ~~Responsibility and Management Assistance Act~~  
16                   ~~of 1995.~~

17           ~~(3) PROHIBITION ON SPENDING IN ANTICIPA-~~  
18           ~~TION OF APPROVAL OR RECEIPT.—No amount may~~  
19           ~~be obligated or expended from the general fund or~~  
20           ~~other funds of the District government in anticipa-~~  
21           ~~tion of the approval or receipt of a grant under~~  
22           ~~paragraph (2)(B) or in anticipation of the approval~~  
23           ~~or receipt of a Federal, private, or other grant not~~  
24           ~~subject to such paragraph.~~



1           (4) MONTHLY REPORTS.—The Chief Financial  
2           Officer of the District of Columbia shall prepare a  
3           monthly report setting forth detailed information re-  
4           garding all Federal, private, and other grants sub-  
5           ject to this subsection. Each such report shall be  
6           submitted to the Council of the District of Columbia,  
7           and to the Committees on Appropriations of the  
8           House of Representatives and the Senate, not later  
9           than 15 days after the end of the month covered by  
10          the report.

11          (e) PROHIBITING USE OF NON-APPROPRIATED  
12          FUNDS BY CERTAIN ENTITIES.—

13               (1) IN GENERAL.—Notwithstanding any other  
14               provision of law, the District of Columbia Financial  
15               Responsibility and Management Assistance Author-  
16               ity and the District of Columbia Water and Sewer  
17               Authority may not obligate or expend any funds dur-  
18               ing fiscal year 1998 or any succeeding fiscal year  
19               without approval by Act of Congress.

20               (2) REPORT ON EXPENDITURES BY FINANCIAL  
21               RESPONSIBILITY AND MANAGEMENT ASSISTANCE AU-  
22               THORITY.—Not later than November 15, 1997, the  
23               District of Columbia Financial Responsibility and  
24               Management Assistance Authority shall submit a re-  
25               port to the Committees on Appropriations of the

1 House of Representatives and the Senate, the Com-  
2 mittee on Government Reform and Oversight of the  
3 House, and the Committee on Governmental Affairs  
4 of the Senate providing an itemized accounting of all  
5 non-appropriated funds obligated or expended by the  
6 Authority at any time prior to October 1, 1997. The  
7 report shall include information on the date,  
8 amount, purpose, and vendor name, and a descrip-  
9 tion of the services or goods provided with respect  
10 to the expenditures of such funds.

11 (3) EFFECT OF EXPENDITURE OF NON-APPRO-  
12 PRIATED FUNDS.—Any obligation of funds by any  
13 officer or employee of the District of Columbia gov-  
14 ernment (including any member, officer or employee  
15 of the District of Columbia Financial Responsibility  
16 and Management Assistance Authority) in violation  
17 of the fourth sentence of section 446 of the District  
18 of Columbia Home Rule Act shall have no legal ef-  
19 fect, and the officer or employee involved shall be re-  
20 moved from office and personally liable for any  
21 amounts owed as a result of such obligation.

22 POWERS AND DUTIES OF CHIEF FINANCIAL OFFICER

23 SEC. 140. (a) CLARIFICATION OF AUTHORITY OVER  
24 FINANCIAL PERSONNEL.—

1           (1) ~~IN GENERAL.~~—Section 424(a) of the Dis-  
2       trict of Columbia Home Rule Act (D.C. Code, sec.  
3       47-317.1) is amended—

4           (A) in paragraph (2), by striking “, who  
5       shall be appointed” and all that follows through  
6       “direction and control”; and

7           (B) by striking paragraph (4) and insert-  
8       ing the following:

9       “(4) ~~AUTHORITY OVER FINANCIAL PERSON-~~  
10      ~~NEL.~~—

11           “(A) ~~IN GENERAL.~~—Notwithstanding any  
12       other provision of law or regulation (including  
13       any law or regulation providing for collective  
14       bargaining or the enforcement of any collective  
15       bargaining agreement), the heads and all per-  
16       sonnel of the offices described in subparagraph  
17       (B), together with all other District of Colum-  
18       bia accounting, budget, and financial manage-  
19       ment personnel (including personnel of inde-  
20       pendent agencies but not including personnel of  
21       the legislative or judicial branches of the Dis-  
22       trict government) shall be appointed by, shall  
23       serve at the pleasure of, and shall act under the  
24       direction and control of the Chief Financial Of-  
25       ficer, and shall be considered at-will employees

1 not covered by the District of Columbia Govern-  
2 ment Comprehensive Merit Personnel Act of  
3 1978.

4 “(B) OFFICES DESCRIBED.—The offices  
5 referred to in this subparagraph are as follows:

6 “(i) The Office of the Treasurer (or  
7 any successor office).

8 “(ii) The Controller of the District of  
9 Columbia (or any successor office).

10 “(iii) The Office of the Budget (or  
11 any successor office).

12 “(iv) The Office of Financial Informa-  
13 tion Services (or any successor office).

14 “(v) The Department of Finance and  
15 Revenue (or any successor office).

16 “(vi) During a control year, the Dis-  
17 trict of Columbia Lottery and Charitable  
18 Games Control Board (or any successor of-  
19 fice).

20 “(C) REMOVAL OF PERSONNEL BY AU-  
21 THORITY.—In addition to the power of the  
22 Chief Financial Officer to remove any of the  
23 personnel covered under this paragraph, the  
24 Authority may remove any such personnel for

1           cause, after written consultation with the Mayor  
2           and the Chief Financial Officer.”.

3           ~~(2) CONFORMING AMENDMENTS.—(A) Section~~  
4           ~~152(a) of the District of Columbia Appropriations~~  
5           ~~Act, 1996 (Public Law 104–134; 110 Stat. 1321–~~  
6           ~~102) is hereby repealed.~~

7           ~~(B) Section 142(a) of the District of Columbia~~  
8           ~~Appropriations Act, 1997 (Public Law 104–194;~~  
9           ~~110 Stat. 2375) is hereby repealed.~~

10          ~~(3) EFFECTIVE DATE.—The amendments made~~  
11          ~~by this subsection shall take effect as if included in~~  
12          ~~the enactment of the District of Columbia Appro-~~  
13          ~~riations Act, 1996, except that the amendment~~  
14          ~~made by paragraph (2)(B) shall take effect as if in-~~  
15          ~~cluded in the enactment of the District of Columbia~~  
16          ~~Appropriations Act, 1997.~~

17          ~~(b) PERSONNEL AUTHORITY UNDER MANAGEMENT~~  
18          ~~REFORM PLANS.—~~

19          ~~(1) IN GENERAL.—Section 11105(b) of the Bal-~~  
20          ~~anced Budget Act of 1997 is amended—~~

21                  ~~(A) in paragraph (1), by striking “para-~~  
22                  ~~graph (3)” and inserting “paragraphs (3) and~~  
23                  ~~(4)”;~~ and

24                  ~~(B) by adding at the end the following new~~  
25                  ~~paragraph:~~

1           “(4) EXCEPTION FOR PERSONNEL UNDER DI-  
2           RECTION AND CONTROL OF CHIEF FINANCIAL OFFI-  
3           CER.—This subsection shall not apply with respect  
4           to any personnel who are appointed by, serve at the  
5           pleasure of, and act under the direction and control  
6           of the Chief Financial Officer of the District of Co-  
7           lumbia pursuant to section 424(a)(4) of the District  
8           of Columbia Home Rule Act.”.

9           (2) EFFECTIVE DATE.—The amendments made  
10          by paragraph (1) shall take effect as if included in  
11          the enactment of section 11105(b) of the Balanced  
12          Budget Act of 1997.

13          (c) MONTHLY REPORTS ON REVENUES AND EX-  
14          PENDITURES; INCLUSION OF INFORMATION ON ALL ENTI-  
15          TIES OF DISTRICT GOVERNMENT.—Section 424(d) of the  
16          District of Columbia Home Rule Act (D.C. Code, sec. 47-  
17          317.4) is amended by adding at the end the following new  
18          paragraphs:

19               “(8) Preparing monthly reports containing the  
20               following information (and submitting such reports  
21               to Congress, the Council, the Mayor, and the Au-  
22               thority not later than the 21st day of the month fol-  
23               lowing the month covered by the report):

24                       “(A) The cash flow of the District govern-  
25                       ment, including a statement of funds received

1 and disbursed for all standard categories of rev-  
2 enues and expenses.

3 “(B) The revenues and expenditures of the  
4 District government, including a comparison of  
5 the amounts projected for such revenues and  
6 expenditures in the annual budget for the fiscal  
7 year involved with actual revenues and expendi-  
8 tures during the month.

9 “(C) The obligations of funds made by or  
10 on behalf of the District government, together  
11 with a statement of accounts payable and the  
12 disbursements paid towards such accounts dur-  
13 ing the month and during the fiscal year in-  
14 volved.

15 “(9) Ensuring that any regular report on the  
16 status of the funds of the District government pre-  
17 pared by the Chief Financial Officer includes infor-  
18 mation on the funds of all entities within the Dis-  
19 trict government (including funds in any accounts of  
20 the Authority and interest earned on such ac-  
21 counts).”.

22 (d) CLARIFICATION OF GROUNDS FOR REMOVAL  
23 FROM OFFICE.—Section 424(b)(2) of the District of Co-  
24 lumbia Home Rule Act (D.C. Code, sec. 47-317.2(2)) is

1 amended by adding at the end the following new subpara-  
2 graph:

3 “(C) CONSULTATION WITH CONGRESS.—

4 The Authority or the Mayor (whichever is appli-  
5 cable) may not remove the Chief Financial Offi-  
6 cer under this paragraph unless the Authority  
7 or the Mayor (as the case may be) has con-  
8 sulted with Congress prior to the removal. Such  
9 consultation shall include at a minimum the  
10 submission of a written statement to the Com-  
11 mittees on Appropriations of the Senate and  
12 the House of Representatives, the Committee  
13 on Government Reform and Oversight of the  
14 House of Representatives, and the Committee  
15 on Governmental Affairs of the Senate, explain-  
16 ing the factual circumstances involved.”.

17 POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

18 SEC. 141. (a) DETERMINATIONS OF DISABILITY STA-  
19 TUS.—Notwithstanding any other provisions of the Dis-  
20 trict of Columbia Retirement Reform Act or any other law,  
21 rule, or regulation, for purposes of any retirement pro-  
22 gram of the District of Columbia for teachers, members  
23 of the Metropolitan Police Department, or members of the  
24 Fire Department, no individual may have disability status  
25 unless the determination of the individual’s disability sta-  
26 tus is made by a single entity designated by the District



1 to make such determinations (or, if the determination is  
2 made by any other person, if such entity approves the de-  
3 termination).

4 (b) ANALYSIS BY ENROLLED ACTUARY OF IMPACT  
5 OF DISABILITY RETIREMENTS.—Not later than January  
6 1, 1998, and every 6 months thereafter, the Mayor of the  
7 District of Columbia shall engage an enrolled actuary (to  
8 be paid by the District of Columbia Retirement Board)  
9 to provide an analysis of the actuarial impact of disability  
10 retirements occurring during the previous 6-month period  
11 on the police and fire fighter retirement programs of the  
12 District of Columbia.

13 SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN  
14 ACT.—None of the funds made available in this Act may  
15 be expended by an entity unless the entity agrees that in  
16 expending the funds the entity will comply with the Buy  
17 American Act (41 U.S.C. 10a–10e).

18 (b) SENSE OF CONGRESS; REQUIREMENT REGARD-  
19 ING NOTICE.—

20 (1) PURCHASE OF AMERICAN-MADE EQUIPMENT  
21 AND PRODUCTS.—In the case of any equipment or  
22 product that may be authorized to be purchased  
23 with financial assistance provided using funds made  
24 available in this Act, it is the sense of the Congress  
25 that entities receiving the assistance should, in ex-

1 pending the assistance, purchase only American-  
2 made equipment and products to the greatest extent  
3 practicable.

4 (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—

5 In providing financial assistance using funds made  
6 available in this Act, the head of each agency of the  
7 Federal or District of Columbia government shall  
8 provide to each recipient of the assistance a notice  
9 describing the statement made in paragraph (1) by  
10 the Congress.

11 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
12 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

13 If it has been finally determined by a court or Federal  
14 agency that any person intentionally affixed a label bear-  
15 ing a “Made in America” inscription, or any inscription  
16 with the same meaning, to any product sold in or shipped  
17 to the United States that is not made in the United  
18 States, the person shall be ineligible to receive any con-  
19 tract or subcontract made with funds made available in  
20 this Act, pursuant to the debarment, suspension, and ineli-  
21 gibility procedures described in sections 9.400 through  
22 9.409 of title 48, Code of Federal Regulations.

23 BUDGETS OF DEPARTMENTS OR AGENCIES SUBJECT TO  
24 COURT-APPOINTED ADMINISTRATOR

25 SEC. 143. If a department or agency of the govern-  
26 ment of the District of Columbia is under the administra-

1 tion of a court-appointed receiver or other court-appointed  
2 official during fiscal year 1998 or any succeeding fiscal  
3 year, the receiver or official shall prepare and submit to  
4 the Mayor, for inclusion in the annual budget of the Dis-  
5 trict of Columbia for the year, annual estimates of the  
6 expenditures and appropriations necessary for the mainte-  
7 nance and operation of the department or agency. All such  
8 estimates shall be forwarded by the Mayor to the Council,  
9 for its action pursuant to sections 446 and 603(e) of the  
10 District of Columbia Home Rule Act, without revision but  
11 subject to the Mayor's recommendations. Notwithstanding  
12 any provision of the District of Columbia Home Rule Act,  
13 the Council may comment or make recommendations con-  
14 cerning such annual estimates but shall have no authority  
15 under such Act to revise such estimates.

16 COMMENCING OF ADVERSE ACTIONS FOR POLICE

17 SEC. 144. Section 1601(b-1) of the District of Co-  
18 lumbia Government Comprehensive Merit Personnel Act  
19 of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C.  
20 Code, sec. 1-617.1(b-1)), is amended as follows:

21 (a) Paragraph (1) is amended by striking the phrase  
22 "Except as provided in paragraph (2)" and inserting the  
23 phrase "Except as provided in paragraphs (2) and (3)"  
24 in its place.

25 (b) A new paragraph (3) is added to read as follows:

1       “(3) Except as provided in paragraph (2) of this sub-  
2       section, for members of the Metropolitan Police Depart-  
3       ment, no corrective or adverse action shall be commenced  
4       pursuant to this section more than 120 days, not including  
5       Saturdays, Sundays, or legal holidays, after the date that  
6       the agency knew or should have known of the act or occur-  
7       rence allegedly constituting cause, as that term is defined  
8       in subsection (d) of this section.”.

9       NOTICE TO POLICE OFFICERS FOR OUT-OF-SERVICE

10                                 ASSIGNMENTS

11       SEC. 145. (a) Notwithstanding any other provision  
12       of law or collective bargaining agreement, the Metropoli-  
13       tan Police Department shall change the advance notice  
14       that is required to be given to officers for out-of-schedule  
15       assignments from 28 days to 14 days.

16       (b) No officer shall be entitled to overtime for out-  
17       of-regular schedule assignments if the Metropolitan Police  
18       Department provides the officer with notice of the change  
19       in assignment at least 14 days in advance.

20       SEC. 146. Except as provided in this Act under the  
21       heading “DISTRICT OF COLUMBIA TAXPAYERS RELIEF  
22       FUND”, any unused surplus as of the end of the fiscal  
23       year shall be used to reduce the District’s outstanding ac-  
24       cumulated deficit.

## 1 RETIREMENT PROGRAMS

2 SEC. 147. (a) CAP ON STIPENDS OF RETIREMENT  
3 BOARD MEMBERS.—Section 121(e)(1) of the District of  
4 Columbia Retirement Reform Act (D.C. Code, sec. 1-  
5 711(e)(1)) is amended by striking the period at the end  
6 and inserting the following: “, and the total amount to  
7 which a member may be entitled under this subsection  
8 during a year (beginning with 1998) may not exceed  
9 \$5,000.”.

10 (b) RESUMPTION OF CERTAIN TERMINATED ANNU-  
11 ITIES PAID TO CHILD SURVIVORS OF DISTRICT OF CO-  
12 LUMBIA POLICE AND FIREFIGHTERS.—

13 (1) IN GENERAL.—Subsection (k)(5) of the Po-  
14 licemen and Firemen’s Retirement and Disability  
15 Act (D.C. Code, sec. 4-622(e)) is amended by add-  
16 ing at the end the following new subparagraph:

17 “(D) If the annuity of a child under subparagraph  
18 (A) or subparagraph (B) terminates because of marriage  
19 and such marriage ends, the annuity shall resume on the  
20 first day of the month in which it ends, but only if the  
21 individual is not otherwise ineligible for the annuity.”.

22 (2) EFFECTIVE DATE.—The amendment made  
23 by paragraph (1) shall apply with respect to any ter-  
24 mination of marriage taking effect on or after No-  
25 vember 1, 1993, except that benefits shall be payable

1 only with respect to amounts accruing for periods  
2 beginning on the first day of the month beginning  
3 after the later of such termination of marriage or  
4 such date of enactment.

5 PREMIUM PAY FOR CERTAIN POLICE OFFICERS

6 SEC. 148. Effective for the first full pay period fol-  
7 lowing the date of the enactment of this Act, the salary  
8 of any sworn officer of the Metropolitan Police Depart-  
9 ment shall be increased by 5 percent if—

10 (1) the officer performs primarily nonadminis-  
11 trative public safety services; and

12 (2) the officer is certified by the Chief of the  
13 Department as having met the minimum “Basic  
14 Certificate” standards transmitted by the District of  
15 Columbia Financial Responsibility and Management  
16 Assistance Authority to Congress by letter dated  
17 May 19, 1997, or (if applicable) the minimum stand-  
18 ards under any physical fitness and performance  
19 standards developed by the Department in consulta-  
20 tion with the Authority.

21 PROHIBITING INCREASE IN WELFARE PAYMENTS

22 SEC. 149. (a) IN GENERAL.—The Council of the Dis-  
23 trict of Columbia shall have no authority to enact any act,  
24 resolution, or rule during a fiscal year which increases the  
25 amount of payment which may be for any individual under  
26 the Temporary Assistance for Needy Families Program to

1 an amount greater than the amount provided under such  
2 program under the District of Columbia Public Assistance  
3 Act of 1982, as in effect on the day after the effective  
4 date of the Public Assistance Temporary Amendment Act  
5 of 1997.

6 (b) EFFECTIVE DATE.—Subsection shall apply with  
7 respect to fiscal year 1998 and each succeeding fiscal year.

8 SEC. 150. Effective as if included in the enactment  
9 of the Omnibus Consolidated Rescissions and Appropria-  
10 tions Act of 1996, section 517 of such Act (110 Stat.  
11 1321–248) is amended by striking “October 1, 1991” and  
12 inserting “the date of the enactment of this Act”.

13 LIENS OF WATER AND SEWER AUTHORITY

14 SEC. 151. (a) REQUIRING IMPOSITION OF LIEN FOR  
15 UNPAID BILLS.—The District of Columbia Water and  
16 Sewer Authority shall take action to impose a lien against  
17 each commercial property with respect to which any pay-  
18 ment owed to the Authority is past due in an aggregate  
19 amount equal to or greater than \$3,000, but only if the  
20 payment is past due for 120 or more consecutive days.

21 (b) DISPOSITION OF LIENS THROUGH PRIVATE  
22 SOURCES.—Beginning January 31, 1998, the District of  
23 Columbia Water and Sewer Authority shall dispose of all  
24 pending liens described in subsection (a) by assigning the  
25 right to collect under such liens to a private entity in ex-

1 change for a cash payment, or by issuing securities se-  
2 cured by such liens.

3 DEEMED APPROVAL OF CONTRACTS BY AUTHORITY

4 SEC. 152. Section 203(b) of the District of Columbia  
5 Financial Responsibility and Management Assistance Act  
6 of 1995 (D.C. Code, sec. 47-392.3(b)), as amended by  
7 section 5203(d) of the Omnibus Consolidated Appropria-  
8 tions Act, 1997 (Public Law 104-208; 110 Stat. 3009-  
9 1456), is amended—

10 (1) by redesignating paragraph (5) as para-  
11 graph (6); and

12 (2) by inserting after paragraph (4) the follow-  
13 ing new paragraph:

14 “(5) DEEMED APPROVAL.—

15 “(A) IN GENERAL.—If the Authority does  
16 not notify the Mayor (or the appropriate officer  
17 or agent of the District government) that it has  
18 determined that a contract or lease submitted  
19 under this subsection is consistent with the fi-  
20 nancial plan and budget or is not consistent  
21 with the financial plan and budget during the  
22 30-day period (or, if the Authority meets the  
23 requirements of subparagraph (B), such alter-  
24 native period as the Authority may elect, not to  
25 exceed 60 days) which begins on the first day  
26 after the Authority receives the contract or



1 lease, the Authority shall be deemed to have de-  
2 termined that the contract or lease is consistent  
3 with the financial plan and budget.

4 “(B) ELECTION OF LONGER PERIOD BY  
5 AUTHORITY.—The Authority meets the require-  
6 ments of this subparagraph if, prior to the expi-  
7 ration of the 30-day period described in sub-  
8 paragraph (A), the Authority provides a notice  
9 to the Mayor (or the appropriate officer or  
10 agent of the District government) and Congress  
11 which describes the period elected by the Au-  
12 thority, together with an explanation of the  
13 Authority’s decision to elect an alternative pe-  
14 riod.”.

15 FINANCIAL MANAGEMENT SYSTEM

16 SEC. 153. (a) IN GENERAL.—The Chief Financial  
17 Officer of the District of Columbia shall enter into a con-  
18 tract with a private entity under which the entity shall  
19 carry out the following activities (by contract or otherwise)  
20 on behalf of the District of Columbia:

21 (1) In accordance with the requirements of sub-  
22 section (b), the establishment and operation of an  
23 update of the present financial management system  
24 for the government of the District of Columbia by  
25 not later than June 30, 1998, to provide for the  
26 complete, accurate, and timely input and processing

1 of financial data and the generation of reliable out-  
2 put reports for financial management purposes.

3 ~~(2)~~ To execute a process in accordance with  
4 “best practice” procedures of the information tech-  
5 nology industry to determine the need, if any, of fur-  
6 ther improving the updated financial management  
7 system in subsection (a).

8 ~~(b)~~ SPECIFICATIONS FOR SHORT-TERM FINANCIAL  
9 MANAGEMENT SYSTEM IMPROVEMENTS.—For purposes  
10 of subsection (a)(1), the requirements of this subsection  
11 are as follows:

12 ~~(1)~~ A qualified vendor, in accordance with Of-  
13 fice of Management and Budget standards, shall up-  
14 date the District of Columbia government’s financial  
15 management system in use as of October 1, 1996.

16 ~~(2)~~ An information technology vendor shall op-  
17 erate the financial data center environment of the  
18 District government to ensure that its equipment  
19 and operations are compatible with the updated fi-  
20 nancial management system.

21 ~~(3)~~ A financial consulting vendor shall carry out  
22 an assessment of the District government employees  
23 who work with the financial management system,  
24 provide training in the operation of the updated sys-  
25 tem for those who are capable of effectively using

1 the system, and provide recommendations to the  
2 Chief Financial Officer regarding those who are not  
3 capable of effectively using the system, including  
4 recommendations for reassignment or for separation  
5 from District government employment.

6 ~~(c) CERTIFICATION OF POLICIES AND PROCEDURES~~  
7 ~~FOR ACQUISITION OF LONG-TERM FINANCIAL MANAGE-~~  
8 ~~MENT SYSTEM IMPROVEMENTS.—~~

9 ~~(1) IN GENERAL.—~~The Chief Financial Officer  
10 of the District of Columbia shall enter into a con-  
11 tract with a private entity under which the entity  
12 shall conduct an independent assessment to certify  
13 whether the District government (including the Dis-  
14 trict of Columbia Financial Responsibility and Man-  
15 agement Assistance Authority) has established and  
16 implemented policies and procedures that will result  
17 in a disciplined approach to the acquisition of a fi-  
18 nancial management system for the District govern-  
19 ment, including policies and procedures with respect  
20 to such items as—

21 ~~(A) software acquisition planning,~~

22 ~~(B) solicitation,~~

23 ~~(C) requirements, development, and man-~~  
24 ~~agement,~~

25 ~~(D) project office management,~~

1           (E) contract tracking and oversight,

2           (F) evaluation of products and services  
3 provided by the contractor, and

4           (G) the method that will be used to carry  
5 out a successful transition to the delivered sys-  
6 tem by its users.

7           (2) MODEL FOR ASSESSMENT.—The independ-  
8 ent assessment shall be performed based on the  
9 Software Acquisition Capability Maturity Model de-  
10 veloped by the Software Engineering Institute or a  
11 comparable methodology.

12           (3) REVIEW OF ASSESSMENT.—A copy of the  
13 independent assessment shall be provided to the  
14 Comptroller General, the Director of the Office of  
15 Management and Budget, and the Inspector General  
16 of the District of Columbia, who shall review and  
17 prepare a report on the assessment.

18           (d) RESTRICTIONS ON SPENDING FOR OTHER FI-  
19 NANCIAL MANAGEMENT SYSTEM PROCUREMENT AND DE-  
20 VELOPMENT.—

21           (1) IN GENERAL.—None of the funds made  
22 available under this or any other Act may be used  
23 to improve or replace the financial management sys-  
24 tem of the government of the District of Columbia  
25 (including the procuring of hardware and installa-

1       tion of new software, conversion, testing, and train-  
2       ing) until the expiration of the 30-day period which  
3       begins on the date the Comptroller General, Director  
4       of the Office of Management and Budget, and In-  
5       spector General of the District of Columbia submit  
6       a report under subsection (e)(3) to the Committees  
7       on Appropriations of the House of Representatives  
8       and the Senate, the Committee on Governmental Re-  
9       form and Oversight of the House of Representatives,  
10      and the Committee on Governmental Affairs of the  
11      Senate, which certifies that the District government  
12      has established and implemented the policies and  
13      procedures described in subsection (e)(1).

14           (2) EXCEPTIONS.—Paragraph (1) shall not  
15      apply to funds used to carry out subsection (a) or  
16      to carry out the contract described in subsection (e).

17           POWERS AND DUTIES OF INSPECTOR GENERAL

18      SEC. 154. (a) CLARIFICATION OF AUTHORITY TO  
19      CONDUCT AUDITS.—

20           (1) EXCLUSIVE AUTHORITY TO CONTRACT FOR  
21      INDEPENDENT ANNUAL AUDIT.—None of the funds  
22      made available under this Act or any other Act may  
23      be used to carry out any contract to conduct the an-  
24      nual audit of the complete financial statement and  
25      report of the activities of the District government for  
26      fiscal year 1997 or any succeeding fiscal year unless

1 the contract is entered into by the Inspector General  
2 of the District of Columbia.

3 ~~(2) SCOPE OF AUDITS.—~~Section 208(a) the  
4 District of Columbia Procurement Practices Act of  
5 1985 (sec. 1-1182.8(a), D.C. Code) is amended by  
6 adding at the end the following new paragraph:

7 “~~(5)~~ The Inspector General may include in any audits  
8 conducted pursuant to this subsection (by contract or oth-  
9 erwise) of the activities of the District government such  
10 audits of the activities of the Authority as the Inspector  
11 General considers appropriate.”.

12 ~~(b) CLARIFICATION OF GROUNDS FOR REMOVAL~~  
13 ~~FROM OFFICE.—~~Section 208(a)(1) of such Act (sec. 1-  
14 1182.8(a)(1), D.C. Code), as amended by subsection (b),  
15 is further amended by adding at the end the following new  
16 subparagraph:

17 “~~(G)~~ The Authority or the Mayor (whichever is appli-  
18 cable) may not remove the Inspector General under this  
19 paragraph unless the Authority or the Mayor (as the case  
20 may be) has consulted with Congress prior to the removal.  
21 Such consultation shall include at a minimum the submis-  
22 sion of a written statement to the Committees on Appro-  
23 priations of the Senate and the House of Representatives,  
24 the Committee on Government Reform and Oversight of  
25 the House of Representatives, and the Committee on Gov-

1 ernmental Affairs of the Senate, explaining the factual cir-  
2 cumstances involved.”.

3 (c) ~~REQUIRING PLACEMENT OF INSPECTOR GEN-~~  
4 ~~ERAL HOTLINE ON PERMIT AND LICENSE APPLICATION~~  
5 ~~FORMS.—~~

6 (1) ~~IN GENERAL.—~~Each District of Columbia  
7 permit or license application form printed after the  
8 expiration of the 30-day period which begins on the  
9 date of the enactment of this Act shall include the  
10 telephone number established by the Inspector Gen-  
11 eral of the District of Columbia for reporting in-  
12 stances of waste, fraud, and abuse, together with a  
13 brief description of the uses and purposes of such  
14 number.

15 (2) ~~QUARTERLY REPORTS ON USE OF NUM-~~  
16 ~~BER.—~~Not later than 10 days after the end of such  
17 calendar quarter of each fiscal year (beginning with  
18 fiscal year 1998), the Inspector General of the Dis-  
19 trict of Columbia shall submit a report to Congress  
20 on the number and nature of the calls received  
21 through the telephone number described in para-  
22 graph (1) during the quarter and on the waste,  
23 fraud, and abuse detected as a result of such calls.





1 ~~119(a)~~ shall include the following information in the  
2 Comprehensive Annual Financial Report:

3           ~~(1) An audited budgetary statement comparing~~  
4           ~~actual revenues and expenditures during the fiscal~~  
5           ~~year with the amounts appropriated in the annual~~  
6           ~~appropriations act for the entire District government~~  
7           ~~and for each fund of the District government (and~~  
8           ~~each appropriation account with each such fund as~~  
9           ~~a supplemental schedule) for the fiscal year, together~~  
10           ~~with the revenue projections on which the appropria-~~  
11           ~~tions are based, to determine the surplus or deficit~~  
12           ~~thereof.~~

13           ~~(2) An unaudited statement of monthly cash~~  
14           ~~flows (on a fund-by-fund basis) showing projected~~  
15           ~~and actual receipts and disbursements (with~~  
16           ~~variances) by category.~~

17           ~~(3) A discussion and analysis of the financial~~  
18           ~~condition and results of operations of the District~~  
19           ~~government prepared by the independent auditor.~~

20           ~~(b) AUDIT OF FINANCIAL RESPONSIBILITY AND~~  
21           ~~MANAGEMENT ASSISTANCE AUTHORITY.—~~

22           ~~(1) IN GENERAL.—Section 106 of the District~~  
23           ~~of Columbia Financial Responsibility and Manage-~~  
24           ~~ment Assistance Act of 1995 (D.C. Code, sec. 47-~~  
25           ~~304.1), as amended by section 11711(a) of the Bal-~~

1       anced Budget Act of 1997, is amended by adding at  
2       the end the following new subsection:

3       “(e) ANNUAL FINANCIAL AUDIT.—

4               “(1) IN GENERAL.—For each fiscal year (begin-  
5       ning with fiscal year 1997), the Authority shall  
6       enter into a contract, using annual appropriations to  
7       the Authority, with an auditor who is a certified  
8       public accountant licensed in the District of Colum-  
9       bia to conduct an audit of the Authority’s financial  
10      statements for the fiscal year, in accordance with  
11      generally accepted government auditing standards,  
12      and the financial statements shall be prepared in ac-  
13      cordance with generally accepted accounting prin-  
14      ciples.

15              “(2) CONTENTS.—The auditor shall include in  
16      the audit conducted under this subsection the follow-  
17      ing information:

18                      “(A) An audited budgetary statement com-  
19      paring gross actual revenues and expenditures  
20      of the Authority during the fiscal year with  
21      amounts appropriated, together with the reve-  
22      nue projections on which the appropriations are  
23      based, to determine the surplus or deficit there-  
24      of.

1           “(B) An unaudited statement of monthly  
2           cash flows, showing projected and actual re-  
3           ceipts and disbursements by category (with  
4           variances).

5           “(C) A discussion and analysis of the fi-  
6           nancial condition and results of operations of  
7           the Authority prepared by the independent  
8           auditor.

9           “(3) SUBMISSION.—The Authority shall submit  
10          the audit reports and financial statements conducted  
11          under this subsection to Congress, the President, the  
12          Comptroller General, the Council, and the Mayor.”.

13          (2) RESPONSIBILITIES OF AUTHORITY.—The  
14          District of Columbia Financial Responsibility and  
15          Management Assistance Authority shall—

16                 (A) with respect to the annual budget of  
17                 the Authority for fiscal year 1999 and each suc-  
18                 ceeding fiscal year, provide the Mayor of the  
19                 District of Columbia (prior to the transmission  
20                 of the budget by the Mayor to the President  
21                 and Congress under section 446 of the District  
22                 of Columbia Home Rule Act) with an item-by-  
23                 item accounting of the planned uses of appro-  
24                 priated and non-appropriated funds (including

1 all projected revenues) of the Authority under  
2 the budget for such fiscal year; and

3 (B) with respect to the annual budget of  
4 the Authority for fiscal year 1997 and each suc-  
5 ceeding fiscal year, provide the person conduct-  
6 ing the independent annual audit of the govern-  
7 ment of the District of Columbia pursuant to  
8 section 4(a) of Public Law 94-399 (D.C. Code,  
9 sec. 47-119(a)) (prior to the completion of the  
10 audit) with the actual uses of all appropriated  
11 and non-appropriated funds of the Authority  
12 under the budget for such fiscal year.

13 (3) INCLUSION IN INDEPENDENT ANNUAL  
14 AUDIT.—For purposes of the independent annual  
15 audit of the government of the District of Columbia  
16 conducted pursuant to section 4(a) of Public Law  
17 94-399 (D.C. Code, sec. 47-119(a)) for fiscal year  
18 1997 and each succeeding fiscal year, the District of  
19 Columbia Financial Responsibility and Management  
20 Assistance Authority shall be considered to be an en-  
21 tity within the government of the District of Colum-  
22 bia accountable for appropriated funds in the Dis-  
23 trict of Columbia annual budget, and included as  
24 such in the District of Columbia government's Com-  
25 prehensive Annual Financial Report.

## 1 TREATMENT OF UNCLAIMED PROPERTY

## 2 SEC. 157. (a) DEFINITIONS OF CERTAIN TERMS.—

3 Section 102 of the Uniform Disposition of Unclaimed  
4 Property Act of 1980 (D.C. Code, sec. 42–202) is amend-  
5 ed—

6 (1) by amending paragraph (4) to read as fol-  
7 lows:

8 “(4) ‘Business association’ means a corpora-  
9 tion, joint stock company, investment company,  
10 partnership, unincorporated association, joint ven-  
11 ture, limited liability, business trust, trust company,  
12 financial organization, insurance company, mutual  
13 fund, utility, or other business entity consisting of  
14 one or more persons, whether or not for profit.”;  
15 and

16 (2) by adding at the end the following new  
17 paragraphs:

18 “(18) ‘Record’ means information that is in-  
19 scribed on a tangible medium or that is stored in an  
20 electronic or other medium and is retrievable in per-  
21 ceivable form.

22 “(19) ‘Property’ means a fixed and certain in-  
23 terest in or right in property that is held, issued, or  
24 owed in the course of a holder’s business, or by a  
25 government or governmental entity, and all income

1 or increments therefrom, including an interest re-  
2 ferred to as or evidenced by any of the following:

3 “(A) Money, check, draft, deposit, interest,  
4 dividend, and income.

5 “(B) Credit balance, customer overpay-  
6 ment, gift certificate, security deposit, refund,  
7 credit memorandum, unpaid wage, unused air-  
8 line ticket, unused ticket, mineral proceed, and  
9 unidentified remittance and electronic fund  
10 transfer.

11 “(C) Stock or other evidence of ownership  
12 of an interest in a business association.

13 “(D) Bond, debenture, note, or other evi-  
14 dence of indebtedness.

15 “(E) Money deposited to redeem stocks,  
16 bonds, coupons, or other securities or to make  
17 distributions.

18 “(F) An amount due and payable under  
19 the terms of an insurance policy, including poli-  
20 cies providing life insurance, property and eas-  
21 ualty insurance, workers compensation insur-  
22 ance, or health and disability benefits insur-  
23 ance.

24 “(G) An amount distributable from a trust  
25 or custodial fund established under a plan to

1 provide health, welfare, pension, vacation, sever-  
2 ance, retirement, death, stock purchase, profit  
3 sharing, employee savings, supplemental unem-  
4 ployment insurance, or similar benefits.”.

5 (b) SHORTENING PERIOD FOR PRESUMPTION OF  
6 ABANDONMENT.—

7 (1) IN GENERAL.—Section 103(a) of such Act  
8 (D.C. Code, sec. 42–203(a)) is amended by striking  
9 “5 years” and inserting “3 years”.

10 (2) BANK DEPOSITS AND FUNDS IN FINANCIAL  
11 ORGANIZATIONS.—Section 106 of such Act (D.C.  
12 Code, sec. 42–206) is amended by striking “5 years”  
13 each place it appears in subsections (a) and (d) and  
14 inserting “3 years”.

15 (3) FUNDS HELD BY LIFE INSURANCE COMPA-  
16 NIES.—Section 107 of such Act (D.C. Code, sec. 42–  
17 207) is amended by striking “5 years” each place it  
18 appears in subsections (a) and (c)(2)(C) and insert-  
19 ing “3 years”.

20 (4) DEPOSITS AND REFUNDS HELD BY UTILI-  
21 TIES.—Section 108 of such Act (D.C. Code, sec. 42–  
22 208) is amended by striking “5 years” each place it  
23 appears and inserting “1 year”.

1           (5) STOCK AND OTHER INTANGIBLE INTERESTS  
2           IN BUSINESS ASSOCIATIONS.—Section 109 of such  
3           Act (D.C. Code, sec. 42–209) is amended—

4                   (A) by striking “5 years” each place it ap-  
5                   pears in subsections (a) and (b)(1) and insert-  
6                   ing “3 years”; and

7                   (B) in subsection (b)(2), by striking “5-  
8                   year” and inserting “3-year”.

9           (6) PROPERTY HELD BY FIDUCIARIES.—Section  
10           111(a) of such Act (D.C. Code, sec. 42–211(a)) is  
11           amended by striking “5 years” and inserting “3  
12           years”.

13           (7) PROPERTY HELD BY PUBLIC OFFICERS AND  
14           AGENCIES.—Section 112 of such Act (D.C. Code,  
15           sec. 42–212) is amended by striking “2 years” and  
16           inserting “1 year”.

17           (8) EMPLOYEE BENEFIT TRUST DISTRIBU-  
18           TIONS.—Section 113 of such Act (D.C. Code, sec.  
19           42–213) is amended by striking “5 years” and in-  
20           serting “3 years”.

21           (9) CONTENTS OF SAFE DEPOSIT BOX.—Sec-  
22           tion 115 of such Act (D.C. Code, sec. 42–215) is  
23           amended by striking “5 years” and inserting “3  
24           years”.



1       (e) CRITERIA FOR PRESUMPTION OF ABANDON-  
2 MENT.—

3           (1) IN GENERAL.—Section 103 of such Act  
4       (D.C. Code, sec. 42-203) is amended by adding at  
5       the end the following new subsection:

6       “(d) A record of the issuance of a check, draft, or  
7 similar instrument by a holder is prima facie evidence of  
8 property held or owed to a person other than the holder.  
9 In claiming property from a holder who is also the issuer,  
10 the Mayor’s burden of proof as to the existence and  
11 amount of the property and its abandonment is satisfied  
12 by showing issuance of the instrument and passage of the  
13 requisite period of abandonment. Defenses of payment,  
14 satisfaction, discharge, and want of consideration are af-  
15 firmative defenses that may be established by the holder.”.

16           (2) SPECIAL RULES REGARDING STOCK AND  
17 OTHER INTANGIBLE INTERESTS IN BUSINESS ASSO-  
18 CIATIONS.—Section 109 of such Act (D.C. Code, sec.  
19 42-209) is amended by adding at the end the follow-  
20 ing new subsections:

21       “(d) For purposes of subsection (b), the return of of-  
22 ficial shareholder notifications or communications by the  
23 postal service as undeliverable shall be evidence that the  
24 association does not know the location of the owner.

1       “(e) In the case of property consisting of stock or  
2 other intangible ownership interest enrolled in a plan that  
3 provides for the automatic reinvestment of dividends, dis-  
4 tribution, or other sums payable as a result of the interest,  
5 the property may not be presumed to be abandoned under  
6 this section unless either of the following applies:

7           “(1) The records available to the administrator  
8 of the plan show, with respect to any intangible own-  
9 ership interest not enrolled in the reinvestment plan,  
10 that the owner has not within 3 years communicated  
11 in any manner described in subsection (a).

12           “(2) 3 years have elapsed since the location of  
13 the owner became unknown to the association, as  
14 evidenced by the return of official shareholder notifi-  
15 cations or by the postal service as undeliverable, and  
16 the owner has not within those 3 years commu-  
17 nicated in any manner described in subsection (a).  
18 The 3-year period from the return of official share-  
19 holder notifications or communications shall com-  
20 mence from the earlier of the return of the second  
21 such mailing or the time the holder discontinues  
22 mailings to the shareholder.”.

23           (3) SPECIAL RULE REGARDING PROPERTY DIS-  
24 TRIBUTED THROUGH LITIGATION OR SETTLEMENT

1 OF DISPUTE.—Section 110 of such Act (D.C. Code,  
2 see. 42–210) is amended—

3 (A) by striking “All intangible” and insert-  
4 ing “(a) All intangible”; and

5 (B) by adding at the end the following new  
6 subsection:

7 “(b) All intangible property payable or distributable  
8 to a member or participant in a class action suit, either  
9 one allowed by the court to be maintained as such or one  
10 essentially handled as a class action suit and remaining  
11 for more than one year after the time for the final pay-  
12 ment or distribution is presumed abandoned, unless within  
13 the preceding one year, there has been a communication  
14 between the member or participant and the holder con-  
15 cerning the property. Intangible property payable or dis-  
16 tributable as the result of litigation or settlement of a dis-  
17 pute before a judicial or administrative body and remain-  
18 ing unclaimed for more than one year after the time for  
19 the final distribution is presumed abandoned.”.

20 (d) REQUIREMENTS FOR PERSONS HOLDING PROP-  
21 erty PRESUMED ABANDONED.—

22 (1) DEADLINE FOR FILING REPORT WITH  
23 MAYOR.—Section 117(d) of such Act (D.C. Code,  
24 see. 42–217(d)) is amended to read as follows:

1       “(d)(1) The report as of the prior June 30th must  
2 be filed before November 1st of each year, but a report  
3 with respect to a life insurance company must be filed be-  
4 fore May 1st of each year as of the prior December 31.  
5 The Mayor may postpone the reporting date upon written  
6 request by any person required to file a report.

7       “(2) In calendar year 1998, a report concerning all  
8 property presumed to be abandoned as of October 31,  
9 1997, must be filed no later than January 2, 1998.”.

10           (2) NOTIFICATION OF OWNER.—Section 117(e)  
11 of such Act (D.C. Code, sec. 42-217(e)) is amended  
12 to read as follows:

13       “(e) Not earlier than 120 days prior to filing the re-  
14 port required under this section (and not later than 60  
15 days prior to filing such report), the holder of property  
16 presumed abandoned shall send written notice to the ap-  
17 parent owner of the property stating that the holder is  
18 in possession of property subject to this Act, but only if—

19           “(1) the holder has in its records an address for  
20 the apparent owner, unless the holder’s records indi-  
21 cate that such address is not accurate; and

22           “(2) the value of the property is at least \$50.”.

23           (3) PAYMENT OR DELIVERY OF PROPERTY TO  
24 MAYOR.—Section 119 of such Act (D.C. Code, sec.

1       ~~42–219~~) is amended by striking subsections (a), (b),  
2       and (c) and inserting the following:

3       “(a) Upon the filing of the report required under sec-  
4       tion 117 with respect to property presumed abandoned,  
5       the holder of the property shall pay or deliver (or cause  
6       to be paid or delivered) to the Mayor the property de-  
7       scribed in the report as abandoned, except that—

8               “(1) in the case of property consisting of an  
9       automatically renewable deposit for which a penalty  
10       or forfeiture in the payment of interest would result  
11       if payment were made to the Mayor at such time,  
12       the holder may delay the payment or delivery of the  
13       property to the Mayor until such time as the penalty  
14       or forfeiture will not occur; and

15              “(2) in the case of tangible property held in a  
16       safe deposit box or other safekeeping depository, the  
17       holder shall pay or deliver (or cause to be paid or  
18       delivered) the property to the Mayor upon the expi-  
19       ration of the 120-day period which begins on the  
20       date the holder files the report required under sec-  
21       tion 117.

22       “(b) If the Mayor postpones the reporting date with  
23       respect to the property under section 117(d), the holder,  
24       upon receipt of the extension, may make an interim pay-

1 ment under this section on the amount the holder esti-  
2 mates will ultimately be due.”.

3           (4) CLARIFICATION OF USE OF ESTIMATED  
4 PAYMENTS AND REPORTS.—Section 130(d) of such  
5 Act (D.C. Code, sec. 42–230(d)) is amended to read  
6 as follows:

7           “(d) If a holder fails to maintain the records required  
8 by section 132 and the records of the holder available for  
9 the periods for which this Act applies to the property in-  
10 volved are insufficient to permit the preparation of a re-  
11 port and delivery of the property, the holder shall be re-  
12 quired to report and pay such amounts as may reasonably  
13 be estimated from any available records.”.

14           (5) RETENTION OF RECORDS.—Section 132(a)  
15 of such Act (D.C. Code, sec. 42–232(a)) is amended  
16 to read as follows:

17           “(a) Except as provided in subsection (b) and unless  
18 the Mayor provides otherwise by rule, every holder re-  
19 quired to file a report under section 117 shall retain all  
20 books, records, and documents necessary to establish the  
21 accuracy of such report and the compliance of the report  
22 with the requirements of this Act for 10 years after the  
23 property becomes reportable, together with a record of the  
24 name and address of the owner of the property in the case

1 of any property for which the holder has obtained the last  
2 known address of the owner.”.

3 (c) DUTIES AND POWERS OF MAYOR.—

4 (1) INFORMATION INCLUDED IN PUBLISHED  
5 NOTICE OF ABANDONED PROPERTY.—Section  
6 118(b)(3) of such Act (D.C. Code, sec. 42–  
7 218(b)(3)) is amended to read as follows:

8 “(3) A statement that property of the owner is  
9 presumed to be abandoned and has been taken into  
10 the protective custody of the Mayor, except in the  
11 case of property described in section 119(a)(1)  
12 which is not paid or delivered to the Mayor pursuant  
13 to such section.”.

14 (2) INFORMATION INCLUDED IN MAILED NO-  
15 TICE.—Section 118(e)(3) of such Act (D.C. Code,  
16 sec. 42–218(e)(3)) is amended to read as follows:

17 “(3) A statement explaining that property of  
18 the owner is presumed to be abandoned, the prop-  
19 erty has been taken into the protective custody of  
20 the Mayor (other than property described in section  
21 119(a)(1) which is not paid or delivered to the  
22 Mayor pursuant to such section); and information  
23 about the property and its return to the owner is  
24 available to a person having a legal or beneficial in-  
25 terest in the property, upon request to the Mayor.”.

1           (3) ~~TRANSITION RULE FOR 1997.~~—Section  
2           118(g) of such Act (D.C. Code, sec. 42–218(g)) is  
3           amended to read as follows:

4           “~~(g)~~ With respect to property reported and delivered  
5           on or before January 2, 1998, pursuant to section  
6           117(d)(2), the Mayor shall cause the newspaper notice re-  
7           quired by subsection (a) and the notice mailed under sub-  
8           section (d) to be completed no later than May 1, 1998.”.

9           (4) ~~IMPOSITION OF ONE-YEAR WAITING PERIOD~~  
10          ~~FOR SALE OF PROPERTY.~~—The first sentence of sec-  
11          tion 122(a) of such Act (D.C. Code, sec. 42–222(a))  
12          is amended by striking “may be sold” and inserting  
13          the following: “which remains unclaimed one year  
14          after the delivery to the Mayor may be sold”.

15          (5) ~~SPECIAL RULE FOR SALE OF PROPERTY~~  
16          ~~CONSISTING OF SECURITIES.~~—Section 122 of such  
17          Act (D.C. Code, sec. 42–222) is amended by adding  
18          at the end the following new subsection:

19          “~~(d)~~(1) Notwithstanding subsection (a), abandoned  
20          property consisting of securities delivered to the Mayor  
21          under this Act may not be sold under this section until  
22          the expiration of the 3-year period which begins on the  
23          date the property is delivered to the Mayor, except that  
24          the Mayor may sell the property prior to the expiration



1 of such period if the Mayor finds that sale at such time  
2 is in the best interests of the District of Columbia.

3       “(2) If the Mayor sells any property described in  
4 paragraph (1) prior to the expiration of the 3-year period  
5 described in such paragraph, any person making a claim  
6 with respect to the property pursuant to this Act prior  
7 to the expiration of such period is entitled to either the  
8 proceeds of the sale of the securities or the market value  
9 of the securities at the time the claim is made, whichever  
10 is greater, less any deduction for fees pursuant section  
11 123(e). If the Mayor does not sell any such property prior  
12 to the expiration of such 3-year period, a person may make  
13 a claim with respect to the property in accordance with  
14 section 124 and other applicable provisions of this Act.”.

15       (6) STATUTE OF LIMITATIONS.—Section 129(b)  
16 of such Act (D.C. Code, sec. 42-229(b)) is amended  
17 to read as follows:

18       “(b) No action or proceeding may be commenced by  
19 the Mayor to enforce any provision of this Act with respect  
20 to the reporting, delivery, or payment of property more  
21 than 10 years after the holder specifically identified the  
22 property in a report filed with the Mayor or gave express  
23 notice to the Mayor of a dispute regarding the property.  
24 The period of limitation shall be tolled in the absence of

1 such a report or other express notice, or by the filing of  
2 a report that is fraudulent.”.

3 (f) INTEREST AND PENALTIES.—

4 (1) IN GENERAL.—Section 135 of such Act  
5 (D.C. Code, sec. 42-235) is amended by striking  
6 subsections (b), (c), and (d) and inserting the follow-  
7 ing:

8 “(b) Except as otherwise provided in subsection (c),  
9 a person who fails to report, pay, or deliver property with-  
10 in the time prescribed under this Act, or fails to perform  
11 other duties imposed by this Act, shall pay (in addition  
12 to the interest required under subsection (a)) a civil pen-  
13 alty of \$200 for each day the report, payment, or delivery  
14 is withheld or the duty is not performed, up to a maximum  
15 of \$10,000.

16 “(c) A person who willfully fails to report, pay, or  
17 deliver property within the time prescribed under this Act,  
18 or fails to perform other duties imposed by this Act, shall  
19 pay (in addition to the interest required under subsection  
20 (a)) a civil penalty of \$1,000 for each day the report, pay-  
21 ment, or delivery is withheld or the duty is not performed,  
22 up to a maximum of \$25,000, plus 25 percent of the value  
23 of any property that should have been paid or delivered.

24 “(d) The Mayor may waive the imposition of any in-  
25 terest or penalty (or any part thereof) against any person

1 under subsection (b) or (c) if the person's failure to pay  
 2 or deliver property is satisfactorily explained to the Mayor  
 3 and if the failure has resulted from a mistake by the per-  
 4 son in understanding or applying the law or the facts in-  
 5 volved.”.

6           (2) FAILURE OF HOLDER TO EXERCISE DUE  
 7 DILIGENCE WITH RESPECT TO ITEMS SUBJECT TO  
 8 REPORTING.—Section 135 of such Act (D.C. Code,  
 9 sec. 42-235) is amended by adding at the end the  
 10 following new subsection:

11       “(f) A holder who fails to exercise due diligence with  
 12 respect to information required to be reported under sec-  
 13 tion 117 shall pay (in addition to any other interest or  
 14 penalty which may be imposed under this section) a pen-  
 15 alty of \$10 with respect to each item involved.”.

16       (g) MISCELLANEOUS REVISIONS.—

17           (1) RESTRICTION ON AMOUNT CHARGED FOR  
 18 HOLDING CERTAIN BANK DEPOSITS AND FUNDS.—

19       (A) Section 106(e) of such Act (D.C. Code, sec. 42-  
 20 206(e)) is amended by adding at the end the follow-  
 21 ing new paragraph:

22       “(4) The amount of the deduction is limited to an  
 23 amount that is not unconscionable.”.

1           (B) Section 106(f) of such Act (D.C. Code, sec.  
2           42–206(f)) is amended by adding at the end the fol-  
3           lowing new paragraph:

4           “(3) The amount of the deduction is limited to an  
5           amount that is not unconscionable.”.

6           (2) CLARIFICATION OF APPLICATION OF LAW  
7           TO WAGES AND OTHER COMPENSATION.—Section  
8           116 of such Act (D.C. Code, sec. 42–216) is amend-  
9           ed by striking “Unpaid wages or outstanding payroll  
10           checks” and inserting “Wages or other compensation  
11           for personal services”.

12          (h) EFFECTIVE DATE.—

13           (1) IN GENERAL.—The amendments made by  
14           this section shall take effect on the date of the en-  
15           actment of this Act.

16           (2) TRANSITION RULE.—In the case of any  
17           property which is presumed to be abandoned under  
18           the Uniform Disposition of Unclaimed Property Act  
19           of 1980 (as amended by this Act) during the 6-  
20           month period which begins on the date of the enact-  
21           ment of this Act and which would not be presumed  
22           to be abandoned under such Act during such period  
23           but for the amendments made by this Act, the prop-  
24           erty may not be presumed to be abandoned under  
25           such Act prior to the expiration of such period.

## 1 RESTRICTIONS ON BORROWING

2 SEC. 158. (a) PROHIBITING USE OF BORROWING TO  
3 FINANCE OR REFUND ACCUMULATED GENERAL FUND  
4 DEFICIT.—None of the funds made available in this Act  
5 or in any other Act may be used by the District of Colum-  
6 bia (including the District of Columbia Financial Respon-  
7 sibility and Management Assistance Authority) at any  
8 time before, on, or after the date of the enactment of this  
9 Act to obtain borrowing to finance or refund the accumu-  
10 lated general fund deficit of the District of Columbia exist-  
11 ing as of September 30, 1997.

12 (b) RESTRICTIONS ON USE OF FUNDS FOR DEBT  
13 RESTRUCTURING.—None of the funds made available in  
14 this Act or in any other Act may be used by the District  
15 of Columbia (including the District of Columbia Financial  
16 Responsibility and Management Assistance Authority)  
17 during fiscal year 1998 or any succeeding fiscal year to  
18 obtain borrowing (including borrowing through the issu-  
19 ance of any bonds, notes, or other obligations) to repay  
20 any other borrowing or issuance of bonds, notes,  
21 or other obligations unless—

22 (1) the aggregate cost to the District of the new  
23 borrowing or issuance does not exceed the aggregate  
24 cost of the original borrowing or issuance; and

1           (2) the date provided for the final repayment of  
2           the new borrowing or issuance is not later than the  
3           date provided for the final repayment of the original  
4           borrowing or issuance.

5           (e) PROHIBITING USE OF FUNDS FOR PRIVATE  
6 BOND SALES.—None of the funds made available in this  
7 Act or in any other Act may be used by the District of  
8 Columbia (including the District of Columbia Financial  
9 Responsibility and Management Assistance Authority)  
10 during fiscal year 1998 or any succeeding fiscal year to  
11 sell any bonds at a private sale.

12                           REOPENING OF PENNSYLVANIA AVENUE

13           SEC. 159. Notwithstanding any other provision of law  
14 or any other rule or regulation, beginning January 1,  
15 1998, the portion of Pennsylvania Avenue in front of the  
16 White House shall be reopened to regular vehicular traffic.

17                           INDEPENDENCE IN CONTRACTING FOR CHIEF FINANCIAL  
18                           OFFICER AND INSPECTOR GENERAL

19           SEC. 160. (a) IN GENERAL.—Notwithstanding any  
20 other provision of law, neither the Mayor of the District  
21 of Columbia or the District of Columbia Financial Respon-  
22 sibility and Management Assistance Authority may enter  
23 into any contract with respect to any authority or activity  
24 under the jurisdiction of the Chief Financial Officer or  
25 Inspector General of the District of Columbia without the

1 consent and approval of the Chief Financial Officer or In-  
2 spector General (as the case may be):

3 (b) EFFECT ON OTHER POWERS AND DUTIES OF AU-  
4 THORITY.—Nothing in this section may be construed—

5 (1) to affect the ability of the District of Co-  
6 lumbia Financial Responsibility and Management  
7 Assistance Authority to remove the Chief Financial  
8 Officer or Inspector General of the District of Co-  
9 lumbia from office during a control year (as defined  
10 in section 305(4) of the District of Columbia Finan-  
11 cial Responsibility and Management Assistance Act  
12 of 1995); or

13 (2) to exempt any contracts entered into by the  
14 Chief Financial Officer or Inspector General from  
15 review by the Authority under section 203(b) of such  
16 Act.

17 MISCELLANEOUS PROVISIONS

18 SEC. 161. (a) DEPOSIT OF ANNUAL FEDERAL CON-  
19 TRIBUTION WITH AUTHORITY.—

20 (1) IN GENERAL.—The District of Columbia Fi-  
21 nancial Responsibility and Management Assistance  
22 Act of 1995, as amended by section 11601(b)(2) of  
23 the Balanced Budget Act of 1997, is amended by in-  
24 serting after section 204 the following new section:

1 **“SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION**  
2 **WITH AUTHORITY.**

3 “(a) IN GENERAL.—

4 “(1) DEPOSIT INTO ESCROW ACCOUNT.—In the  
5 ease of a fiscal year which is a control year, the Sec-  
6 retary of the Treasury shall deposit any Federal  
7 contribution to the District of Columbia for the year  
8 authorized under section 11601(e)(2) of the Bal-  
9 anced Budget Act of 1997 into an escrow account  
10 held by the Authority, which shall allocate the funds  
11 to the Mayor at such intervals and in accordance  
12 with such terms and conditions as it considers ap-  
13 propriate to implement the financial plan for the  
14 year. In establishing such terms and conditions, the  
15 Authority shall give priority to using the Federal  
16 contribution for cash flow management and the pay-  
17 ment of outstanding bills owed by the District gov-  
18 ernment.

19 “(2) EXCEPTION FOR AMOUNTS WITHHELD FOR  
20 ADVANCES.—Paragraph (1) shall not apply with re-  
21 spect to any portion of the Federal contribution  
22 which is withheld by the Secretary of the Treasury  
23 in accordance with section 605(b)(2) of title VI of  
24 the District of Columbia Revenue Act of 1939 to re-  
25 imburse the Secretary for advances made under title  
26 VI of such Act.



1       “(b) EXPENDITURE OF FUNDS FROM ACCOUNT IN  
 2 ACCORDANCE WITH AUTHORITY INSTRUCTIONS.—Any  
 3 funds allocated by the Authority to the Mayor from the  
 4 escrow account described in paragraph (1) may be ex-  
 5 pended by the Mayor only in accordance with the terms  
 6 and conditions established by the Authority at the time  
 7 the funds are allocated.”.

8           (2) CLERICAL AMENDMENT.—The table of con-  
 9 tents for such Act is amended by inserting after the  
 10 item relating to section 204 the following new item:

“Sec. 205. Deposit of annual Federal contribution with Authority.”.

11           (3) EFFECTIVE DATE.—The amendments made  
 12 by this subsection shall take effect as if included in  
 13 the enactment of the Balanced Budget Act of 1997.

14       (b) DISHONORED CHECK COLLECTION.—The Act en-  
 15 titled “An Act to authorize the Commissioners of the Dis-  
 16 trict of Columbia to prescribe penalties for the handling  
 17 and collection of dishonored checks”, approved September  
 18 28, 1965 (D.C. Code, sec. 1-357) is amended—

19           (1) in subsection (a) by inserting after the third  
 20 sentence the following: “The Mayor may enter into  
 21 a contract to collect the amount of the original obli-  
 22 gation.”; and

23           (2) by adding at the end the following new sub-  
 24 sections:

1       “(e) In a case in which the amount of a dishonored  
2 or unpaid check is collected as a result of a contract, the  
3 Mayor shall collect any costs or expenses incurred to col-  
4 lect such amount from such person who gives or causes  
5 to be given, in payment of any obligation or liability due  
6 the government of the District of Columbia, a check which  
7 is subsequently dishonored or not duly paid. In a case in  
8 which the amount of a dishonored or unpaid check is col-  
9 lected as a result of an action at law or in equity, such  
10 costs and expenses shall include litigation expenses and  
11 attorney’s fees.

12       “(d) An action at law or in equity for the recovery  
13 of any amount owed to the District as a result of sub-  
14 section (e), including any litigation expenses or attorney’s  
15 fees may be initiated—

16               “(1) by the Corporation Counsel of the District  
17 of Columbia; or

18               “(2) in a case in which the Corporation Counsel  
19 does not exercise his or her authority, by the person  
20 who provides collection services as a result of a con-  
21 tract with the Mayor.

22       “(e) Nothing in this section may be construed to  
23 eliminate the Mayor’s exclusive authority with respect to  
24 any obligations and liabilities of the District of Colum-  
25 bia.”.

1           (c) REQUIRING DISTRICT GOVERNMENT OFFICIALS  
2 TO PROVIDE INFORMATION UPON REQUEST TO CONGRES-  
3 SIONAL COMMITTEES.—Notwithstanding any provision of  
4 law or any other rule or regulation, during fiscal year  
5 1998 and each succeeding fiscal year, at the request of  
6 the Committee on Appropriations of the House of Rep-  
7 resentatives, the Committee on Appropriations of the Sen-  
8 ate, the Committee on Government Reform and Oversight  
9 of the House of Representatives, or the Committee on  
10 Governmental Affairs of the Senate, any officer or em-  
11 ployee of the District of Columbia government (including  
12 any officer or employee of the District of Columbia Finan-  
13 cial Responsibility and Management Assistance Authority)  
14 shall provide the Committee with such information and  
15 materials as the Committee may require, within such  
16 deadline as the Committee may require.

17           (d) PROHIBITING CERTAIN HELICOPTER FLIGHTS  
18 OVER DISTRICT.—None of the funds made available in  
19 this Act or in any other Act may be used by the District  
20 of Columbia to grant a permit or license to any person  
21 for purposes of any business in which the person provides  
22 tours of any portion of the District of Columbia by heli-  
23 copter.

24           (e) CONFORMING REFERENCES TO INTERNAL REVE-  
25 NUE CODE OF 1986.—Section 4(28A) of the District of

1 Columbia Income and Franchise Act of 1947 (D.C. Code,  
2 sec. 47-1801.4(28A)) is amended to read as follows:

3           “(28A) The term ‘Internal Revenue Code of  
4 1986’ means the Internal Revenue Code of 1986  
5 (100 Stat. 2085; 26 U.S.C. 1 et seq.); as amended  
6 through August 20, 1996. The provisions of the In-  
7 ternal Revenue Code of 1986 shall be effective on  
8 the same dates that they are effective for Federal  
9 tax purposes.”.

10       (f) STANDARD FOR REVIEW OF RECOMMENDATIONS  
11 OF BUSINESS REGULATORY REFORM COMMISSION IN RE-  
12 VIEW OF REGULATIONS BY AUTHORITY.—Section  
13 11701(a)(1) of the Balanced Budget Act of 1997 is  
14 amended by striking the second sentence and inserting the  
15 following: “In carrying out such review, the Authority  
16 shall include an explicit reference to each recommendation  
17 made by the Business Regulatory Reform Commission  
18 pursuant to the Business Regulatory Reform Commission  
19 Act of 1994 (D.C. Code, sec. 2-4101 et seq.); together  
20 with specific findings and conclusions with respect to each  
21 such recommendation.”.

22       (g) TECHNICAL CORRECTIONS RELATING TO BAL-  
23 ANCED BUDGET ACT OF 1997.—(1) Effective as if in-  
24 cluded in the enactment of the Balanced Budget Act of  
25 1997, section 453(e) of the District of Columbia Home

1 Rule Act (D.C. Code, sec. 47-304.1(c)), as amended by  
 2 section 11243(d) of the Balanced Budget Act of 1997, is  
 3 amended to read as follows:

4 “(c) Subsection (a) shall not apply to amounts appro-  
 5 priated or otherwise made available to the Council, the  
 6 District of Columbia Financial Responsibility and Man-  
 7 agement Assistance Authority established under section  
 8 101(a) of the District of Columbia Financial Responsibil-  
 9 ity and Management Assistance Act of 1995, or the Dis-  
 10 trict of Columbia Water and Sewer Authority established  
 11 pursuant to the Water and Sewer Authority Establish-  
 12 ment and Department of Public Works Reorganization  
 13 Act of 1996.”.

14 (2) Section 11201(g)(2)(A)(ii) of the Balanced Budge-  
 15 et Act of 1997 is amended—

16 (A) in the heading, by striking “DEPARTMENT  
 17 OF PARKS AND RECREATION” and inserting “PARKS  
 18 AUTHORITY”; and

19 (B) by striking “Department of Parks and  
 20 Recreation” and inserting “Parks Authority”.

21 (h) REPEAL OF PRIOR NOTICE REQUIREMENT FOR  
 22 FEDERAL ACTIVITIES AFFECTING REAL PROPERTY IN  
 23 DISTRICT OF COLUMBIA.—Effective October 1, 1997, the  
 24 Balanced Budget Act of 1997 (Public Law 105-33) is  
 25 amended by striking section 11715.

1 This title may be cited as the “District of Columbia  
2 Appropriations Act, 1998”.

3 **TITLE II—DISTRICT OF COLUM-**  
4 **BIA MEDICAL LIABILITY RE-**  
5 **FORM**

6 **Subtitle A—Standards for Health**  
7 **Care Liability Actions and**  
8 **Claims in the District of Colum-**  
9 **bia**

10 **SEC. 201. SHORT TITLE.**

11 This title may be cited as the “District of Columbia  
12 Medical Liability Reform Act of 1997”.

13 **SEC. 202. STATUTE OF LIMITATIONS.**

14 A District of Columbia health care liability action  
15 may not be brought after the expiration of the 2-year pe-  
16 riod that begins on the date on which the alleged injury  
17 that is the subject of the action was discovered or should  
18 reasonably have been discovered, but in no case after the  
19 expiration of the 5-year period that begins on the date  
20 the alleged injury occurred.

21 **SEC. 203. TREATMENT OF NONECONOMIC DAMAGES.**

22 (a) **LIMITATION ON NONECONOMIC DAMAGES.**—The  
23 total amount of noneconomic damages that may be award-  
24 ed to a claimant for losses resulting from the injury which  
25 is the subject of a District of Columbia health care liability

1 action may not exceed \$250,000, regardless of the number  
 2 of parties against whom the action is brought or the num-  
 3 ber of actions brought with respect to the injury.

4 (b) **JOINT AND SEVERAL LIABILITY.**—In any District  
 5 of Columbia health care liability action, a defendant shall  
 6 be liable only for the amount of noneconomic damages at-  
 7 tributable to such defendant in direct proportion to such  
 8 defendant’s share of fault or responsibility for the claim-  
 9 ant’s actual damages, as determined by the trier of fact.  
 10 In all such cases, the liability of a defendant for non-  
 11 economic damages shall be several and not joint.

12 **SEC. 204. CRITERIA FOR AWARDING OF PUNITIVE DAM-**  
 13 **AGES; LIMITATION ON AMOUNT AWARDED.**

14 (a) **IN GENERAL.**—Punitive damages may, to the ex-  
 15 tent permitted by applicable District of Columbia law, be  
 16 awarded in any District of Columbia health care liability  
 17 action if the claimant establishes by clear and convincing  
 18 evidence that the harm suffered was the result of—

19 (1) conduct specifically intended to cause harm;

20 or

21 (2) conduct manifesting a conscious, flagrant  
 22 indifference to the rights or safety of others.

23 (b) **PROPORTIONAL AWARDS.**—The amount of puni-  
 24 tive damages that may be awarded in any District of Co-  
 25 lumbia health care liability action may not exceed 3 times

1 the amount of damages awarded to the claimant for eco-  
2 nomic loss, or \$250,000, whichever is greater. This sub-  
3 section shall be applied by the court and shall not be dis-  
4 closed to the jury.

5 (c) **APPLICABILITY.**—This subsection shall apply to  
6 any District of Columbia health care liability action  
7 brought on any theory under which punitive damages are  
8 sought. This subsection does not create a cause of action  
9 for punitive damages. This subsection does not preempt  
10 or supersede any law to the extent that such law would  
11 further limit the award of punitive damages.

12 (d) **BIFURCATION.**—At the request of any party, the  
13 trier of fact shall consider in a separate proceeding wheth-  
14 er punitive damages are to be awarded and the amount  
15 of such award. If a separate proceeding is requested, evi-  
16 dence relevant only to the claim of punitive damages, as  
17 determined by applicable District of Columbia law, shall  
18 be inadmissible in any proceeding to determine whether  
19 actual damages are to be awarded.

20 **SEC. 205. TREATMENT OF PUNITIVE DAMAGES IN ACTIONS**  
21 **RELATING TO DRUGS OR MEDICAL DEVICES.**

22 (a) **PROHIBITING AWARD OF PUNITIVE DAMAGES**  
23 **WITH RESPECT TO CERTAIN APPROVED DRUGS AND DE-**  
24 **VICES.**—



1           (1) IN GENERAL.—In any District of Columbia  
2 health care liability action, punitive damages may  
3 not be awarded against a manufacturer or product  
4 seller of a drug or medical device which caused the  
5 claimant's harm if—

6           (A) such drug or device was subject to pre-  
7 market approval by the Food and Drug Admin-  
8 istration with respect to the safety of the for-  
9 mulation or performance of the aspect of such  
10 drug or device which caused the claimant's  
11 harm, or the adequacy of the packaging or la-  
12 beling of such drug or device which caused the  
13 harm, and such drug, device, packaging, or la-  
14 beling was approved by the Food and Drug Ad-  
15 ministration; or

16           (B) the drug is generally recognized as  
17 safe and effective pursuant to conditions estab-  
18 lished by the Food and Drug Administration  
19 and applicable regulations, including packaging  
20 and labeling regulations.

21           (2) EXCEPTION.—Paragraph (1) shall not  
22 apply in any case in which the defendant, before or  
23 after premarket approval of a drug or device—

24           (A) intentionally and wrongfully withheld  
25 from or misrepresented to the Food and Drug

1 Administration information concerning such  
2 drug or device required to be submitted under  
3 the Federal Food, Drug, and Cosmetic Act (21  
4 U.S.C. 301 et seq.) or section 351 of the Public  
5 Health Service Act (42 U.S.C. 262) that is ma-  
6 terial and relevant to the harm suffered by the  
7 claimant, or

8 (C) made an illegal payment to an official  
9 or employee of the Food and Drug Administra-  
10 tion for the purpose of securing or maintaining  
11 approval of such drug or device.

12 (b) SPECIAL RULE REGARDING CLAIMS RELATING  
13 TO PACKAGING.—In a District of Columbia health care  
14 liability action relating to the adequacy of the packaging  
15 or labeling of a drug which is required to have tamper-  
16 resistant packaging under regulations of the Secretary of  
17 Health and Human Services (including labeling regula-  
18 tions related to such packaging); the manufacturer or  
19 product seller of the drug shall not be held liable for puni-  
20 tive damages unless such packaging or labeling is found  
21 by the court by clear and convincing evidence to be sub-  
22 stantially out of compliance with such regulations.

23 (c) DEFINITIONS.—In this section, the following defi-  
24 nitions apply:

1           (1) DRUG.—The term “drug” has the meaning  
2 given such term in section 201(g)(1) of the Federal  
3 Food, Drug, and Cosmetic Act (21 U.S.C.  
4 321(g)(1)).

5           (2) MEDICAL DEVICE.—The term “medical de-  
6 vice” has the meaning given such term in section  
7 201(h) of the Federal Food, Drug, and Cosmetic  
8 Act (21 U.S.C. 321(h)).

9           (3) PRODUCT SELLER.—

10           (A) IN GENERAL.—Subject to subpara-  
11 graph (B), the term “product seller” means a  
12 person who, in the course of a business con-  
13 ducted for that purpose—

14                   (i) sells, distributes, rents, leases, pre-  
15 pares, blends, packages, labels, or is other-  
16 wise involved in placing, a product in the  
17 stream of commerce; or

18                   (ii) installs, repairs, or maintains the  
19 harm-causing aspect of a product.

20           (B) EXCLUSION.—Such term does not in-  
21 clude—

22                   (i) a seller or lessor of real property;

23                   (ii) a provider of professional services  
24 in any case in which the sale or use of a  
25 product is incidental to the transaction and

1 the essence of the transaction is the fur-  
2 nishing of judgment, skill, or services; or

3 (iii) any person who—

4 (I) acts in only a financial capac-  
5 ity with respect to the sale of a prod-  
6 uct; or

7 (II) leases a product under a  
8 lease arrangement in which the selec-  
9 tion, possession, maintenance, and op-  
10 eration of the product are controlled  
11 by a person other than the lessor.

12 **SEC. 206. PERIODIC PAYMENTS FOR FUTURE LOSSES.**

13 (a) **IN GENERAL.**—In any District of Columbia  
14 health care liability action in which the damages awarded  
15 for future economic and noneconomic loss exceeds  
16 \$50,000, a person shall not be required to pay such dam-  
17 ages in a single, lump-sum payment, but shall be per-  
18 mitted to make such payments periodically based on when  
19 the damages are found likely to occur, as such payments  
20 are determined by the court.

21 (b) **FINALITY OF JUDGMENT.**—The judgment of the  
22 court awarding periodic payments under this section may  
23 not, in the absence of fraud, be reopened at any time to  
24 contest, amend, or modify the schedule or amount of the  
25 payments.

1 (c) LUMP-SUM SETTLEMENTS.—This section may  
2 not be construed to preclude a settlement providing for  
3 a single, lump-sum payment.

4 **SEC. 207. TREATMENT OF COLLATERAL SOURCE PAY-**  
5 **MENTS.**

6 (a) INTRODUCTION INTO EVIDENCE.—In any Dis-  
7 trict of Columbia health care liability action, any defend-  
8 ant may introduce evidence of collateral source payments.  
9 If any defendant elects to introduce such evidence, the  
10 claimant may introduce evidence of any amount paid or  
11 contributed or reasonably likely to be paid or contributed  
12 in the future by or on behalf of the claimant to secure  
13 the right to such collateral source payments.

14 (b) NO SUBROGATION.—No provider of collateral  
15 source payments may recover any amount against the  
16 claimant or receive any lien or credit against the claim-  
17 ant's recovery or be equitably or legally subrogated the  
18 right of the claimant in a District of Columbia health care  
19 liability action.

20 (c) APPLICATION TO SETTLEMENTS.—This section  
21 shall apply to an action that is settled as well as an action  
22 that is resolved by a fact finder.

23 (d) COLLATERAL SOURCE PAYMENTS DEFINED.—In  
24 this section, the term “collateral source payments” means  
25 any amount paid or reasonably likely to be paid in the

1 future to or on behalf of a claimant, or any service, prod-  
 2 uct, or other benefit provided or reasonably likely to be  
 3 provided in the future to or on behalf of a claimant, as  
 4 a result of an injury or wrongful death, pursuant to—

5           (1) any State or Federal health, sickness, in-  
 6 come-disability, accident or workers' compensation  
 7 Act;

8           (2) any health, sickness, income-disability, or  
 9 accident insurance that provides health benefits or  
 10 income-disability coverage;

11           (3) any contract or agreement of any group, or-  
 12 ganization, partnership, or corporation to provide,  
 13 pay for, or reimburse the cost of medical, hospital,  
 14 dental, or income disability benefits; and

15           (4) any other publicly or privately funded pro-  
 16 gram.

17 **SEC. 208. APPLICATION OF STANDARDS TO CLAIMS RE-**  
 18 **SOLVED THROUGH ALTERNATIVE DISPUTE**  
 19 **RESOLUTION.**

20           (a) IN GENERAL.—Any alternative dispute resolution  
 21 system used to resolve a District of Columbia health care  
 22 liability action or claim shall contain provisions relating  
 23 to statute of limitations, non-economic damages, joint and  
 24 several liability, punitive damages, collateral source rule,

1 and periodic payments which are identical to the provi-  
 2 sions relating to such matters in this title.

3 (b) **ALTERNATIVE DISPUTE RESOLUTION SYSTEM**  
 4 **DEFINED.**—In this title, the term “alternative dispute res-  
 5 olution system” means a system that provides for the reso-  
 6 lution of District of Columbia health care liability claims  
 7 in a manner other than through District of Columbia  
 8 health care liability actions.

## 9 **Subtitle B—General Provisions**

### 10 **SEC. 211. GENERAL DEFINITIONS.**

11 (a) **DISTRICT OF COLUMBIA HEALTH CARE LIABIL-**  
 12 **ITY ACTION.**—

13 (1) **IN GENERAL.**—In this title, the term “Dis-  
 14 trict of Columbia health care liability action” means  
 15 a civil action brought against a health care provider,  
 16 an entity which is obligated to provide or pay for  
 17 health benefits under any health benefit plan (in-  
 18 cluding any person or entity acting under a contract  
 19 or arrangement to provide or administer any health  
 20 benefit), or the manufacturer, distributor, supplier,  
 21 marketer, promoter, or seller of a medical product,  
 22 in which the claimant alleges a claim (including  
 23 third party claims, cross claims, counter claims, or  
 24 distribution claims) based upon the provision of (or  
 25 the failure to provide or pay for) health care services

1 or the use of a medical product within the District  
2 of Columbia, regardless of the theory of liability on  
3 which the claim is based or the number of plaintiffs,  
4 defendants, or causes of action.

5 (2) HEALTH BENEFIT PLAN.—The term  
6 “health benefit plan” means—

7 (A) a hospital or medical expense incurred  
8 policy or certificate,

9 (B) a hospital or medical service plan con-  
10 tract,

11 (C) a health maintenance subscriber con-  
12 tract, or

13 (D) a Medicare+Choice plan (as described  
14 in section 1859(b)(1) of the Social Security  
15 Act),

16 that provides benefits with respect to health care  
17 services.

18 (3) HEALTH CARE PROVIDER.—The term  
19 “health care provider” means any person that is en-  
20 gaged in the delivery of health care services in the  
21 District of Columbia and that is required by the  
22 laws or regulations of the District of Columbia to be  
23 licensed or certified to engage in the delivery of such  
24 services in the District of Columbia, and includes an  
25 employee of the government of the District of Co-



1       lumbia (including an independent agency of the Dis-  
2       trict of Columbia).

3       (b) DISTRICT OF COLUMBIA HEALTH CARE LIABIL-  
4       ITY CLAIM.—The term “District of Columbia health care  
5       liability claim” means a claim in which the claimant al-  
6       leges that injury was caused by the provision of (or the  
7       failure to provide) health care services within the District  
8       of Columbia.

9       (c) OTHER DEFINITIONS.—As used in this title:

10           (1) ACTUAL DAMAGES.—The term “actual dam-  
11       ages” means damages awarded to pay for economic  
12       loss.

13           (2) CLAIMANT.—The term “claimant” means  
14       any person who brings a District of Columbia health  
15       care liability action and any person on whose behalf  
16       such an action is brought. If such action is brought  
17       through or on behalf of an estate, the term includes  
18       the claimant’s decedent. If such action is brought  
19       through or on behalf of a minor or incompetent, the  
20       term includes the claimant’s legal guardian.

21           (3) CLEAR AND CONVINCING EVIDENCE.—The  
22       term “clear and convincing evidence” is that meas-  
23       ure or degree of proof that will produce in the mind  
24       of the trier of fact a firm belief or conviction as to  
25       the truth of the allegations sought to be established.

1 Such measure or degree of proof is more than that  
2 required under preponderance of the evidence but  
3 less than that required for proof beyond a reason-  
4 able doubt.

5 (4) ECONOMIC LOSS.—The term “economic  
6 loss” means any pecuniary loss resulting from injury  
7 (including the loss of earnings or other benefits re-  
8 lated to employment, medical expense loss, replace-  
9 ment services loss, loss due to death, burial costs,  
10 and loss of business or employment opportunities);  
11 to the extent recovery for such loss is allowed under  
12 applicable District of Columbia law.

13 (5) HARM.—The term “harm” means any le-  
14 gally cognizable wrong or injury for which punitive  
15 damages may be imposed.

16 (6) HEALTH CARE SERVICE.—The term “health  
17 care service” means any service for which payment  
18 may be made under a health benefit plan including  
19 services related to the delivery or administration of  
20 such service.

21 (7) NONECONOMIC DAMAGES.—The term “non-  
22 economic damages” means damages paid to an indi-  
23 vidual for pain and suffering, inconvenience, emo-  
24 tional distress, mental anguish, loss of consortium,

1 injury to reputation, humiliation, and other nonpecu-  
2 niary losses.

3 (8) PERSON.—The term “person” means any  
4 individual, corporation, company, association, firm,  
5 partnership, society, joint stock company, or any  
6 other entity, including any governmental entity.

7 (9) PUNITIVE DAMAGES.—The term “punitive  
8 damages” means damages awarded against any per-  
9 son not to compensate for actual injury suffered, but  
10 to punish or deter such person or others from en-  
11 gaging in similar behavior in the future.

12 **SEC. 212. NONAPPLICATION TO CERTAIN ACTIONS; PRE-**  
13 **EMPTION.**

14 (a) APPLICABILITY.—This title shall not apply to—

15 (1) an action for damages arising from a vac-  
16 cine-related injury or death to the extent that title  
17 XXI of the Public Health Service Act applies to the  
18 action, or

19 (2) an action under the Employee Retirement  
20 Income Security Act of 1974 (29 U.S.C. 1001 et  
21 seq.).

22 (b) PREEMPTION.—This title shall preempt any Dis-  
23 trict of Columbia law to the extent such law is inconsistent  
24 with the limitations contained in this title. This title shall  
25 not preempt any District of Columbia law that provides

1 for defenses or places limitations on a person's liability  
2 in addition to those contained in this title or otherwise  
3 imposes greater restrictions than those provided in this  
4 title.

5 (e) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE  
6 OF LAW OR VENUE.—Nothing in this title may be con-  
7 strued to—

8 (1) waive or affect any defense of sovereign im-  
9 munity asserted by the District of Columbia under  
10 any provision of law;

11 (2) waive or affect any defense of sovereign im-  
12 munity asserted by the United States;

13 (3) affect the applicability of any provision of  
14 the Foreign Sovereign Immunities Act of 1976;

15 (4) preempt any choice-of-law rules with respect  
16 to claims brought by a foreign nation or a citizen of  
17 a foreign nation; or

18 (5) affect the right of any court to transfer  
19 venue or to apply the law of a foreign nation or to  
20 dismiss a claim of a foreign nation or of a citizen  
21 of a foreign nation on the ground of inconvenient  
22 forum.

1 **SEC. 213. RULES OF CONSTRUCTION REGARDING JURIS-**  
2 **DICTION OF FEDERAL COURTS.**

3 (a) **AMOUNT IN CONTROVERSY.**—In an action to  
4 which this title applies and which is brought under section  
5 1332 of title 28, United States Code, the amount of non-  
6 economic damages or punitive damages, and attorneys'  
7 fees or costs, shall not be included in determining whether  
8 the matter in controversy exceeds the sum or value of  
9 \$50,000.

10 (b) **FEDERAL COURT JURISDICTION NOT ESTAB-**  
11 **LISHED ON FEDERAL QUESTION GROUNDS.**—Nothing in  
12 this title shall be construed to establish any jurisdiction  
13 in the district courts of the United States over District  
14 of Columbia health care liability actions on the basis of  
15 section 1331 or 1337 of title 28, United States Code.

16 **Subtitle C—Effective Date**

17 **SEC. 221. EFFECTIVE DATE.**

18 This title shall apply to any District of Columbia  
19 health care liability action and to any District of Columbia  
20 health care liability claim subject to an alternative dispute  
21 resolution system, that is initiated on or after the date  
22 of the enactment of this title, except that any such action  
23 or claim arising from an injury occurring prior to such  
24 date shall be governed by the applicable statute of limita-  
25 tions provisions in effect at the time the injury occurred.

1 **TITLE III—DISTRICT OF COLUM-**  
 2 **BIA EDUCATION REFORM ACT**  
 3 **OF 1997**

4 **Subtitle A—Amendments to Dis-**  
 5 **trict of Columbia School Reform**  
 6 **Act of 1995**

7 **SEC. 301. SHORT TITLE.**

8 This title may be cited as the “District of Columbia  
 9 Education Reform Amendments Act of 1997”.

10 **SEC. 302. GENERAL EFFECTIVE DATE.**

11 Section ~~2003~~ of the District of Columbia School Re-  
 12 form Act of 1995 (Public Law ~~104–134~~; ~~110~~ Stat. ~~1321–~~  
 13 ~~112~~; D.C. Code § ~~31–2851~~) is amended by striking “shall  
 14 be effective” and all that follows through the period at  
 15 the end and inserting “shall take effect on the date of  
 16 the enactment of this Act.”.

17 **SEC. 303. TIMETABLE FOR APPROVAL OF PUBLIC CHARTER**  
 18 **SCHOOL PETITIONS.**

19 Section ~~2203(i)(2)(A)~~ of the District of Columbia  
 20 School Reform Act of 1995 (Public Law ~~104–134~~; ~~110~~  
 21 Stat. ~~3009–504~~; D.C. Code § ~~31–2853.13(i)(2)(A)~~) is  
 22 amended to read as follows:

23 “(A) IN GENERAL.—

24 “(i) ANNUAL LIMIT.—Subject to sub-  
 25 paragraph (B) and clause (ii), during eal-

1           endar year 1997, and during each subse-  
 2           quent calendar year, each eligible charter-  
 3           ing authority shall not approve more than  
 4           10 petitions to establish a public charter  
 5           school under this subtitle.

6           “(ii) ~~TIMETABLE.~~—Any petition ap-  
 7           proved under clause (i) shall be approved  
 8           during an application approval period that  
 9           terminates on April 1 of each year. Such  
 10          an approval period may commence before  
 11          or after January 1 of the calendar year in  
 12          which it terminates, except that any peti-  
 13          tion approved at any time during such an  
 14          approval period shall count, for purposes of  
 15          clause (i), against the total number of peti-  
 16          tions approved during the calendar year in  
 17          which the approval period terminates.”.

18 **SEC. 304. INCREASE IN PERMITTED NUMBER OF TRUSTEES**  
 19 **OF PUBLIC CHARTER SCHOOL.**

20          Section 2205(a) of the District of Columbia School  
 21 Reform Act of 1995 (Public Law 104-134; 110 Stat.  
 22 1321-122; D.C. Code § 31-2853.15(a)) is amended by  
 23 striking “7,” and inserting “15,”.

1 **SEC. 305. LEASE TERMS FOR PERSONS OPERATING CHAR-**  
2 **TER SCHOOLS.**

3 (a) LEASING FORMER OR UNUSED PUBLIC SCHOOL  
4 PROPERTIES.—

5 (1) IN GENERAL.—Section 2209(b)(1)(A) of the  
6 District of Columbia School Reform Act of 1995  
7 (Public Law 104–134; 110 Stat. 3009–505; D.C.  
8 Code § ~~31–2853.19~~(b)(1)(A)) is amended to read as  
9 follows:

10 “(A) IN GENERAL.—Notwithstanding any  
11 other provision of law relating to the disposition  
12 of a facility or property described in subpara-  
13 graph (C), the Mayor and the District of Co-  
14 lumbia Government—

15 “(i) subject to clause (ii), shall give  
16 preference to an eligible applicant whose  
17 petition to establish a public charter school  
18 has been conditionally approved under sec-  
19 tion 2203(d)(2), or a Board of Trustees,  
20 with respect to the purchase of a facility or  
21 property described in subparagraph (C), if  
22 doing so will not result in a significant loss  
23 of revenue that might be obtained from  
24 other dispositions or uses of the facility or  
25 property; and



1           “(ii) shall lease a facility or property  
2           described in subparagraph (C), at an an-  
3           nual rate of \$1, to an eligible applicant  
4           whose petition to establish a public charter  
5           school has been conditionally approved  
6           under section 2203(d)(2), or a Board of  
7           Trustees, if—

8                   “(I) the eligible applicant or  
9                   Board of Trustees requests a lease  
10                  pursuant to this paragraph for the  
11                  purpose of operating the facility or  
12                  property as a public charter school  
13                  under this subtitle; and

14                   “(II) the facility or property is  
15                  not yet otherwise disposed of (by sale,  
16                  lease, or otherwise).”.

17           (2) TERMINATION OF LEASE.—Section  
18           2209(b)(1) of the District of Columbia School Re-  
19           form Act of 1995 (Public Law 104-134; 110 Stat.  
20           3009-505; D.C. Code § 31-2853.19(b)(1)) is  
21           amended—

22                   (A) by redesignating subparagraph (B) as  
23                   subparagraph (C); and

24                   (B) by inserting after subparagraph (A)  
25                   the following:

1           “(B) TERMINATION OF LEASE.—Any lease  
2 entered into pursuant to this paragraph with  
3 respect to a public charter school shall be  
4 deemed to terminate—

5           “(i) upon the denial of an application  
6 to renew the charter granted to the school  
7 under section 2212, or, in a case where ju-  
8 dicial review of the denial is sought under  
9 section 2212(d)(6), upon the entry of an  
10 order, not subject to further review, up-  
11 holding a decision to deny such an applica-  
12 tion, whichever occurs later;

13           “(ii) upon the revocation of the char-  
14 ter granted to the school under section  
15 2213, or, in a case where judicial review of  
16 the revocation is sought under section  
17 2213(e)(6), upon the entry of an order, not  
18 subject to further review, upholding the  
19 revocation, whichever occurs later; or

20           “(iii) in the case of a lease to an eligi-  
21 ble applicant whose petition to establish a  
22 public charter school has been conditionally  
23 approved under section 2203(d)(2), upon  
24 the termination of such conditional ap-  
25 proval by reason of the applicant’s failure

1           timely to submit the identification and in-  
 2           formation described in section  
 3           ~~2202(6)(B)(i).~~”.

4           ~~(3)~~ CONFORMING AMENDMENT.—Section  
 5           ~~225(d)~~ of the District of Columbia Financial Re-  
 6           sponsibility and Management Assistance Act of 1995  
 7           (Public Law 104–8; 110 Stat. 3009–508; D.C. Code  
 8           § ~~47–392.25(d)~~) is amended by striking “section  
 9           ~~2209(b)(1)(B)~~ of the District of Columbia School  
 10          Reform Act of 1995” and inserting “section  
 11          ~~2209(b)(1)(C)~~ of the District of Columbia School  
 12          Reform Act of 1995, other than a facility or real  
 13          property that is subject to a lease under section  
 14          ~~2209(b)(1)(A)(ii)~~ of such Act,”.

15          (b) CONVERSIONS OF PUBLIC SCHOOLS.—Section  
 16          ~~2209(b)~~ of the District of Columbia School Reform Act  
 17          of 1995 (Public Law 104–134; 110 Stat. 3009–505; D.C.  
 18          Code § ~~31–2853.19(b)~~) is amended by adding at the end  
 19          the following:

20                 ~~(3)~~ SPECIAL RULE FOR PERSONS CONVERTING  
 21          PUBLIC SCHOOL INTO CHARTER SCHOOL.—

22                         “(A) IN GENERAL.—Notwithstanding any  
 23                         other provision of law relating to the disposition  
 24                         of a facility or property described in this para-  
 25                         graph, the Mayor and the District of Columbia

1 Government shall lease a facility or property, at  
2 an annual rate of \$1, to an eligible applicant  
3 whose petition to establish a public charter  
4 school has been conditionally approved under  
5 section 2203(d)(2), or a Board of Trustees, if—

6 “(i) the facility or property is under  
7 the jurisdiction of the Board of Education;

8 “(ii) the eligible applicant or Board of  
9 Trustees requests a lease pursuant to this  
10 paragraph for the purpose of operating the  
11 facility or property as a public charter  
12 school under this subtitle; and

13 “(iii) immediately prior to the date of  
14 such request, the facility or property—

15 “(I) was operated as a District of  
16 Columbia public school, and the re-  
17 quirements of section 2202(a) were  
18 met; or

19 “(II) was operated as a public  
20 charter school under this subtitle.

21 “(B) TERMINATION OF LEASE.—Any lease  
22 entered into pursuant to this paragraph with  
23 respect to a public charter school shall be  
24 deemed to terminate—

1           “(i) upon the denial of an application  
2           to renew the charter granted to the school  
3           under section 2212, or, in a case where ju-  
4           dicial review of the denial is sought under  
5           section 2212(d)(6), upon the entry of an  
6           order, not subject to further review, up-  
7           holding a decision to deny such an applica-  
8           tion, whichever occurs later;

9           “(ii) upon the revocation of the char-  
10          ter granted to the school under section  
11          2213, or, in a case where judicial review of  
12          the revocation is sought under section  
13          2213(e)(6), upon the entry of an order, not  
14          subject to further review, upholding the  
15          revocation, whichever occurs later; or

16          “(iii) in the case of a lease to an eligi-  
17          ble applicant whose petition to establish a  
18          public charter school has been conditionally  
19          approved under section 2203(d)(2), upon  
20          the termination of such conditional ap-  
21          proval by reason of the applicant’s failure  
22          timely to submit the identification and in-  
23          formation described in section  
24          2202(6)(B)(i).”.

1       (e) LEASING CURRENT PUBLIC SCHOOL PROP-  
2       ERTIES.—

3           (1) IN GENERAL.—Section 2209(b)(2)(A) of the  
4       District of Columbia School Reform Act of 1995  
5       (Public Law 104–134; 110 Stat. 3009–506; D.C.  
6       Code § ~~31–2853.19~~(b)(2)(A)) is amended to read as  
7       follows:

8           “(A) IN GENERAL.—Notwithstanding any  
9       other provision of law relating to the disposition  
10      of a facility or property described in subpara-  
11      graph (C), but subject to paragraph (3), the  
12      Mayor and the District of Columbia Govern-  
13      ment shall lease a facility or property described  
14      in subparagraph (C), at an annual rate of \$1,  
15      to an eligible applicant whose petition to estab-  
16      lish a public charter school has been condi-  
17      tionally approved under section 2203(d)(2), or  
18      a Board of Trustees, if the eligible applicant or  
19      Board of Trustees requests a lease pursuant to  
20      this paragraph for the purpose of—

21           “(i) operating the facility or property  
22           as a public charter school under this sub-  
23           title; or

24           “(ii) using the facility or property for  
25           a purpose directly related to the operation

1 of a public charter school under this sub-  
2 title.”.

3 ~~(2)~~ TERMINATION OF LEASE.—Section  
4 2209(b)(2) of the District of Columbia School Re-  
5 form Act of 1995 (Public Law 104–134; 110 Stat.  
6 3009–506; D.C. Code § 31–2853.19(b)(2)) is  
7 amended—

8 (A) by redesignating subparagraph (B) as  
9 subparagraph (C); and

10 (B) by inserting after subparagraph (A)  
11 the following:

12 “(B) TERMINATION OF LEASE.—Any lease  
13 entered into pursuant to this paragraph with  
14 respect to a public charter school shall be  
15 deemed to terminate—

16 “(i) upon the denial of an application  
17 to renew the charter granted to the school  
18 under section 2212, or, in a case where ju-  
19 dicial review of the denial is sought under  
20 section 2212(d)(6), upon the entry of an  
21 order, not subject to further review, up-  
22 holding a decision to deny such an applica-  
23 tion, whichever occurs later;

24 “(ii) upon the revocation of the char-  
25 ter granted to the school under section

1           ~~2213~~, or, in a case where judicial review of  
 2           the revocation is sought under section  
 3           ~~2213(e)(6)~~, upon the entry of an order, not  
 4           subject to further review, upholding the  
 5           revocation, whichever occurs later; or

6           “(iii) in the case of a lease to an eligi-  
 7           ble applicant whose petition to establish a  
 8           public charter school has been conditionally  
 9           approved under section ~~2203(d)(2)~~, upon  
 10          the termination of such conditional ap-  
 11          proval by reason of the applicant’s failure  
 12          timely to submit the identification and in-  
 13          formation described in section  
 14          ~~2202(6)(B)(i)~~.”.

15 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS FOR PUB-**  
 16 **LIC CHARTER SCHOOL BOARD.**

17          Section ~~2214(g)~~ of the District of Columbia School  
 18          Reform Act of 1995 (Public Law ~~104-134~~; 110 Stat.  
 19          ~~1321-133~~; D.C. Code § ~~31-2853.24(g)~~) is amended by in-  
 20          serting “to the Board” after “appropriated”.

21 **SEC. 307. ADJUSTMENT OF ANNUAL PAYMENT FOR RESI-**  
 22 **DENTIAL SCHOOLS.**

23          Section ~~2401(b)(3)(B)~~ of the District of Columbia  
 24          School Reform Act of 1995 (Public Law ~~104-134~~; 110



1 Stat. ~~1321–137~~; D.C. Code § ~~31–2853.41(b)(3)(B)~~) is  
 2 amended—

3           (1) in clause (i), by striking “or”;

4           (2) in clause (ii), by striking the period at the  
 5 end and inserting “; or”; and

6           (3) by adding at the end the following:

7                     “(iii) to whom the school provides  
 8                     room and board in a residential setting.”.

9 **SEC. 308. ADJUSTMENT OF ANNUAL PAYMENT FOR FACILI-**  
 10 **TIES COSTS.**

11           Section 2401(b)(3) of the District of Columbia School  
 12 Reform Act of 1995 (Public Law 104–134; 110 Stat.  
 13 ~~1321–137~~; D.C. Code § ~~31–2853.41(b)(3)~~) is amended by  
 14 adding at the end the following:

15                     “(C) **ADJUSTMENT FOR FACILITIES**  
 16 **COSTS.**—Notwithstanding paragraph (2), the  
 17 Mayor and the District of Columbia Council, in  
 18 consultation with the Board of Education and  
 19 the Superintendent, shall adjust the amount of  
 20 the annual payment under paragraph (1) to in-  
 21 crease the amount of such payment for a public  
 22 charter school to take into account leases or  
 23 purchases of, or improvements to, real property,  
 24 if the school, not later than April 1 of the fiscal

1           year preceding the payment, requests such an  
2           adjustment.”.

3 **SEC. 309. PAYMENTS TO NEW CHARTER SCHOOLS.**

4           (a) ~~IN GENERAL.~~—Section 2403(b) of the District of  
5 Columbia School Reform Act of 1995 (Public Law 104–  
6 134, 110 Stat. 1321–140; D.C. Code § 31–2853.43(b)) is  
7 amended to read as follows:

8           “(b) ~~PAYMENTS TO NEW SCHOOLS.~~—

9           “(1) ~~ESTABLISHMENT OF FUND.~~—There is es-  
10 tablished in the general fund of the District of Co-  
11 lumbia a fund to be known as the ‘New Charter  
12 School Fund’.

13           “(2) ~~CONTENTS OF FUND.~~—The New Charter  
14 School Fund shall consist of—

15           “(A) unexpended and unobligated amounts  
16 appropriated from local funds for public charter  
17 schools for fiscal year 1997 that reverted to the  
18 general fund of the District of Columbia;

19           “(B) amounts credited to the fund in ac-  
20 cordance with this subsection upon the receipt  
21 by a public charter school described in para-  
22 graph (5) of its first initial payment under sub-  
23 section (a)(2)(A) or its first final payment  
24 under subsection (a)(2)(B); and

25           “(C) any interest earned on such amounts.

1           ~~“(3) EXPENDITURES FROM FUND.—~~

2                   ~~“(A) IN GENERAL.—Not later than June~~  
3                   ~~1, 1998, and not later than June 1 of each year~~  
4                   ~~thereafter, the Chief Financial Officer of the~~  
5                   ~~District of Columbia shall pay, from the New~~  
6                   ~~Charter School Fund, to each public charter~~  
7                   ~~school described in paragraph (5), an amount~~  
8                   ~~equal to 25 percent of the amount yielded by~~  
9                   ~~multiplying the uniform dollar amount used in~~  
10                   ~~the formula established under section 2401(b)~~  
11                   ~~by the total anticipated enrollment as set forth~~  
12                   ~~in the petition to establish the public charter~~  
13                   ~~school.~~

14                   ~~“(B) PRO RATA REDUCTION.—If the~~  
15                   ~~amounts in the New Charter School Fund for~~  
16                   ~~any year are insufficient to pay the full amount~~  
17                   ~~that each public charter school described in~~  
18                   ~~paragraph (5) is eligible to receive under this~~  
19                   ~~subsection for such year, the Chief Financial~~  
20                   ~~Officer of the District of Columbia shall ratably~~  
21                   ~~reduce such amounts for such year on the basis~~  
22                   ~~of the formula described in section 2401(b).~~

23                   ~~“(C) FORM OF PAYMENT.—Payments~~  
24                   ~~under this subsection shall be made by elec-~~  
25                   ~~tronic funds transfer from the New Charter~~

1 School Fund to a bank designated by a public  
2 charter school.

3 ~~“(4) CREDITS TO FUND.—~~Upon the receipt by  
4 a public charter school described in paragraph (5)  
5 of—

6 ~~“(A) its first initial payment under sub-~~  
7 ~~section (a)(2)(A), the Chief Financial Officer of~~  
8 ~~the District of Columbia shall credit the New~~  
9 ~~Charter School Fund with 75 percent of the~~  
10 ~~amount paid to the school under paragraph (3);~~  
11 ~~and~~

12 ~~“(B) its first final payment under sub-~~  
13 ~~section (a)(2)(B), the Chief Financial Officer of~~  
14 ~~the District of Columbia shall credit the New~~  
15 ~~Charter School Fund with 25 percent of the~~  
16 ~~amount paid to the school under paragraph (3).~~

17 ~~“(5) SCHOOLS DESCRIBED.—~~A public charter  
18 school described in this paragraph is a public char-  
19 ter school that—

20 ~~“(A) did not enroll any students during~~  
21 ~~any portion of the fiscal year preceding the~~  
22 ~~most recent fiscal year for which funds are ap-~~  
23 ~~propriated to carry out this subsection; and~~

24 ~~“(B) operated as a public charter school~~  
25 ~~during the most recent fiscal year for which~~

1 funds are appropriated to carry out this sub-  
2 section:

3 ~~“(6) AUTHORIZATION OF APPROPRIATIONS.—~~

4 There are authorized to be appropriated to the Chief  
5 Financial Officer of the District of Columbia such  
6 sums as may be necessary to carry out this sub-  
7 section for each fiscal year.”.

8 ~~(b) REDUCTION OF ANNUAL PAYMENT.—~~

9 ~~(1) INITIAL PAYMENT.—~~Section 2403(a)(2)(A)  
10 of the District of Columbia School Reform Act (Pub-  
11 lic Law 104-134; 110 Stat. 1321-139; D.C. Code  
12 § 31-2853.43(a)(2)(A)) is amended to read as fol-  
13 lows:

14 ~~“(A) INITIAL PAYMENT.—~~

15 ~~“(i) IN GENERAL.—~~Except as pro-  
16 vided in clause (ii), not later than October  
17 15, 1996, and not later than October 15 of  
18 each year thereafter, the Mayor shall  
19 transfer, by electronic funds transfer, an  
20 amount equal to 75 percent of the amount  
21 of the annual payment for each public  
22 charter school determined by using the for-  
23 mula established pursuant to section  
24 2401(b) to a bank designated by such  
25 school.

1           “(ii) REDUCTION IN CASE OF NEW  
2           SCHOOL.—In the case of a public charter  
3           school that has received a payment under  
4           subsection (b) in the fiscal year imme-  
5           diately preceding the fiscal year in which a  
6           transfer under clause (i) is made, the  
7           amount transferred to the school under  
8           clause (i) shall be reduced by an amount  
9           equal to 75 percent of the amount of the  
10          payment under subsection (b).”.

11          (2) FINAL PAYMENT.—Section 2403(a)(2)(B)  
12          of the District of Columbia School Reform Act (Pub-  
13          lic Law 104-134, 110 Stat. 1321-139, D.C. Code  
14          § 31-2853.43(a)(2)(B)) is amended—

15               (A) in clause (i)—

16                   (i) by inserting “IN GENERAL.—” be-  
17                   fore “Except”; and

18                   (ii) by striking “clause (ii),” and in-  
19                   serting “clauses (ii) and (iii),”;

20               (B) in clause (ii), by inserting “ADJUST-  
21               MENT FOR ENROLLMENT.—” before “Not later  
22               than March 15, 1997,”; and

23               (C) by adding at the end the following:

24                   “(iii) REDUCTION IN CASE OF NEW  
25                   SCHOOL.—In the case of a public charter

1 school that has received a payment under  
 2 subsection (b) in the fiscal year imme-  
 3 diately preceding the fiscal year in which a  
 4 transfer under clause (i) is made, the  
 5 amount transferred to the school under  
 6 clause (i) shall be reduced by an amount  
 7 equal to 25 percent of the amount of the  
 8 payment under subsection (b).”.

9 **SEC. 310. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT**  
 10 **CORPORATION.**

11 Section 2603 of the District of Columbia School Re-  
 12 form Act (Public Law 104-134; 110 Stat. 1321-144; D.C.  
 13 Code § 31-2853.63) is amended to read as follows:

14 **“SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NON-**  
 15 **PROFIT CORPORATION.**

16 “A private, nonprofit corporation shall be eligible to  
 17 receive a grant under section 2602 if the corporation is  
 18 a business organization incorporated in the District of Co-  
 19 lumbia, that—

20 “(1) has a board of directors which includes  
 21 members who are also executives of technology-relat-  
 22 ed corporations involved in education and workforce  
 23 development issues;

1           “(2) has extensive practical experience with ini-  
2           tiatives that link business resources and expertise  
3           with education and training systems;

4           “(3) has experience in working with State and  
5           local educational agencies with respect to the inte-  
6           gration of academic studies with workforce prepara-  
7           tion programs; and

8           “(4) has a structure through which additional  
9           resources can be leveraged and innovative practices  
10          disseminated.”.

## 11           **Subtitle B—Student Opportunity** 12                           **Scholarships**

### 13           **SEC. 341. DEFINITIONS.**

14           As used in this subtitle—

15           (1) the term “Board” means the Board of Di-  
16           rectors of the Corporation established under section  
17           342(b)(1);

18           (2) the term “Corporation” means the District  
19           of Columbia Scholarship Corporation established  
20           under section 342(a);

21           (3) the term “eligible institution”—

22                   (A) in the case of an eligible institution  
23                   serving a student who receives a tuition scholar-  
24                   ship under section 343(d)(1); means a public;



1 private, or independent elementary or secondary  
2 school; and

3 (B) in the case of an eligible institution  
4 serving a student who receives an enhanced  
5 achievement scholarship under section  
6 343(d)(2), means an elementary or secondary  
7 school, or an entity that provides services to a  
8 student enrolled in an elementary or secondary  
9 school to enhance such student's achievement  
10 through activities described in section  
11 343(d)(2);

12 (4) the term "parent" includes a legal guardian  
13 or other person standing in loco parentis; and

14 (5) the term "poverty line" means the income  
15 official poverty line (as defined by the Office of Man-  
16 agement and Budget, and revised annually in ac-  
17 cordance with section 673(2) of the Community  
18 Services Block Grant Act (42 U.S.C. 9902(2)) appli-  
19 cable to a family of the size involved.

20 **SEC. 342. DISTRICT OF COLUMBIA SCHOLARSHIP COR-**  
21 **PORATION.**

22 (a) GENERAL REQUIREMENTS.—

23 (1) IN GENERAL.—There is authorized to be es-  
24 tablished a private, nonprofit corporation, to be  
25 known as the "District of Columbia Scholarship

1 Corporation”, which is neither an agency nor estab-  
2 lishment of the United States Government or the  
3 District of Columbia Government.

4 (2) DUTIES.—The Corporation shall have the  
5 responsibility and authority to administer, publicize,  
6 and evaluate the scholarship program in accordance  
7 with this subtitle, and to determine student and  
8 school eligibility for participation in such program.

9 (3) CONSULTATION.—The Corporation shall ex-  
10 ercise its authority—

11 (A) in a manner consistent with maximiz-  
12 ing educational opportunities for the maximum  
13 number of interested families; and

14 (B) in consultation with the District of Co-  
15 lumbia Board of Education or entity exercising  
16 administrative jurisdiction over the District of  
17 Columbia Public Schools; the Superintendent of  
18 the District of Columbia Public Schools; and  
19 other school scholarship programs in the Dis-  
20 trict of Columbia.

21 (4) APPLICATION OF PROVISIONS.—The Cor-  
22 poration shall be subject to the provisions of this  
23 subtitle, and, to the extent consistent with this sub-  
24 title, to the District of Columbia Nonprofit Corpora-  
25 tion Act (D.C. Code, sec. 29–501 et seq.).

1           (5) RESIDENCE.—The Corporation shall have  
2 its place of business in the District of Columbia and  
3 shall be considered, for purposes of venue in civil ac-  
4 tions, to be a resident of the District of Columbia.

5           (6) FUND.—There is established in the Treas-  
6 ury a fund that shall be known as the District of  
7 Columbia Scholarship Fund, to be administered by  
8 the Secretary of the Treasury.

9           (7) DISBURSEMENT.—The Secretary of the  
10 Treasury shall make available and disburse to the  
11 Corporation, before October 15 of each fiscal year or  
12 not later than 15 days after the date of enactment  
13 of an Act making appropriations for the District of  
14 Columbia for such year, whichever occurs later, such  
15 funds as have been appropriated to the District of  
16 Columbia Scholarship Fund for the fiscal year in  
17 which such disbursement is made.

18           (8) AVAILABILITY.—Funds authorized to be ap-  
19 propriated under this subtitle shall remain available  
20 until expended.

21           (9) USES.—Funds authorized to be appro-  
22 priated under this subtitle shall be used by the Cor-  
23 poration in a prudent and financially responsible  
24 manner, solely for scholarships, contracts, and ad-  
25 ministrative costs.

1 (10) AUTHORIZATION.—

2 (A) IN GENERAL.—There are authorized to  
3 be appropriated to the District of Columbia  
4 Scholarship Fund—

5 (i) \$7,000,000 for fiscal year 1998;

6 (ii) \$8,000,000 for fiscal year 1999;

7 and

8 (iii) \$10,000,000 for each of fiscal  
9 years 2000 through 2002.

10 (B) LIMITATION.—Not more than 7.5 per-  
11 cent of the amount appropriated to carry out  
12 this subtitle for any fiscal year may be used by  
13 the Corporation for salaries and administrative  
14 costs.

15 (b) ORGANIZATION AND MANAGEMENT; BOARD OF  
16 DIRECTORS.—

17 (1) BOARD OF DIRECTORS; MEMBERSHIP.—

18 (A) IN GENERAL.—The Corporation shall  
19 have a Board of Directors (referred to in this  
20 subtitle as the “Board”), comprised of 7 mem-  
21 bers with 6 members of the Board appointed by  
22 the President not later than 30 days after re-  
23 ceipt of nominations from the Speaker of the  
24 House of Representatives and the majority  
25 leader of the Senate.

1           (B) HOUSE NOMINATIONS.—The President  
2 shall appoint 3 of the members from a list of  
3 9 individuals nominated by the Speaker of the  
4 House of Representatives in consultation with  
5 the minority leader of the House of Representa-  
6 tives.

7           (C) SENATE NOMINATIONS.—The Presi-  
8 dent shall appoint 3 members from a list of 9  
9 individuals nominated by the majority leader of  
10 the Senate in consultation with the minority  
11 leader of the Senate.

12           (D) DEADLINE.—The Speaker of the  
13 House of Representatives and majority leader  
14 of the Senate shall submit their nominations to  
15 the President not later than 30 days after the  
16 date of the enactment of this Act.

17           (E) APPOINTEE OF MAYOR.—The Mayor  
18 shall appoint 1 member of the Board not later  
19 than 60 days after the date of the enactment of  
20 this Act.

21           (F) POSSIBLE INTERIM MEMBERS.—If the  
22 President does not appoint the 6 members of  
23 the Board in the 30-day period described in  
24 subparagraph (A), then the Speaker of the  
25 House of Representatives and the Majority

1 Leader of the Senate shall each appoint 2 mem-  
2 bers of the Board, and the Minority Leader of  
3 the House of Representatives and the Minority  
4 Leader of the Senate shall each appoint 1 of  
5 the Board, from among the individuals nomi-  
6 nated pursuant to subparagraphs (A) and (B),  
7 as the case may be. The appointees under the  
8 preceding sentence together with the appointee  
9 of the Mayor, shall serve as an interim Board  
10 with all the powers and other duties of the  
11 Board described in this subtitle, until the Presi-  
12 dent makes the appointments as described in  
13 this paragraph.

14 (2) POWERS.—All powers of the Corporation  
15 shall vest in and be exercised under the authority of  
16 the Board.

17 (3) ELECTIONS.—Members of the Board annu-  
18 ally shall elect 1 of the members of the Board to be  
19 chairperson of the Board.

20 (4) RESIDENCY.—All members appointed to the  
21 Board shall be residents of the District of Columbia  
22 at the time of appointment and while serving on the  
23 Board.

24 (5) NONEMPLOYEE.—No member of the Board  
25 may be an employee of the United States Govern-

1 ment or the District of Columbia Government when  
2 appointed to or during tenure on the Board, unless  
3 the individual is on a leave of absence from such a  
4 position while serving on the Board.

5 (6) INCORPORATION.—The members of the ini-  
6 tial Board shall serve as incorporators and shall take  
7 whatever steps are necessary to establish the Cor-  
8 poration under the District of Columbia Nonprofit  
9 Corporation Act (D.C. Code, sec. 29–501 et seq.).

10 (7) GENERAL TERM.—The term of office of  
11 each member of the Board shall be 5 years, except  
12 that any member appointed to fill a vacancy occur-  
13 ring prior to the expiration of the term for which the  
14 predecessor was appointed shall be appointed for the  
15 remainder of such term.

16 (8) CONSECUTIVE TERM.—No member of the  
17 Board shall be eligible to serve in excess of 2 con-  
18 secutive terms of 5 years each. A partial term shall  
19 be considered as 1 full term. Any vacancy on the  
20 Board shall not affect the Board's power, but shall  
21 be filled in a manner consistent with this subtitle.

22 (9) NO BENEFIT.—No part of the income or as-  
23 sets of the Corporation shall inure to the benefit of  
24 any Director, officer, or employee of the Corpora-

1 tion, except as salary or reasonable compensation for  
2 services.

3 (10) POLITICAL ACTIVITY.—The Corporation  
4 may not contribute to or otherwise support any po-  
5 litical party or candidate for elective public office.

6 (11) NO OFFICERS OR EMPLOYEES.—The mem-  
7 bers of the Board shall not, by reason of such mem-  
8 bership, be considered to be officers or employees of  
9 the United States Government or of the District of  
10 Columbia Government.

11 (12) STIPENDS.—The members of the Board,  
12 while attending meetings of the Board or while en-  
13 gaged in duties related to such meetings or other ac-  
14 tivities of the Board pursuant to this subtitle, shall  
15 be provided a stipend. Such stipend shall be at the  
16 rate of \$150 per day for which the member of the  
17 Board is officially recorded as having worked, except  
18 that no member may be paid a total stipend amount  
19 in any calendar year in excess of \$5,000.

20 (c) OFFICERS AND STAFF.—

21 (1) EXECUTIVE DIRECTOR.—The Corporation  
22 shall have an Executive Director, and such other  
23 staff, as may be appointed by the Board for terms  
24 and at rates of compensation, not to exceed level



1        ~~EG-16~~ of the Educational Service of the District of  
2        Columbia, to be fixed by the Board.

3            (2) ~~STAFF.~~—With the approval of the Board,  
4        the Executive Director may appoint and fix the sal-  
5        ary of such additional personnel as the Executive  
6        Director considers appropriate.

7            (3) ~~ANNUAL RATE.~~—No staff of the Corpora-  
8        tion may be compensated by the Corporation at an  
9        annual rate of pay greater than the annual rate of  
10       pay of the Executive Director.

11           (4) ~~SERVICE.~~—All officers and employees of the  
12       Corporation shall serve at the pleasure of the Board.

13           (5) ~~QUALIFICATION.~~—No political test or quali-  
14       fication may be used in selecting, appointing, pro-  
15       moting, or taking other personnel actions with re-  
16       spect to officers, agents, or employees of the Cor-  
17       poration.

18        (d) ~~POWERS OF THE CORPORATION.~~—

19            (1) ~~GENERALLY.~~—The Corporation is author-  
20       ized to obtain grants from, and make contracts with,  
21       individuals and with private, State, and Federal  
22       agencies, organizations, and institutions.

23            (2) ~~HIRING AUTHORITY.~~—The Corporation may  
24       hire, or accept the voluntary services of, consultants,

1 experts, advisory boards, and panels to aid the Cor-  
2 poration in carrying out this subtitle.

3 ~~(c) FINANCIAL MANAGEMENT AND RECORDS.—~~

4 ~~(1) AUDITS.—~~The financial statements of the  
5 Corporation shall be—

6 ~~(A)~~ maintained in accordance with gen-  
7 erally accepted accounting principles for non-  
8 profit corporations; and

9 ~~(B)~~ audited annually by independent cer-  
10 tified public accountants.

11 ~~(2) REPORT.—~~The report for each such audit  
12 shall be included in the annual report to Congress  
13 required by section 350(c).

14 ~~(f) RESPONSIBILITIES OF THE CORPORATION.—~~

15 ~~(1) APPLICATION SCHEDULE AND PROCEDURES~~  
16 ~~FOR CERTIFICATION.—~~Not later than 60 days after  
17 the Board has been appointed, the Corporation shall  
18 implement a schedule and procedures for processing  
19 applications for awarding student scholarships under  
20 this subtitle that includes a list of certified eligible  
21 institutions, distribution of information to parents  
22 and the general public (including through a news-  
23 paper of general circulation), and deadlines for steps  
24 in the scholarship application and award process.

1           (2) APPLICATION.—An eligible institution that  
2           desires to participate in the scholarship program  
3           under this subtitle shall file an application with the  
4           Corporation for certification for participation in the  
5           scholarship program under this subtitle which  
6           shall—

7                   (A) demonstrate that the eligible institu-  
8                   tion has operated with not less than 25 stu-  
9                   dents during the 3 years preceding the year for  
10                   which the determination is made unless the eli-  
11                   gible institution is applying for certification as  
12                   a new eligible institution under subsection (e);

13                   (B) contain an assurance that the eligible  
14                   institution will comply with all applicable re-  
15                   quirements of this subtitle;

16                   (C) contain an annual statement of the eli-  
17                   gible institution's budget; and

18                   (D) describe the eligible institution's pro-  
19                   posed program, including personnel qualifica-  
20                   tions and fees.

21           (3) CERTIFICATION.—

22                   (A) IN GENERAL.—Not later than 60 days  
23                   after receipt of an application in accordance  
24                   with paragraph (2), the Corporation shall cer-

1           tify an eligible institution to participate in the  
2           scholarship program under this subtitle.

3           (B) CONTINUATION.—An eligible institu-  
4           tion's certification to participate in the scholar-  
5           ship program shall continue unless such eligible  
6           institution's certification is revoked in accord-  
7           ance with paragraph (5).

8           (4) NEW ELIGIBLE INSTITUTION.—

9           (A) IN GENERAL.—An eligible institution  
10          that did not operate with at least 25 students  
11          in the 3 years preceding the year for which the  
12          determination is made may apply for a 1-year  
13          provisional certification to participate in the  
14          scholarship program under this subtitle for a  
15          single year by providing to the Corporation not  
16          later than July 1 of the year preceding the year  
17          for which the determination is made—

18                 (i) a list of the eligible institution's  
19                 board of directors;

20                 (ii) letters of support from not less  
21                 than 10 members of the community served  
22                 by such eligible institution;

23                 (iii) a business plan;

24                 (iv) an intended course of study;

1           (v) assurances that the eligible insti-  
2           tution will begin operations with not less  
3           than 25 students;

4           (vi) assurances that the eligible insti-  
5           tution will comply with all applicable re-  
6           quirements of this subtitle; and

7           (vii) a statement that satisfies the re-  
8           quirements of paragraphs (2) and (4) of  
9           subsection (a).

10          (B) CERTIFICATION.—Not later than 60  
11          days after the date of receipt of an application  
12          described in paragraph (2), the Corporation  
13          shall certify in writing the eligible institution's  
14          provisional certification to participate in the  
15          scholarship program under this subtitle unless  
16          the Corporation determines that good cause ex-  
17          ists to deny certification.

18          (C) RENEWAL OF PROVISIONAL CERTIFI-  
19          CATION.—After receipt of an application under  
20          subparagraph (A) from an eligible institution  
21          that includes a statement of the eligible institu-  
22          tion's budget completed not earlier than 12  
23          months before the date such application is filed,  
24          the Corporation shall renew an eligible institu-  
25          tion's provisional certification for the second

1 and third years of the school's participation in  
2 the scholarship program under this subtitle un-  
3 less the Corporation finds—

4 (i) good cause to deny the renewal, in-  
5 cluding a finding of a pattern of violation  
6 of requirements described in paragraph  
7 (6)(A); or

8 (ii) consistent failure of 25 percent or  
9 more of the students receiving scholarships  
10 under this subtitle and attending such  
11 school to make appropriate progress (as  
12 determined by the Corporation) in aca-  
13 demic achievement.

14 (D) DENIAL OF CERTIFICATION.—If provi-  
15 sional certification or renewal of provisional cer-  
16 tification under this paragraph is denied, then  
17 the Corporation shall provide a written expla-  
18 nation to the eligible institution of the reasons  
19 for such denial.

20 (5) REVOCATION OF ELIGIBILITY.—

21 (A) IN GENERAL.—The Corporation, after  
22 notice and hearing, may revoke an eligible insti-  
23 tution's certification to participate in the schol-  
24 arship program under this subtitle for a year

1 succeeding the year for which the determination  
2 is made for—

3 (i) good cause, including a finding of  
4 a pattern of violation of program require-  
5 ments described in paragraph (6)(A); or

6 (ii) consistent failure of 25 percent or  
7 more of the students receiving scholarships  
8 under this subtitle and attending such  
9 school to make appropriate progress (as  
10 determined by the Corporation) in aca-  
11 demic achievement.

12 ~~(B) EXPLANATION.~~—If the certification of  
13 an eligible institution is revoked, the Corpora-  
14 tion shall provide a written explanation of its  
15 decision to such eligible institution and require  
16 a pro rata refund of the payments received  
17 under this subtitle.

18 ~~(6) PARTICIPATION REQUIREMENTS FOR ELIGI-~~  
19 ~~BLE INSTITUTIONS.~~—

20 (A) REQUIREMENTS.—Each eligible insti-  
21 tution participating in the scholarship program  
22 under this subtitle shall—

23 (i) provide to the Corporation not  
24 later than June 30 of each year the most

1 recent annual statement of the eligible in-  
2 stitution's budget; and

3 (ii) charge a student that receives a  
4 scholarship under this subtitle not more  
5 than the cost of tuition and mandatory  
6 fees for, and transportation to attend, such  
7 eligible institution as other students who  
8 are residents of the District of Columbia  
9 and enrolled in such eligible institution.

10 (B) COMPLIANCE.—The Corporation may  
11 require documentation of compliance with the  
12 requirements of subsection (a), but neither the  
13 Corporation nor any governmental entity may  
14 impose additional requirements upon an eligible  
15 institution as a condition of participation in the  
16 scholarship program under this subtitle.

17 **SEC. 343. SCHOLARSHIPS AUTHORIZED.**

18 (a) ELIGIBLE STUDENTS.—The Corporation is au-  
19 thorized to award tuition scholarships under subsection  
20 (d)(1) and enhanced achievement scholarships under sub-  
21 section (d)(2) to students in kindergarten through grade  
22 12—

23 (1) who are residents of the District of Colum-  
24 bia; and



1           (2) whose family income does not exceed 185  
2 percent of the poverty line.

3           (b) SCHOLARSHIP PRIORITY.—

4           (1) FIRST.—The Corporation shall first award  
5 scholarships to students described in subsection (a)  
6 who—

7           (A) are enrolled in a District of Columbia  
8 public school or preparing to enter a District of  
9 Columbia kindergarten, except that this sub-  
10 paragraph shall apply only for academic years  
11 1997, 1998, and 1999; or

12           (B) have received a scholarship from the  
13 Corporation in the year preceding the year for  
14 which the scholarship is awarded.

15           (2) SECOND.—If funds remain for a fiscal year  
16 for awarding scholarships after awarding scholar-  
17 ships under paragraph (1), the Corporation shall  
18 award scholarships to students described in sub-  
19 section (a) who are not described in paragraph (1).

20           (c) RANDOM SELECTION.—Except as provided in  
21 subsections (a) and (b), if there are more applications to  
22 participate in the scholarship program than there are  
23 spaces available, a student shall be admitted using a ran-  
24 dom selection process.

25           (d) USE OF SCHOLARSHIP.—

1           (1) TUITION SCHOLARSHIPS.—A tuition scholar-  
2           arship may be used for the payment of the cost of  
3           the tuition and mandatory fees at a public, private,  
4           or independent school located within the geographic  
5           boundaries of the District of Columbia or the cost  
6           of the tuition and mandatory fees at a public, pri-  
7           vate, or independent school located within Montgom-  
8           ery County, Maryland; Prince Georges County,  
9           Maryland; Arlington County, Virginia; Alexandria  
10          City, Virginia; Falls Church City, Virginia; Fairfax  
11          City, Virginia; or Fairfax County, Virginia.

12          (2) ENHANCED ACHIEVEMENT SCHOLARSHIP.—  
13          An enhanced achievement scholarship may be used  
14          only for the payment of the costs of tuition and  
15          mandatory fees for, or transportation to attend, a  
16          program of instruction provided by an eligible insti-  
17          tution which enhances student achievement of the  
18          core curriculum and is operated outside of regular  
19          school hours to supplement the regular school pro-  
20          gram.

21          (c) NOT SCHOOL AID.—A scholarship under this sub-  
22          title shall be considered assistance to the student and shall  
23          not be considered assistance to an eligible institution.

1 **SEC. 344. SCHOLARSHIP AWARDS.**

2 (a) AWARDS.—From the funds made available under  
3 this subtitle, the Corporation shall award a scholarship to  
4 a student and make payments in accordance with section  
5 345 on behalf of such student to a participating eligible  
6 institution chosen by the parent of the student.

7 (b) NOTIFICATION.—Each eligible institution that ac-  
8 cepts a student who has received a scholarship under this  
9 subtitle shall notify the Corporation not later than 10 days  
10 after—

11 (1) the date that a student receiving a scholar-  
12 ship under this subtitle is enrolled; of the name, ad-  
13 dress, and grade level of such student;

14 (2) the date of the withdrawal or expulsion of  
15 any student receiving a scholarship under this sub-  
16 title; of the withdrawal or expulsion; and

17 (3) the date that a student receiving a scholar-  
18 ship under this subtitle is refused admission; of the  
19 reasons for such a refusal.

20 (c) TUITION SCHOLARSHIP.—

21 (1) EQUAL TO OR BELOW POVERTY LINE.—For  
22 a student whose family income is equal to or below  
23 the poverty line, a tuition scholarship may not ex-  
24 ceed the lesser of—

1           (A) the cost of tuition and mandatory fees  
2           for, and transportation to attend, an eligible in-  
3           stitution; or

4           (B) \$3,200 for fiscal year 1998, with such  
5           amount adjusted in proportion to changes in  
6           the Consumer Price Index for all urban con-  
7           sumers published by the Department of Labor  
8           for each of fiscal years 1999 through 2002.

9           (2) ABOVE POVERTY LINE.—For a student  
10          whose family income is greater than the poverty line,  
11          but not more than 185 percent of the poverty line,  
12          a tuition scholarship may not exceed the lesser of—

13           (A) 75 percent of the cost of tuition and  
14           mandatory fees for, and transportation to at-  
15           tend, an eligible institution; or

16           (B) \$2,400 for fiscal year 1998, with such  
17           amount adjusted in proportion to changes in  
18           the Consumer Price Index for all urban con-  
19           sumers published by the Department of Labor  
20           for each of fiscal years 1999 through 2002.

21          (d) ENHANCED ACHIEVEMENT SCHOLARSHIP.—An  
22          enhanced achievement scholarship may not exceed the  
23          lesser of—

1           (1) the costs of tuition and mandatory fees for,  
2           or transportation to attend, a program of instruction  
3           at an eligible institution; or

4           (2) \$500 for 1998, with such amount adjusted  
5           in proportion to changes in the Consumer Price  
6           Index for all urban consumers published by the De-  
7           partment of Labor for each of fiscal years 1999  
8           through 2002.

9   **SEC. 345. SCHOLARSHIP PAYMENTS.**

10       (a) **DISBURSEMENT OF SCHOLARSHIPS.**—The funds  
11       may be distributed by check or another form of disburse-  
12       ment which is issued by the Corporation and made payable  
13       directly to a parent of a student participating in the schol-  
14       arship program under this subtitle. The parent may use  
15       such funds only as payment for tuition, mandatory fees,  
16       and transportation costs associated with attending or ob-  
17       taining services from a participating eligible institution.

18       (b) **PRO RATA AMOUNTS FOR STUDENT WITH-**  
19       **DRAWAL.**—

20           (1) **BEFORE PAYMENT.**—If a student receiving  
21       a scholarship withdraws or is expelled from an eligi-  
22       ble institution before a scholarship payment is made,  
23       the eligible institution shall receive a pro rata pay-  
24       ment based on the amount of the scholarship and

1 the number of days the student was enrolled in the  
2 eligible institution.

3 (2) **AFTER PAYMENT.**—If a student receiving a  
4 scholarship withdraws or is expelled after a scholar-  
5 ship payment is made, the eligible institution shall  
6 refund to the Corporation on a pro rata basis the  
7 proportion of any scholarship payment received for  
8 the remaining days of the school year. Such refund  
9 shall occur not later than 30 days after the date of  
10 the withdrawal or expulsion of the student.

11 **SEC. 346. CIVIL RIGHTS.**

12 (a) **IN GENERAL.**—An eligible institution participat-  
13 ing in the scholarship program under this subtitle shall  
14 not engage in any practice that discriminates on the basis  
15 of race, color, national origin, or sex.

16 (b) **EXCEPTION.**—Nothing in this Act shall be con-  
17 strued to prevent a parent from choosing or an eligible  
18 institution from offering, a single-sex school, class, or ac-  
19 tivity.

20 (c) **REVOCATION.**—Notwithstanding section 342(f), if  
21 the Corporation determines that an eligible institution  
22 participating in the scholarship program under this title  
23 is in violation of any of the laws listed in subsection (a),  
24 then the Corporation shall revoke such eligible institu-  
25 tion's certification to participate in the program.

1 **SEC. 347. CHILDREN WITH DISABILITIES.**

2       Nothing in this subtitle shall affect the rights of stu-  
3 dents, or the obligations of the District of Columbia public  
4 schools, under the Individuals with Disabilities Education  
5 Act (20 U.S.C. 1400 et seq.).

6 **SEC. 348. RULE OF CONSTRUCTION.**

7       (a) **IN GENERAL.**—Nothing in this Act shall be con-  
8 strued to bar any eligible institution which is operated,  
9 supervised, or controlled by, or in connection with, a reli-  
10 gious organization from limiting employment, or admis-  
11 sion to, or giving preference to persons of the same reli-  
12 gion as is determined by such institution to promote the  
13 religious purpose for which it is established or maintained.

14       (b) **SECTARIAN PURPOSES.**—Nothing in this Act  
15 shall preclude the use of funds authorized under this Act  
16 for sectarian educational purposes or to require an eligible  
17 institution to remove religious art, icons, scripture, or  
18 other symbols.

19 **SEC. 349. REPORTING REQUIREMENTS.**

20       (a) **IN GENERAL.**—An eligible institution participat-  
21 ing in the scholarship program under this subtitle shall  
22 report not later than July 30 of each year in a manner  
23 prescribed by the Corporation, the following data:

24               (1) Student achievement in the eligible institu-  
25 tion's programs.

1           (2) Grade advancement for scholarship stu-  
2 dents.

3           (3) Disciplinary actions taken with respect to  
4 scholarship students.

5           (4) Graduation, college admission test scores,  
6 and college admission rates, if applicable for scholar-  
7 ship students.

8           (5) Types and amounts of parental involvement  
9 required for all families of scholarship students.

10          (6) Student attendance for scholarship and  
11 non scholarship students.

12          (7) General information on curriculum, pro-  
13 grams, facilities, credentials of personnel, and dis-  
14 ciplinary rules at the eligible institution.

15          (8) Number of scholarship students enrolled.

16          (9) Such other information as may be required  
17 by the Corporation for program appraisal.

18          (b) CONFIDENTIALITY.—No personal identifiers may  
19 be used in such report, except that the Corporation may  
20 request such personal identifiers solely for the purpose of  
21 verification.

22 **SEC. 350. PROGRAM APPRAISAL.**

23          (a) STUDY.—Not later than 4 years after the date  
24 of enactment of this Act, the Comptroller General shall  
25 enter into a contract, with an evaluating agency that has



1 demonstrated experience in conducting evaluations; for an  
2 independent evaluation of the scholarship program under  
3 this subtitle, including—

4           (1) a comparison of test scores between scholar-  
5 ship students and District of Columbia public school  
6 students of similar backgrounds, taking into account  
7 the students' academic achievement at the time of  
8 the award of their scholarships and the students'  
9 family income level;

10           (2) a comparison of graduation rates between  
11 scholarship students and District of Columbia public  
12 school students of similar backgrounds, taking into  
13 account the students' academic achievement at the  
14 time of the award of their scholarships and the stu-  
15 dents' family income level;

16           (3) the satisfaction of parents of scholarship  
17 students with the scholarship program; and

18           (4) the impact of the scholarship program on  
19 the District of Columbia public schools, including  
20 changes in the public school enrollment, and any im-  
21 provement in the academic performance of the public  
22 schools.

23           (b) PUBLIC REVIEW OF DATA.—All data gathered in  
24 the course of the study described in subsection (a) shall

1 be made available to the public upon request except that  
2 no personal identifiers shall be made public.

3 (c) **REPORT TO CONGRESS.**—Not later than Septem-  
4 ber 1 of each year, the Corporation shall submit a progress  
5 report on the scholarship program to the appropriate com-  
6 mittees of Congress. Such report shall include a review  
7 of how scholarship funds were expended, including the ini-  
8 tial academic achievement levels of students who have par-  
9 ticipated in the scholarship program.

10 (d) **AUTHORIZATION.**—There are authorized to be ap-  
11 propriated for the study described in subsection (a),  
12 \$250,000, which shall remain available until expended.

13 **SEC. 351. JUDICIAL REVIEW.**

14 (a) **IN GENERAL.**—The United States District Court  
15 for the District of Columbia shall have jurisdiction in any  
16 action challenging the scholarship program under this sub-  
17 title and shall provide expedited review.

18 (b) **APPEAL TO SUPREME COURT.**—Notwithstanding  
19 any other provision of law, any order of the United States  
20 District Court for the District of Columbia which is issued  
21 pursuant to an action brought under subsection (a) shall  
22 be reviewable by appeal directly to the Supreme Court of  
23 the United States.

1 **SEC. 352. EFFECTIVE DATE.**

2 This subtitle shall be effective for each of the fiscal  
3 years 1998 through 2002.

4 **Subtitle C—Other Education**  
5 **Reforms**

6 **SEC. 361. REDUCTION IN ADMINISTRATIVE STAFF.**

7 At any time after June 30, 1998, the total number  
8 of full-time-equivalent employees of the District of Colum-  
9 bia Public Schools whose principal duty is not classroom  
10 instruction may not exceed the number of such full-time-  
11 equivalent employees as of September 30, 1997, reduced  
12 by 200.

13 **SEC. 362. DEVELOPMENT OF PERFORMANCE CRITERIA FOR**  
14 **TEACHERS.**

15 The District of Columbia Public Schools shall develop  
16 and implement performance benchmarks for teachers,  
17 based on the ability of students to improve by at least one  
18 grade level each year in performance on standardized  
19 tests, and shall establish incentives to encourage teachers  
20 to meet such benchmarks.

21 **SEC. 363. REPEAL OF TAX EXEMPTION FOR LABOR ORGANI-**  
22 **ZATIONS.**

23 (a) **IN GENERAL.**—Notwithstanding any provision of  
24 any Federally-granted charter or any other provision of  
25 law, the real property of any labor organization located  
26 in the District of Columbia shall be subject to taxation

1 by the District of Columbia in the same manner as any  
2 similar organization.

3 (b) LABOR ORGANIZATION DEFINED.—In subsection  
4 (a), the term “labor organization” means any organization  
5 of any kind, or any agency or employee representation  
6 committee or plan, in which employees participate and  
7 which exists for the purpose, in whole or in part, of dealing  
8 with employers concerning grievances, labor disputes,  
9 wages, rates of pay, hours of employment, or conditions  
10 of work.

11 **SEC. 364. TREATMENT OF SUPERVISORY PERSONNEL AS**  
12 **AT-WILL EMPLOYEES.**

13 Notwithstanding any other provision of law or regula-  
14 tion (including any law or regulation providing for collec-  
15 tive bargaining or the enforcement of any collective bar-  
16 gaining agreement), all supervisory personnel of the Dis-  
17 trict of Columbia Public Schools shall be appointed by,  
18 shall serve at the pleasure of, and shall act under the di-  
19 rection and control of the Emergency Transitional Edu-  
20 cation Board of Trustees, and shall be considered at-will  
21 employees not covered by the District of Columbia Govern-  
22 ment Comprehensive Merit Personnel Act of 1978.

1 **SEC. 365. DETERMINATION OF NUMBER OF STUDENTS EN-**  
2 **ROLLED.**

3 Not later than 30 days after the date of the enact-  
4 ment of this Act, and not later than 30 days after the  
5 beginning of each semester which begins after such date,  
6 the District of Columbia Auditor shall submit a report to  
7 Congress, the Mayor, the Council, the Chief Financial Of-  
8 ficer of the District of Columbia, and the District of Co-  
9 lumbia Financial Responsibility and Management Assist-  
10 ance Authority providing the most recent information  
11 available on the number of students enrolled in the Dis-  
12 trict of Columbia Public Schools and the average daily at-  
13 tendance of such students.

14 **SEC. 366. BUDGETING ON SCHOOL-BY-SCHOOL BASIS.**

15 (a) **PREPARATION OF INITIAL BUDGETS.**—Not later  
16 than 30 days after the date of the enactment of this Act,  
17 the District of Columbia Public Schools shall prepare and  
18 submit to Congress a budget for each public elementary  
19 and secondary school for fiscal year 1998 which describes  
20 the amount expected to be expended with respect to the  
21 school for salaries, capital, and other appropriate cat-  
22 egories of expenditures.

23 (b) **USE OF BUDGETS FOR FUTURE AGGREGATE**  
24 **BUDGET.**—The District of Columbia Public Schools shall  
25 use the budgets prepared for individual schools under sub-

1 section (a) to prepare the overall budget for the Schools  
2 for fiscal year 1999.

3 **SEC. 367. REQUIRING PROOF OF RESIDENCY FOR INDIVID-**  
4 **UALS ATTENDING SCHOOLS AND SCHOOL**  
5 **CHILD CARE PROGRAMS.**

6 None of the funds made available in this Act or any  
7 other Act may be used by the District of Columbia Public  
8 Schools in fiscal year 1998 or any succeeding fiscal year  
9 to provide classroom instruction or child care services to  
10 any minor whose parent or guardian does not supply the  
11 Schools with proof of the State of the minor's residence.

12 **SEC. 368. DISTRICT OF COLUMBIA SCHOOL OF LAW.**

13 (a) **REQUIRING FULL ACCREDITATION.—**

14 (1) **IN GENERAL.—**If the District of Columbia  
15 School of Law is not fully, unconditionally accredited  
16 by the American Bar Association at its midyear  
17 meeting in February 1998, none of the funds made  
18 available in this Act or any other Act may be ex-  
19 pended for or on behalf of the School except for pur-  
20 poses of providing assistance to assist students en-  
21 rolled at the School as of such date who are resi-  
22 dents of the District of Columbia in paying the tui-  
23 tion for enrollment at other law schools in the Wash-  
24 ington Metropolitan Area, in accordance with a plan  
25 submitted to Congress.

1           (2) RESTRICTIONS ON USE OF FUNDS PRIOR TO  
2       ACCREDITATION.—None of the funds made available  
3       in this Act or any other Act may be used by or on  
4       behalf of the District of Columbia School of Law for  
5       recruiting or capital projects until the School is  
6       fully, unconditionally accredited by the American  
7       Bar Association.

8           (b) NO OTHER SOURCE OF FUNDING PERMITTED.—  
9       None of the funds made available in this Act or any other  
10      Act for the use of any entity (including the University of  
11      the District of Columbia) other than the District of Co-  
12      lumbia School of Law may be transferred to, made avail-  
13      able for, or expended for or on behalf of the District of  
14      Columbia School of Law.

15   **SEC. 369. WAIVER OF LIABILITY IN PRO BONO ARRANGE-**  
16   **MENTS.**

17           (a) IN GENERAL.—Notwithstanding any other provi-  
18      sion of law or any rule or regulation—

19                   (1) any person who voluntarily provides goods  
20      or services to or on behalf of the District of Colum-  
21      bia Public Schools without the expectation of receiv-  
22      ing or intending to receive compensation shall be im-  
23      mune from civil liability, both personally and profes-  
24      sionally, for any act or omission occurring in the

1 course of providing such goods or services (except as  
2 provided in subsection (b)); and

3 ~~(2) the District of Columbia (including the Dis-~~  
4 ~~trict of Columbia Public Schools) shall be immune~~  
5 ~~from civil liability for any act or omission of any~~  
6 ~~person voluntarily providing goods or services to or~~  
7 ~~on behalf of the District of Columbia Public Schools.~~

8 ~~(b) EXCEPTION FOR INTENTIONAL ACTS OR ACTS OF~~  
9 ~~GROSS NEGLIGENCE.—Subsection (a)(1) shall not apply~~  
10 ~~with respect to any person if the act or omission in-~~  
11 ~~volved—~~

12 ~~(1) constitutes gross negligence;~~

13 ~~(2) constitutes an intentional tort; or~~

14 ~~(3) is criminal in nature.~~

15 ~~(c) EFFECTIVE DATE.—This section shall apply with~~  
16 ~~respect to the provision of goods and services occurring~~  
17 ~~during fiscal year 1998 or any succeeding fiscal year.~~

18 This Act may be cited as the “District of Columbia  
19 Appropriations, Medical Liability Reform, and Education  
20 Reform Act of 1998”.

21 *That the following sums are appropriated, out of any*  
22 *money in the Treasury not otherwise appropriated, for the*  
23 *several departments, agencies, corporations and other orga-*  
24 *nizational units of the Government for the fiscal year 1998,*  
25 *and for other purposes, namely:*



1            *DIVISION A—DISTRICT OF COLUMBIA*  
2                            *APPROPRIATIONS ACT, 1998*

3            *The following sums are appropriated, out of any*  
4 *money in the Treasury not otherwise appropriated, for the*  
5 *District of Columbia for the fiscal year ending September*  
6 *30, 1998, and for other purposes, to be effective as if it had*  
7 *been enacted into law as the regular appropriations Act,*  
8 *namely:*

9            *TITLE I—FISCAL YEAR 1998 APPROPRIATIONS*  
10                            *FEDERAL FUNDS*

11            *FEDERAL PAYMENT FOR MANAGEMENT REFORM*

12            *For payment to the District of Columbia, as author-*  
13 *ized by section 11103(c) of the National Capital Revitaliza-*  
14 *tion and Self-Government Improvement Act of 1997, Public*  
15 *Law 105–33, \$8,000,000, to remain available until Septem-*  
16 *ber 30, 1999, which shall be deposited into an escrow ac-*  
17 *count of the District of Columbia Financial Responsibility*  
18 *and Management Assistance Authority and shall be dis-*  
19 *bursed from such escrow account pursuant to the instruc-*  
20 *tions of the Authority only for a program of management*  
21 *reform pursuant to sections 11101–11106 of the District of*  
22 *Columbia Management Reform Act of 1997, Public Law*  
23 *105–33.*

1     *FEDERAL CONTRIBUTION TO THE OPERATIONS OF THE*  
2                                     *NATION'S CAPITAL*

3             *For a Federal contribution to the District of Columbia*  
4 *toward the costs of the operation of the government of the*  
5 *District of Columbia, \$190,000,000, which shall be depos-*  
6 *ited into an escrow account held by the District of Columbia*  
7 *Financial Responsibility and Management Assistance Au-*  
8 *thority, which shall allocate the funds to the Mayor at such*  
9 *intervals and in accordance with such terms and conditions*  
10 *as it considers appropriate to implement the financial plan*  
11 *for the year: Provided, That these funds may be used by*  
12 *the District of Columbia for the costs of advances to the*  
13 *District government as authorized by section 11402 of the*  
14 *National Capital Revitalization and Self-Government Im-*  
15 *provement Act of 1997, Public Law 105-33: Provided fur-*  
16 *ther, That not less than \$30,000,000 shall be used by the*  
17 *District of Columbia to repay the accumulated general fund*  
18 *deficit.*

19     *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*  
20                                     *CORRECTIONS TRUSTEE OPERATIONS*

21             *For payment to the District of Columbia Corrections*  
22 *Trustee, \$169,000,000 for the administration and operation*  
23 *of correctional facilities and for the administrative operat-*  
24 *ing costs of the Office of the Corrections Trustee, as author-*  
25 *ized by section 11202 of the National Capital Revitalization*

1 *and Self-Government Improvement Act of 1997, Public Law*  
2 *105–33.*

3 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COR-*  
4 *RECTIONS TRUSTEE FOR CORRECTIONAL FACILITIES,*  
5 *CONSTRUCTION AND REPAIR*

6 *For payment to the District of Columbia Corrections*  
7 *Trustee for Correctional Facilities, \$302,000,000, to remain*  
8 *available until expended, of which not less than*  
9 *\$294,900,000 is available for transfer to the Federal Prison*  
10 *System, as authorized by section 11202 of the National*  
11 *Capital Revitalization and Self-Government Improvement*  
12 *Act of 1997, Public Law 105–33.*

13 *FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA*  
14 *CRIMINAL JUSTICE SYSTEM*  
15 *(INCLUDING TRANSFER OF FUNDS)*

16 *Notwithstanding any other provision of law,*  
17 *\$108,000,000 for payment to the Joint Committee on Judi-*  
18 *cial Administration in the District of Columbia for oper-*  
19 *ation of the District of Columbia Courts, including pension*  
20 *costs: Provided, That said sums shall be paid quarterly by*  
21 *the Treasury of the United States based on quarterly appor-*  
22 *tionments approved by the Office of Management and Budg-*  
23 *et, with payroll and financial services to be provided on*  
24 *a contractual basis with the General Services Administra-*  
25 *tion, said services to include the preparation and submis-*  
26 *sion of monthly financial reports to the President and to*

1 *the Committees on Appropriations of the Senate and House*  
2 *of Representatives, the Committee on Governmental Affairs*  
3 *of the Senate, and the Committee on Government Reform*  
4 *and Oversight of the House of Representatives; of which not*  
5 *to exceed \$750,000 shall be available for establishment and*  
6 *operations of the District of Columbia Truth in Sentencing*  
7 *Commission as authorized by section 11211 of the National*  
8 *Capital Revitalization and Self-Government Improvement*  
9 *Act of 1997, Public Law 105–33.*

10 *Notwithstanding any other provision of law, for an ad-*  
11 *ditional amount, \$43,000,000, for payment to the Offender*  
12 *Supervision Trustee to be available only for obligation by*  
13 *the Offender Supervision Trustee; of which \$26,855,000*  
14 *shall be available for Parole, Adult Probation and Offender*  
15 *Supervision; of which \$9,000,000 shall be available to the*  
16 *Public Defender Service; of which \$6,345,000 shall be avail-*  
17 *able to the Pretrial Services Agency; and of which not to*  
18 *exceed \$800,000 shall be transferred to the United States*  
19 *Parole Commission to implement section 11231 of the Na-*  
20 *tional Capital Revitalization and Self-Government Im-*  
21 *provement Act of 1997.*

1                    *DISTRICT OF COLUMBIA FUNDS*2                    *OPERATING EXPENSES*3                    *DIVISION OF EXPENSES*

4            *The following amounts are appropriated for the Dis-*  
5 *trict of Columbia for the current fiscal year out of the gen-*  
6 *eral fund of the District of Columbia, except as otherwise*  
7 *specifically provided.*

8                    *GOVERNMENTAL DIRECTION AND SUPPORT*

9            *Governmental direction and support, \$105,177,000*  
10 *(including \$84,316,000 from local funds, \$14,013,000 from*  
11 *Federal funds, and \$6,848,000 from other funds): Provided,*  
12 *That not to exceed \$2,500 for the Mayor, \$2,500 for the*  
13 *Chairman of the Council of the District of Columbia, and*  
14 *\$2,500 for the City Administrator shall be available from*  
15 *this appropriation for official purposes: Provided further,*  
16 *That any program fees collected from the issuance of debt*  
17 *shall be available for the payment of expenses of the debt*  
18 *management program of the District of Columbia: Provided*  
19 *further, That no revenues from Federal sources shall be used*  
20 *to support the operations or activities of the Statehood Com-*  
21 *mission and Statehood Compact Commission: Provided fur-*  
22 *ther, That the District of Columbia shall identify the*  
23 *sources of funding for Admission to Statehood from its own*  
24 *locally-generated revenues: Provided further, That \$240,000*  
25 *shall be available for citywide special elections: Provided*

1 *further, That all employees permanently assigned to work*  
2 *in the Office of the Mayor shall be paid from funds allocated*  
3 *to the Office of the Mayor.*

4 *ECONOMIC DEVELOPMENT AND REGULATION*

5 *Economic development and regulation, \$120,072,000*  
6 *(including \$40,377,000 from local funds, \$42,065,000 from*  
7 *Federal funds, and \$37,630,000 from other funds), together*  
8 *with \$12,000,000 collected in the form of BID tax revenue*  
9 *collected by the District of Columbia on behalf of business*  
10 *improvement districts pursuant to the Business Improve-*  
11 *ment Districts Act of 1996, effective May 29, 1996 (D.C.*  
12 *Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Busi-*  
13 *ness Improvement Districts Temporary Amendment Act of*  
14 *1997 (Bill 12–230).*

15 *PUBLIC SAFETY AND JUSTICE*

16 *Public safety and justice, including purchase or lease*  
17 *of 135 passenger-carrying vehicles for replacement only, in-*  
18 *cluding 130 for police-type use and five for fire-type use,*  
19 *without regard to the general purchase price limitation for*  
20 *the current fiscal year, \$529,739,000 (including*  
21 *\$510,326,000 from local funds, \$13,519,000 from Federal*  
22 *funds, and \$5,894,000 from other funds): Provided, That*  
23 *the Metropolitan Police Department is authorized to replace*  
24 *not to exceed 25 passenger-carrying vehicles and the De-*  
25 *partment of Fire and Emergency Medical Services of the*

1 *District of Columbia is authorized to replace not to exceed*  
2 *five passenger-carrying vehicles annually whenever the cost*  
3 *of repair to any damaged vehicle exceeds three-fourths of*  
4 *the cost of the replacement: Provided further, That not to*  
5 *exceed \$500,000 shall be available from this appropriation*  
6 *for the Chief of Police for the prevention and detection of*  
7 *crime: Provided further, That the Metropolitan Police De-*  
8 *partment shall provide quarterly reports to the Committees*  
9 *on Appropriations of the House and Senate on efforts to*  
10 *increase efficiency and improve the professionalism in the*  
11 *department: Provided further, That notwithstanding any*  
12 *other provision of law, or Mayor's Order 86-45, issued*  
13 *March 18, 1986, the Metropolitan Police Department's dele-*  
14 *gated small purchase authority shall be \$500,000: Provided*  
15 *further, That the District of Columbia government may not*  
16 *require the Metropolitan Police Department to submit to*  
17 *any other procurement review process, or to obtain the ap-*  
18 *proval of or be restricted in any manner by any official*  
19 *or employee of the District of Columbia government, for*  
20 *purchases that do not exceed \$500,000: Provided further,*  
21 *That the Mayor shall reimburse the District of Columbia*  
22 *National Guard for expenses incurred in connection with*  
23 *services that are performed in emergencies by the National*  
24 *Guard in a militia status and are requested by the Mayor,*  
25 *in amounts that shall be jointly determined and certified*

1 *as due and payable for these services by the Mayor and the*  
2 *Commanding General of the District of Columbia National*  
3 *Guard: Provided further, That such sums as may be nec-*  
4 *essary for reimbursement to the District of Columbia Na-*  
5 *tional Guard under the preceding proviso shall be available*  
6 *from this appropriation, and the availability of the sums*  
7 *shall be deemed as constituting payment in advance for*  
8 *emergency services involved: Provided further, That the*  
9 *Metropolitan Police Department is authorized to maintain*  
10 *3,800 sworn officers, with leave for a 50 officer attrition:*  
11 *Provided further, That no more than 15 members of the*  
12 *Metropolitan Police Department shall be detailed or as-*  
13 *signed to the Executive Protection Unit, until the Chief of*  
14 *Police submits a recommendation to the Council for its re-*  
15 *view: Provided further, That \$100,000 shall be available for*  
16 *inmates released on medical and geriatric parole: Provided*  
17 *further, That not less than \$2,254,754 shall be available to*  
18 *support a pay raise for uniformed firefighters, when author-*  
19 *ized by the District of Columbia Council and the District*  
20 *of Columbia Financial Responsibility and Management As-*  
21 *sistance Authority, which funding will be made available*  
22 *as savings achieved through actions within the appro-*  
23 *priated budget: Provided further, That, commencing on De-*  
24 *cember 31, 1997, the Metropolitan Police Department shall*  
25 *provide to the Committees on Appropriations of the Senate*



1 *and House of Representatives, the Committee on Govern-*  
2 *mental Affairs of the Senate, and the Committee on Govern-*  
3 *ment Reform and Oversight of the House of Representatives,*  
4 *quarterly reports on the status of crime reduction in each*  
5 *of the 83 police service areas established throughout the Dis-*  
6 *trict of Columbia: Provided further, That funds appro-*  
7 *priated for expenses under the District of Columbia Crimi-*  
8 *nal Justice Act, approved September 3, 1974 (88 Stat.*  
9 *1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.),*  
10 *for the fiscal year ending September 30, 1998, shall be*  
11 *available for obligations incurred under the Act in each fis-*  
12 *cal year since inception in fiscal year 1975: Provided fur-*  
13 *ther, That funds appropriated for expenses under the Dis-*  
14 *trict of Columbia Neglect Representation Equity Act of*  
15 *1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code,*  
16 *sec. 16-2304), for the fiscal year ending September 30,*  
17 *1998, shall be available for obligations incurred under the*  
18 *Act in each fiscal year since inception in fiscal year 1985:*  
19 *Provided further, That funds appropriated for expenses*  
20 *under the District of Columbia Guardianship, Protective*  
21 *Proceedings, and Durable Power of Attorney Act of 1986,*  
22 *effective February 27, 1987 (D.C. Law 6-204; D.C. Code,*  
23 *sec. 21-2060), for the fiscal year ending September 30,*  
24 *1998, shall be available for obligations incurred under the*  
25 *Act in each fiscal year since inception in fiscal year 1989.*

1 *PUBLIC EDUCATION SYSTEM*

2 *Public education system, including the development of*  
3 *national defense education programs, \$672,444,000 (includ-*  
4 *ing \$530,197,000 from local funds, \$112,806,000 from Fed-*  
5 *eral funds, and \$29,441,000 from other funds), to be allo-*  
6 *cated as follows: \$564,129,000 (including \$460,143,000*  
7 *from local funds, \$98,491,000 from Federal funds, and*  
8 *\$5,495,000 from other funds), for the public schools of the*  
9 *District of Columbia; \$8,900,000 from local funds for the*  
10 *District of Columbia Teachers' Retirement Fund;*  
11 *\$3,376,000 from local funds (not including funds already*  
12 *made available for District of Columbia public schools) for*  
13 *public charter schools: Provided, That if the entirety of this*  
14 *allocation has not been provided as payments to any public*  
15 *charter schools currently in operation through the per pupil*  
16 *funding formula, the funds shall be available for new public*  
17 *charter schools on a per pupil basis: Provided further, That*  
18 *\$400,000 be available to the District of Columbia Public*  
19 *Charter School Board for administrative costs: Provided*  
20 *further, That if the entirety of this allocation has not been*  
21 *provided as payment to one or more public charter schools*  
22 *by May 1, 1998, and remains unallocated, the funds shall*  
23 *be deposited into a special revolving loan fund to be used*  
24 *solely to assist existing or new public charter schools in*  
25 *meeting startup and operating costs: Provided further, That*

1 *the Emergency Transitional Education Board of Trustees*  
2 *of the District of Columbia shall report to Congress not later*  
3 *than 120 days after the date of enactment of this Act on*  
4 *the capital needs of each public charter school and whether*  
5 *the current per pupil funding formula should reflect these*  
6 *needs: Provided further, That until the Emergency Transi-*  
7 *tional Education Board of Trustees reports to Congress as*  
8 *provided in the preceding proviso, the Emergency Transi-*  
9 *tional Education Board of Trustees shall take appropriate*  
10 *steps to provide public charter schools with assistance to*  
11 *meet all capital expenses in a manner that is equitable with*  
12 *respect to assistance provided to other District of Columbia*  
13 *public schools: Provided further, That the Emergency Tran-*  
14 *sitional Education Board of Trustees shall report to Con-*  
15 *gress not later than November 1, 1998, on the implementa-*  
16 *tion of their policy to give preference to newly created Dis-*  
17 *trict of Columbia public charter schools for surplus public*  
18 *school property; \$74,087,000 (including \$37,791,000 from*  
19 *local funds, \$12,804,000 from Federal funds, and*  
20 *\$23,492,000 from other funds) for the University of the Dis-*  
21 *trict of Columbia; \$22,036,000 (including \$20,424,000 from*  
22 *local funds, \$1,158,000 from Federal funds, and \$454,000*  
23 *from other funds) for the Public Library; \$2,057,000 (in-*  
24 *cluding \$1,704,000 from local funds and \$353,000 from*  
25 *Federal funds) for the Commission on the Arts and Human-*

1 *ities: Provided further, That the public schools of the Dis-*  
2 *trict of Columbia are authorized to accept not to exceed 31*  
3 *motor vehicles for exclusive use in the driver education pro-*  
4 *gram: Provided further, That not to exceed \$2,500 for the*  
5 *Superintendent of Schools, \$2,500 for the President of the*  
6 *University of the District of Columbia, and \$2,000 for the*  
7 *Public Librarian shall be available from this appropriation*  
8 *for official purposes: Provided further, That not less than*  
9 *\$1,200,000 shall be available for local school allotments in*  
10 *a restricted line item: Provided further, That not less than*  
11 *\$4,500,000 shall be available to support kindergarten aides*  
12 *in a restricted line item: Provided further, That not less*  
13 *than \$2,800,000 shall be available to support substitute*  
14 *teachers in a restricted line item: Provided further, That*  
15 *not less than \$1,788,000 shall be available in a restricted*  
16 *line item for school counselors: Provided further, That this*  
17 *appropriation shall not be available to subsidize the edu-*  
18 *cation of nonresidents of the District of Columbia at the*  
19 *University of the District of Columbia, unless the Board*  
20 *of Trustees of the University of the District of Columbia*  
21 *adopts, for the fiscal year ending September 30, 1998, a*  
22 *tuition rate schedule that will establish the tuition rate for*  
23 *nonresident students at a level no lower than the non-*  
24 *resident tuition rate charged at comparable public institu-*  
25 *tions of higher education in the metropolitan area.*

*HUMAN SUPPORT SERVICES*

1  
2       *Human support services, \$1,718,939,000 (including*  
3 *\$789,350,000 from local funds, \$886,702,000 from Federal*  
4 *funds, and \$42,887,000 from other funds): Provided, That*  
5 *\$21,089,000 of this appropriation, to remain available*  
6 *until expended, shall be available solely for District of Co-*  
7 *lumbia employees' disability compensation: Provided fur-*  
8 *ther, That a peer review committee shall be established to*  
9 *review medical payments and the type of service received*  
10 *by a disability compensation claimant: Provided further,*  
11 *That the District of Columbia shall not provide free govern-*  
12 *ment services such as water, sewer, solid waste disposal or*  
13 *collection, utilities, maintenance, repairs, or similar serv-*  
14 *ices to any legally constituted private nonprofit organiza-*  
15 *tion (as defined in section 411(5) of Public Law 100-77,*  
16 *approved July 22, 1987) providing emergency shelter serv-*  
17 *ices in the District, if the District would not be qualified*  
18 *to receive reimbursement pursuant to the Stewart B.*  
19 *McKinney Homeless Assistance Act, approved July 22,*  
20 *1987 (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301*  
21 *et seq.).*

*PUBLIC WORKS*

22  
23       *Public works, including rental of one passenger-carry-*  
24 *ing vehicle for use by the Mayor and three passenger-carry-*  
25 *ing vehicles for use by the Council of the District of Colum-*

1 *bia and leasing of passenger-carrying vehicles,*  
2 *\$241,934,000 (including \$227,983,000 from local funds,*  
3 *\$3,350,000 from Federal funds, and \$10,601,000 from other*  
4 *funds): Provided, That this appropriation shall not be*  
5 *available for collecting ashes or miscellaneous refuse from*  
6 *hotels and places of business: Provided further, That*  
7 *\$3,000,000 shall be available for the lease financing, oper-*  
8 *ation, and maintenance of two mechanical street sweepers,*  
9 *one flusher truck, five packer trucks, one front-end loader,*  
10 *and various public litter containers: Provided further, That*  
11 *\$2,400,000 shall be available for recycling activities.*

12 *FINANCING AND OTHER USES*

13 *Financing and other uses, \$454,773,000 (including for*  
14 *payment to the Washington Convention Center, \$5,400,000*  
15 *from local funds; reimbursement to the United States of*  
16 *funds loaned in compliance with An Act to provide for the*  
17 *establishment of a modern, adequate, and efficient hospital*  
18 *center in the District of Columbia, approved August 7, 1946*  
19 *(60 Stat. 896; Public Law 79-648); section 1 of An Act*  
20 *to authorize the Commissioners of the District of Columbia*  
21 *to borrow funds for capital improvement programs and to*  
22 *amend provisions of law relating to Federal Government*  
23 *participation in meeting costs of maintaining the Nation's*  
24 *Capital City, approved June 6, 1958 (72 Stat. 183; Public*  
25 *Law 85-451; D.C. Code, sec. 9-219); section 4 of An Act*

1 *to authorize the Commissioners of the District of Columbia*  
2 *to plan, construct, operate, and maintain a sanitary sewer*  
3 *to connect the Dulles International Airport with the Dis-*  
4 *trict of Columbia system, approved June 12, 1960 (74 Stat.*  
5 *211; Public Law 86–515); and sections 723 and 743(f) of*  
6 *the District of Columbia Home Rule Act of 1973, approved*  
7 *December 24, 1973, as amended (87 Stat. 821; Public Law*  
8 *93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public*  
9 *Law 95–131; D.C. Code, sec. 9–219, note), including inter-*  
10 *est as required thereby, \$384,430,000 from local funds; for*  
11 *the purpose of eliminating the \$331,589,000 general fund*  
12 *accumulated deficit as of September 30, 1990, \$39,020,000*  
13 *from local funds, as authorized by section 461(a) of the Dis-*  
14 *trict of Columbia Home Rule Act, approved December 24,*  
15 *1973, as amended (105 Stat. 540; Public Law 102–106;*  
16 *D.C. Code, sec. 47–321(a)(1); for payment of interest on*  
17 *short-term borrowing, \$12,000,000 from local funds; for*  
18 *lease payments in accordance with the Certificates of Par-*  
19 *ticipation involving the land site underlying the building*  
20 *located at One Judiciary Square, \$7,923,000 from local*  
21 *funds; for human resources development, including costs of*  
22 *increased employee training, administrative reforms, and*  
23 *an executive compensation system, \$6,000,000 from local*  
24 *funds); for equipment leases, the Mayor may finance*  
25 *\$13,127,000 of equipment cost, plus cost of issuance not to*

1 *exceed two percent of the par amount being financed on*  
2 *a lease purchase basis with a maturity not to exceed five*  
3 *years: Provided, That \$75,000 is allocated to the Depart-*  
4 *ment of Corrections, \$8,000,000 for the Public Schools,*  
5 *\$50,000 for the Public Library, \$260,000 for the Depart-*  
6 *ment of Human Services, \$244,000 for the Department of*  
7 *Recreation and Parks, and \$4,498,000 for the Department*  
8 *of Public Works.*

9 *ENTERPRISE FUNDS*

10 *ENTERPRISE AND OTHER USES*

11 *Enterprises and other uses, \$15,725,000 (including for*  
12 *the Cable Television Enterprise Fund, established by the*  
13 *Cable Television Communications Act of 1981, effective Oc-*  
14 *tober 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801*  
15 *et seq.), \$2,467,000 (including \$2,135,000 from local funds*  
16 *and \$332,000 from other funds); for the Public Service*  
17 *Commission, \$4,547,000 (including \$4,250,000 from local*  
18 *funds, \$117,000 from Federal funds, and \$180,000 from*  
19 *other funds); for the Office of the People's Counsel,*  
20 *\$2,428,000 from local funds; for the Office of Banking and*  
21 *Financial Institutions, \$600,000 (including \$100,000 from*  
22 *local funds and \$500,000 from other funds); for the Depart-*  
23 *ment of Insurance and Securities Regulation, \$5,683,000*  
24 *from other funds).*



1 *WATER AND SEWER AUTHORITY AND THE WASHINGTON*  
2 *AQUEDUCT*

3 *For the Water and Sewer Authority and the Washing-*  
4 *ton Aqueduct, \$297,310,000 from other funds (including*  
5 *\$263,425,000 for the Water and Sewer Authority and*  
6 *\$33,885,000 for the Washington Aqueduct) of which*  
7 *\$41,423,000 shall be apportioned and payable to the Dis-*  
8 *trict's debt service fund for repayment of loans and interest*  
9 *incurred for capital improvement projects.*

10 *LOTTERY AND CHARITABLE GAMES CONTROL BOARD*

11 *For the Lottery and Charitable Games Control Board,*  
12 *established by the District of Columbia Appropriation Act*  
13 *for the fiscal year ending September 30, 1982, approved De-*  
14 *cember 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91),*  
15 *as amended, for the purpose of implementing the Law to*  
16 *Legalize Lotteries, Daily Numbers Games, and Bingo and*  
17 *Raffles for Charitable Purposes in the District of Columbia,*  
18 *effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs.*  
19 *2-2501 et seq. and 22-1516 et seq.), \$213,500,000: Pro-*  
20 *vided, That the District of Columbia shall identify the*  
21 *source of funding for this appropriation title from the Dis-*  
22 *trict's own locally-generated revenues: Provided further,*  
23 *That no revenues from Federal sources shall be used to sup-*  
24 *port the operations or activities of the Lottery and Chari-*  
25 *table Games Control Board.*



1 *plicable retirement funds to pay legal, management, invest-*  
2 *ment, and other fees and administrative expenses of the Dis-*  
3 *trict of Columbia Retirement Board: Provided, That the*  
4 *District of Columbia Retirement Board shall provide to the*  
5 *Congress and to the Council of the District of Columbia a*  
6 *quarterly report of the allocations of charges by fund and*  
7 *of expenditures of all funds: Provided further, That the Dis-*  
8 *trict of Columbia Retirement Board shall provide the*  
9 *Mayor, for transmittal to the Council of the District of Co-*  
10 *lumbia, an itemized accounting of the planned use of appro-*  
11 *priated funds in time for each annual budget submission*  
12 *and the actual use of such funds in time for each annual*  
13 *audited financial report.*

14 *CORRECTIONAL INDUSTRIES FUND*

15 *For the Correctional Industries Fund, established by*  
16 *the District of Columbia Correctional Industries Establish-*  
17 *ment Act, approved October 3, 1964 (78 Stat. 1000; Public*  
18 *Law 88-622), \$3,332,000 from other funds.*

19 *WASHINGTON CONVENTION CENTER ENTERPRISE FUND*

20 *For the Washington Convention Center Enterprise*  
21 *Fund, \$46,400,000, of which \$5,400,000 shall be derived by*  
22 *transfer from the general fund.*

1 *DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND*  
2 *MANAGEMENT ASSISTANCE AUTHORITY*

3 *For the District of Columbia Financial Responsibility*  
4 *and Management Assistance Authority, established by sec-*  
5 *tion 101(a) of the District of Columbia Financial Respon-*  
6 *sibility and Management Assistance Act of 1995, approved*  
7 *April 17, 1995 (109 Stat. 97; Public Law 104-8),*  
8 *\$3,220,000.*

9 *CAPITAL OUTLAY*

10 *For construction projects, \$269,330,000 (including*  
11 *\$31,100,000 for the highway trust fund, \$105,485,000 from*  
12 *local funds, and \$132,745,000 in Federal funds), to remain*  
13 *available until expended: Provided, That funds for use of*  
14 *each capital project implementing agency shall be managed*  
15 *and controlled in accordance with all procedures and limi-*  
16 *tations established under the Financial Management Sys-*  
17 *tem: Provided further, That all funds provided by this ap-*  
18 *propriation title shall be available only for the specific*  
19 *projects and purposes intended: Provided further, That not-*  
20 *withstanding the foregoing, all authorizations for capital*  
21 *outlay projects, except those projects covered by the first sen-*  
22 *tence of section 23(a) of the Federal-Aid Highway Act of*  
23 *1968, approved August 23, 1968 (82 Stat. 827; Public Law*  
24 *90-495; D.C. Code, sec. 7-134, note), for which funds are*  
25 *provided by this appropriation title, shall expire on Sep-*

1 tember 30, 1999, except authorizations for projects as to  
2 which funds have been obligated in whole or in part prior  
3 to September 30, 1999: Provided further, That, upon expi-  
4 ration of any such project authorization, the funds provided  
5 herein for the project shall lapse.

6 *DEFICIT REDUCTION AND REVITALIZATION*

7 *For deficit reduction and revitalization, \$201,090,000,*  
8 *to be deposited into an escrow account held by the District*  
9 *of Columbia Financial Responsibility and Management As-*  
10 *sistance Authority (hereafter in this section referred to as*  
11 *“Authority”), which shall allocate the funds to the Mayor,*  
12 *or such other District official as the Authority may deem*  
13 *appropriate, at such intervals and in accordance with such*  
14 *terms and conditions as the Authority considers appro-*  
15 *priate: Provided, That these funds shall only be used for*  
16 *reduction of the accumulated general fund deficit; capital*  
17 *expenditures, including debt service; and management and*  
18 *productivity improvements, as allocated by the Authority:*  
19 *Provided further, That no funds may be obligated until a*  
20 *plan for their use is approved by the Authority: Provided*  
21 *further, That the Authority shall inform the Committees on*  
22 *Appropriations of the Senate and House of Representatives,*  
23 *the Committee on Governmental Affairs of the Senate, and*  
24 *the Committee on Government Reform and Oversight of the*  
25 *House of Representatives of the approved plans.*

1                    *GENERAL PROVISIONS*

2            *SECTION 101. The expenditure of any appropriation*  
3 *under this Act for any consulting service through procure-*  
4 *ment contract, pursuant to 5 U.S.C. 3109, shall be limited*  
5 *to those contracts where such expenditures are a matter of*  
6 *public record and available for public inspection, except*  
7 *where otherwise provided under existing law, or under ex-*  
8 *isting Executive order issued pursuant to existing law.*

9            *SEC. 102. Except as otherwise provided in this Act,*  
10 *all vouchers covering expenditures of appropriations con-*  
11 *tained in this Act shall be audited before payment by the*  
12 *designated certifying official and the vouchers as approved*  
13 *shall be paid by checks issued by the designated disbursing*  
14 *official.*

15          *SEC. 103. Whenever in this Act an amount is specified*  
16 *within an appropriation for particular purposes or objects*  
17 *of expenditure, such amount, unless otherwise specified,*  
18 *shall be considered as the maximum amount that may be*  
19 *expended for said purpose or object rather than an amount*  
20 *set apart exclusively therefor.*

21          *SEC. 104. Appropriations in this Act shall be avail-*  
22 *able, when authorized by the Mayor, for allowances for pri-*  
23 *vately-owned automobiles and motorcycles used for the per-*  
24 *formance of official duties at rates established by the Mayor:*  
25 *Provided, That such rates shall not exceed the maximum*

1 *prevailing rates for such vehicles as prescribed in the Fed-*  
2 *eral Property Management Regulations 101–7 (Federal*  
3 *Travel Regulations).*

4       *SEC. 105. Appropriations in this Act shall be available*  
5 *for expenses of travel and for the payment of dues of organi-*  
6 *zations concerned with the work of the District of Columbia*  
7 *government, when authorized by the Mayor: Provided, That*  
8 *the Council of the District of Columbia and the District*  
9 *of Columbia Courts may expend such funds without author-*  
10 *ization by the Mayor.*

11       *SEC. 106. There are appropriated from the applicable*  
12 *funds of the District of Columbia such sums as may be nec-*  
13 *essary for making refunds and for the payment of judg-*  
14 *ments that have been entered against the District of Colum-*  
15 *bia government: Provided, That nothing contained in this*  
16 *section shall be construed as modifying or affecting the pro-*  
17 *visions of section 11(c)(3) of title XII of the District of Co-*  
18 *lumbia Income and Franchise Tax Act of 1947, approved*  
19 *March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C.*  
20 *Code, sec. 47–1812.11(c)(3)).*

21       *SEC. 107. Appropriations in this Act shall be available*  
22 *for the payment of public assistance without reference to*  
23 *the requirement of section 544 of the District of Columbia*  
24 *Public Assistance Act of 1982, effective April 6, 1982 (D.C.*  
25 *Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Fed-*

1 eral share of funds necessary to qualify for Federal assist-  
2 ance under the Juvenile Delinquency Prevention and Con-  
3 trol Act of 1968, approved July 31, 1968 (82 Stat. 462;  
4 Public Law 90-445; 42 U.S.C. 3801 et seq.).

5       *SEC. 108. No part of any appropriation contained in*  
6 *this Act shall remain available for obligation beyond the*  
7 *current fiscal year unless expressly so provided herein.*

8       *SEC. 109. No funds appropriated in this Act for the*  
9 *District of Columbia government for the operation of edu-*  
10 *cational institutions, the compensation of personnel, or for*  
11 *other educational purposes may be used to permit, encour-*  
12 *age, facilitate, or further partisan political activities. Noth-*  
13 *ing herein is intended to prohibit the availability of school*  
14 *buildings for the use of any community or partisan politi-*  
15 *cal group during non-school hours.*

16       *SEC. 110. None of the funds appropriated in this Act*  
17 *shall be made available to pay the salary of any employee*  
18 *of the District of Columbia government whose name, title,*  
19 *grade, salary, past work experience, and salary history are*  
20 *not available for inspection by the House and Senate Com-*  
21 *mittees on Appropriations, the Subcommittee on the Dis-*  
22 *trict of Columbia of the House Committee on Government*  
23 *Reform and Oversight, the Subcommittee on Oversight of*  
24 *Government Management, Restructuring and the District*  
25 *of Columbia of the Senate Committee on Governmental Af-*



1 *fairs, and the Council of the District of Columbia, or their*  
2 *duly authorized representative.*

3       *SEC. 111. There are appropriated from the applicable*  
4 *funds of the District of Columbia such sums as may be nec-*  
5 *essary for making payments authorized by the District of*  
6 *Columbia Revenue Recovery Act of 1977, effective Septem-*  
7 *ber 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et*  
8 *seq.).*

9       *SEC. 112. No part of this appropriation shall be used*  
10 *for publicity or propaganda purposes or implementation of*  
11 *any policy including boycott designed to support or defeat*  
12 *legislation pending before Congress or any State legislature.*

13       *SEC. 113. At the start of the fiscal year, the Mayor*  
14 *shall develop an annual plan, by quarter and by project,*  
15 *for capital outlay borrowings: Provided, That within a rea-*  
16 *sonable time after the close of each quarter, the Mayor shall*  
17 *report to the Council of the District of Columbia and the*  
18 *Congress the actual borrowings and spending progress com-*  
19 *pared with projections.*

20       *SEC. 114. The Mayor shall not borrow any funds for*  
21 *capital projects unless the Mayor has obtained prior ap-*  
22 *proval from the Council of the District of Columbia, by reso-*  
23 *lution, identifying the projects and amounts to be financed*  
24 *with such borrowings.*

1        *SEC. 115. The Mayor shall not expend any moneys*  
2 *borrowed for capital projects for the operating expenses of*  
3 *the District of Columbia government.*

4        *SEC. 116. None of the funds appropriated by this Act*  
5 *may be obligated or expended by reprogramming except*  
6 *pursuant to advance approval of the reprogramming grant-*  
7 *ed according to the procedure set forth in the Joint Explan-*  
8 *atory Statement of the Committee of Conference (House Re-*  
9 *port No. 96-443), which accompanied the District of Co-*  
10 *lumbia Appropriation Act, 1980, approved October 30,*  
11 *1979 (93 Stat. 713; Public Law 96-93), as modified in*  
12 *House Report No. 98-265, and in accordance with the Re-*  
13 *programming Policy Act of 1980, effective September 16,*  
14 *1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.): Pro-*  
15 *vided, That for the fiscal year ending September 30, 1998*  
16 *the above shall apply except as modified by Public Law*  
17 *104-8.*

18        *SEC. 117. None of the Federal funds provided in this*  
19 *Act shall be obligated or expended to provide a personal*  
20 *cook, chauffeur, or other personal servants to any officer or*  
21 *employee of the District of Columbia.*

22        *SEC. 118. None of the Federal funds provided in this*  
23 *Act shall be obligated or expended to procure passenger*  
24 *automobiles as defined in the Automobile Fuel Efficiency*  
25 *Act of 1980, approved October 10, 1980 (94 Stat. 1824;*

1 *Public Law 96-425; 15 U.S.C. 2001(2)), with an Environ-*  
2 *mental Protection Agency estimated miles per gallon aver-*  
3 *age of less than 22 miles per gallon: Provided, That this*  
4 *section shall not apply to security, emergency rescue, or ar-*  
5 *mored vehicles.*

6       *SEC. 119. (a) Notwithstanding section 422(7) of the*  
7 *District of Columbia Home Rule Act of 1973, approved De-*  
8 *cember 24, 1973 (87 Stat. 790; Public Law 93-198; D.C.*  
9 *Code, sec. 1-242(7)), the City Administrator shall be paid,*  
10 *during any fiscal year, a salary at a rate established by*  
11 *the Mayor, not to exceed the rate established for Level IV*  
12 *of the Executive Schedule under 5 U.S.C. 5315.*

13       *(b) For purposes of applying any provision of law lim-*  
14 *iting the availability of funds for payment of salary or pay*  
15 *in any fiscal year, the highest rate of pay established by*  
16 *the Mayor under subsection (a) of this section for any posi-*  
17 *tion for any period during the last quarter of calendar year*  
18 *1997 shall be deemed to be the rate of pay payable for that*  
19 *position for September 30, 1997.*

20       *(c) Notwithstanding section 4(a) of the District of Co-*  
21 *lumbia Redevelopment Act of 1945, approved August 2,*  
22 *1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec.*  
23 *5-803(a)), the Board of Directors of the District of Colum-*  
24 *bia Redevelopment Land Agency shall be paid, during any*

1 *fiscal year, per diem compensation at a rate established by*  
2 *the Mayor.*

3       *SEC. 120. Notwithstanding any other provisions of*  
4 *law, the provisions of the District of Columbia Government*  
5 *Comprehensive Merit Personnel Act of 1978, effective March*  
6 *3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.),*  
7 *enacted pursuant to section 422(3) of the District of Colum-*  
8 *bia Home Rule Act of 1973, approved December 24, 1973*  
9 *(87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-*  
10 *242(3)), shall apply with respect to the compensation of*  
11 *District of Columbia employees: Provided, That for pay*  
12 *purposes, employees of the District of Columbia government*  
13 *shall not be subject to the provisions of title 5, United States*  
14 *Code.*

15       *SEC. 121. The Director of the Department of Adminis-*  
16 *trative Services may pay rentals and repair, alter, and im-*  
17 *prove rented premises, without regard to the provisions of*  
18 *section 322 of the Economy Act of 1932 (Public Law 72-*  
19 *212; 40 U.S.C. 278a), based upon a determination by the*  
20 *Director that, by reason of circumstances set forth in such*  
21 *determination, the payment of these rents and the execution*  
22 *of this work, without reference to the limitations of section*  
23 *322, is advantageous to the District in terms of economy,*  
24 *efficiency, and the District's best interest.*

1        *SEC. 122. No later than 30 days after the end of the*  
2 *first quarter of the fiscal year ending September 30, 1998,*  
3 *the Mayor of the District of Columbia shall submit to the*  
4 *Council of the District of Columbia the new fiscal year 1998*  
5 *revenue estimates as of the end of the first quarter of fiscal*  
6 *year 1998. These estimates shall be used in the budget re-*  
7 *quest for the fiscal year ending September 30, 1999. The*  
8 *officially revised estimates at midyear shall be used for the*  
9 *midyear report.*

10        *SEC. 123. No sole source contract with the District of*  
11 *Columbia government or any agency thereof may be re-*  
12 *newed or extended without opening that contract to the*  
13 *competitive bidding process as set forth in section 303 of*  
14 *the District of Columbia Procurement Practices Act of 1985,*  
15 *effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec.*  
16 *1-1183.3), except that the District of Columbia government*  
17 *or any agency thereof may renew or extend sole source con-*  
18 *tracts for which competition is not feasible or practical:*  
19 *Provided, That the determination as to whether to invoke*  
20 *the competitive bidding process has been made in accord-*  
21 *ance with duly promulgated rules and procedures and said*  
22 *determination has been reviewed and approved by the Dis-*  
23 *trict of Columbia Financial Responsibility and Manage-*  
24 *ment Assistance Authority.*

1        *SEC. 124. For purposes of the Balanced Budget and*  
2 *Emergency Deficit Control Act of 1985, approved December*  
3 *12, 1985 (99 Stat. 1037; Public Law 99–177), as amended,*  
4 *the term “program, project, and activity” shall be synony-*  
5 *mous with and refer specifically to each account appro-*  
6 *priating Federal funds in this Act, and any sequestration*  
7 *order shall be applied to each of the accounts rather than*  
8 *to the aggregate total of those accounts: Provided, That se-*  
9 *questration orders shall not be applied to any account that*  
10 *is specifically exempted from sequestration by the Balanced*  
11 *Budget and Emergency Deficit Control Act of 1985, ap-*  
12 *proved December 12, 1985 (99 Stat. 1037; Public Law 99–*  
13 *177), as amended.*

14        *SEC. 125. In the event a sequestration order is issued*  
15 *pursuant to the Balanced Budget and Emergency Deficit*  
16 *Control Act of 1985, approved December 12, 1985 (99 Stat.*  
17 *1037; Public Law 99–177), as amended, after the amounts*  
18 *appropriated to the District of Columbia for the fiscal year*  
19 *involved have been paid to the District of Columbia, the*  
20 *Mayor of the District of Columbia shall pay to the Sec-*  
21 *retary of the Treasury, within 15 days after receipt of a*  
22 *request therefor from the Secretary of the Treasury, such*  
23 *amounts as are sequestered by the order: Provided, That the*  
24 *sequestration percentage specified in the order shall be ap-*  
25 *plied proportionately to each of the Federal appropriation*

1 *accounts in this Act that are not specifically exempted from*  
2 *sequestration by the Balanced Budget and Emergency Defi-*  
3 *cit Control Act of 1985, approved December 12, 1985 (99*  
4 *Stat. 1037; Public Law 99–177), as amended.*

5 *SEC. 126. (a) An entity of the District of Columbia*  
6 *government may accept and use a gift or donation during*  
7 *fiscal year 1998 if—*

8 *(1) the Mayor approves the acceptance and use*  
9 *of the gift or donation: Provided, That the Council of*  
10 *the District of Columbia may accept and use gifts*  
11 *without prior approval by the Mayor; and*

12 *(2) the entity uses the gift or donation to carry*  
13 *out its authorized functions or duties.*

14 *(b) Each entity of the District of Columbia government*  
15 *shall keep accurate and detailed records of the acceptance*  
16 *and use of any gift or donation under subsection (a) of this*  
17 *section, and shall make such records available for audit and*  
18 *public inspection.*

19 *(c) For the purposes of this section, the term “entity*  
20 *of the District of Columbia government” includes an inde-*  
21 *pendent agency of the District of Columbia.*

22 *(d) This section shall not apply to the District of Co-*  
23 *lumbia Board of Education, which may, pursuant to the*  
24 *laws and regulations of the District of Columbia, accept*

1 *and use gifts to the public schools without prior approval*  
2 *by the Mayor.*

3       *SEC. 127. None of the Federal funds provided in this*  
4 *Act may be used by the District of Columbia to provide*  
5 *for salaries, expenses, or other costs associated with the of-*  
6 *fices of United States Senator or United States Representa-*  
7 *tive under section 4(d) of the District of Columbia State-*  
8 *hood Constitutional Convention Initiatives of 1979, effective*  
9 *March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-*  
10 *113(d)).*

11       *SEC. 128. The University of the District of Columbia*  
12 *shall submit to the Congress, the Mayor, the District of Co-*  
13 *lumbia Financial Responsibility and Management Assist-*  
14 *ance Authority, and the Council of the District of Columbia*  
15 *no later than fifteen (15) calendar days after the end of*  
16 *each month a report that sets forth—*

17           (1) *current month expenditures and obligations,*  
18           *year-to-date expenditures and obligations, and total*  
19           *fiscal year expenditure projections versus budget bro-*  
20           *ken out on the basis of control center, responsibility*  
21           *center, and object class, and for all funds, non-appro-*  
22           *propriated funds, and capital financing;*

23           (2) *a list of each account for which spending is*  
24           *frozen and the amount of funds frozen, broken out by*



1       *control center, responsibility center, detailed object,*  
2       *and for all funding sources;*

3           (3) *a list of all active contracts in excess of*  
4       *\$10,000 annually, which contains the name of each*  
5       *contractor; the budget to which the contract is charged*  
6       *broken out on the basis of control center and respon-*  
7       *sibility center, and contract identifying codes used by*  
8       *the University of the District of Columbia; payments*  
9       *made in the last month and year-to-date, the total*  
10       *amount of the contract and total payments made for*  
11       *the contract and any modifications, extensions, re-*  
12       *newals; and specific modifications made to each con-*  
13       *tract in the last month;*

14           (4) *all reprogramming requests and reports that*  
15       *have been made by the University of the District of*  
16       *Columbia within the last month in compliance with*  
17       *applicable law; and*

18           (5) *changes made in the last month to the orga-*  
19       *nizational structure of the University of the District*  
20       *of Columbia, displaying previous and current control*  
21       *centers and responsibility centers, the names of the or-*  
22       *ganizational entities that have been changed, the*  
23       *name of the staff member supervising each entity af-*  
24       *ected, and the reasons for the structural change.*

1        *SEC. 129. Funds authorized or appropriated to the*  
2 *government of the District of Columbia by this or any other*  
3 *act to procure the necessary hardware and installation of*  
4 *new software, conversion, testing, and training to improve*  
5 *or replace its financial management system are also avail-*  
6 *able for the acquisition of accounting and financial man-*  
7 *agement services and the leasing of necessary hardware,*  
8 *software or any other related goods or services, as deter-*  
9 *mined by the District of Columbia Financial Responsibility*  
10 *and Management Assistance Authority.*

11        *SEC. 130. Section 456 of the District of Columbia*  
12 *Home Rule Act of 1973, approved December 24, 1973 (87*  
13 *Stat. 790; Public Law 93–198; D.C. Code, secs. 47–231 et*  
14 *seq.) is amended—*

15            *(1) in subsection (a)(1), by—*

16                    *(A) striking “1995” and inserting “1998”;*

17                    *(B) striking “Mayor” and inserting “Dis-*

18                    *trict of Columbia Financial Responsibility and*

19                    *Management Assistance Authority”;* and

20                    *(C) striking “Committee on the District of*

21                    *Columbia” and inserting “Committee on Govern-*

22                    *ment Reform and Oversight”;*

23            *(2) in subsection (b)(1), by—*

24                    *(A) striking “1997” and inserting “1999”;*

1           (B) striking “Mayor” and inserting “Au-  
2           thority”; and

3           (C) striking “Committee on the District of  
4           Columbia” and inserting “Committee on Govern-  
5           ment Reform and Oversight”;

6           (3) in subsection (b)(3), by striking “Committee  
7           on the District of Columbia” and inserting “Commit-  
8           tee on Government Reform and Oversight”;

9           (4) in subsection (c)(1), by—

10           (A) striking “1995” and inserting “1997”;

11           (B) striking “Mayor” and inserting “Chief  
12           Financial Officer”; and

13           (C) striking “Committee on the District of  
14           Columbia” and inserting “Committee on Govern-  
15           ment Reform and Oversight”;

16           (5) in subsection (c)(2)(A), by—

17           (A) striking “1997” and inserting “1999”;

18           (B) striking “Mayor” and inserting “Chief  
19           Financial Officer”; and

20           (C) striking “Committee on the District of  
21           Columbia” and inserting “Committee on Govern-  
22           ment Reform and Oversight”;

23           (6) in subsection (c)(2)(B), by striking “Commit-  
24           tee on the District of Columbia” and inserting “Com-  
25           mittee on Government Reform and Oversight”; and

1           (7) *in subsection (d)(1), by—*

2                   (A) *striking “1994” and inserting “1997”;*

3                   (B) *striking “Mayor” and inserting “Chief*  
4                   *Financial Officer”;* and

5                   (C) *striking “Committee on the District of*  
6                   *Columbia” and inserting “Committee on Govern-*  
7                   *ment Reform and Oversight”.*

8           *SEC. 131. For purposes of the appointment of the head*  
9           *of a department of the government of the District of Colum-*  
10           *bia under section 11105(a) of the National Capital Revital-*  
11           *ization and Self-Improvement Act of 1997, Public Law*  
12           *105–33, the following rules shall apply:*

13                   (1) *After the Mayor notifies the Council under*  
14                   *paragraph (1)(A)(ii) of such section of the nomina-*  
15                   *tion of an individual for appointment, the Council*  
16                   *shall meet to determine whether to confirm or reject*  
17                   *the nomination.*

18                   (2) *If the Council fails to confirm or reject the*  
19                   *nomination during the 7-day period described in*  
20                   *paragraph (1)(A)(iii) of such section, the Council*  
21                   *shall be deemed to have confirmed the nomination.*

22                   (3) *For purposes of paragraph (1)(B) of such*  
23                   *section, if the Council does not confirm a nomination*  
24                   *(or is not deemed to have confirmed a nomination)*  
25                   *during the 30-day period described in such para-*

1        *graph, the Mayor shall be deemed to have failed to*  
2        *nominate an individual during such period to fill the*  
3        *vacancy in the position of the head of the department.*

4        *SEC. 132. None of the funds appropriated under this*  
5        *Act shall be expended for any abortion except where the life*  
6        *of the mother would be endangered if the fetus were carried*  
7        *to term or where the pregnancy is the result of an act of*  
8        *rape or incest.*

9        *SEC. 133. None of the funds made available in this*  
10       *Act may be used to implement or enforce the Health Care*  
11       *Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C.*  
12       *Code, sec. 36–1401 et seq.) or to otherwise implement or*  
13       *enforce any system of registration of unmarried, cohabiting*  
14       *couples (whether homosexual, heterosexual, or lesbian), in-*  
15       *cluding but not limited to registration for the purpose of*  
16       *extending employment, health, or governmental benefits to*  
17       *such couples on the same basis as such benefits are extended*  
18       *to legally married couples.*

19       *SEC. 134. The Emergency Transitional Education*  
20       *Board of Trustees shall submit to the Congress, the Mayor,*  
21       *the District of Columbia Financial Responsibility and*  
22       *Management Assistance Authority, and the Council of the*  
23       *District of Columbia no later than fifteen (15) calendar*  
24       *days after the end of each month a report that sets forth—*

1           (1) *current month expenditures and obligations,*  
2           *year-to-date expenditures and obligations, and total*  
3           *fiscal year expenditure projections versus budget bro-*  
4           *ken out on the basis of control center, responsibility*  
5           *center, agency reporting code, and object class, and*  
6           *for all funds, including capital financing;*

7           (2) *a list of each account for which spending is*  
8           *frozen and the amount of funds frozen, broken out by*  
9           *control center, responsibility center, detailed object,*  
10          *and agency reporting code, and for all funding*  
11          *sources;*

12          (3) *a list of all active contracts in excess of*  
13          *\$10,000 annually, which contains the name of each*  
14          *contractor; the budget to which the contract is charged*  
15          *broken out on the basis of control center, responsibil-*  
16          *ity center, and agency reporting code; and contract*  
17          *identifying codes used by the D.C. Public Schools;*  
18          *payments made in the last month and year-to-date,*  
19          *the total amount of the contract and total payments*  
20          *made for the contract and any modifications, exten-*  
21          *sions, renewals; and specific modifications made to*  
22          *each contract in the last month;*

23          (4) *all reprogramming requests and reports that*  
24          *are required to be, and have been, submitted to the*  
25          *Board of Education; and*

1           (5) changes made in the last month to the orga-  
2           nizational structure of the D.C. Public Schools, dis-  
3           playing previous and current control centers and re-  
4           sponsibility centers, the names of the organizational  
5           entities that have been changed, the name of the staff  
6           member supervising each entity affected, and the rea-  
7           sons for the structural change.

8           SEC. 135. (a) IN GENERAL.—The Emergency Transi-  
9           tional Education Board of Trustees of the District of Co-  
10          lumbia and the University of the District of Columbia shall  
11          annually compile an accurate and verifiable report on the  
12          positions and employees in the public school system and  
13          the university, respectively. The annual report shall set  
14          forth—

15                 (1) the number of validated schedule A positions  
16                 in the District of Columbia Public Schools and the  
17                 University of the District of Columbia for fiscal year  
18                 1997, fiscal year 1998, and thereafter on a full-time  
19                 equivalent basis, including a compilation of all posi-  
20                 tions by control center, responsibility center, funding  
21                 source, position type, position title, pay plan, grade,  
22                 and annual salary; and

23                 (2) a compilation of all employees in the District  
24                 of Columbia Public Schools and the University of the  
25                 District of Columbia as of the preceding December 31,

1        *verified as to its accuracy in accordance with the*  
2        *functions that each employee actually performs, by*  
3        *control center, responsibility center, agency reporting*  
4        *code, program (including funding source), activity,*  
5        *location for accounting purposes, job title, grade and*  
6        *classification, annual salary, and position control*  
7        *number.*

8        *(b) SUBMISSION.—The annual report required by sub-*  
9        *section (a) of this section shall be submitted to the Congress,*  
10       *the Mayor, the District of Columbia Council, the Consensus*  
11       *Commission, and the Authority, not later than February*  
12       *15 of each year.*

13       *SEC. 136. (a) No later than October 1, 1997, or within*  
14       *15 calendar days after the date of the enactment of the Dis-*  
15       *trict of Columbia Appropriations Act, 1998, whichever oc-*  
16       *curs later, and each succeeding year, the Emergency Transi-*  
17       *tional Education Board of Trustees and the University of*  
18       *the District of Columbia shall submit to the appropriate*  
19       *congressional committees, the Mayor, the District of Colum-*  
20       *bia Council, the Consensus Commission, and the District*  
21       *of Columbia Financial Responsibility and Management As-*  
22       *sistance Authority, a revised appropriated funds operating*  
23       *budget for the public school system and the University of*  
24       *the District of Columbia for such fiscal year that is in the*  
25       *total amount of the approved appropriation and that re-*



1 *aligns budgeted data for personal services and other-than-*  
2 *personal services, respectively, with anticipated actual ex-*  
3 *penditures.*

4       **(b)** *The revised budget required by subsection (a) of*  
5 *this section shall be submitted in the format of the budget*  
6 *that the Emergency Transitional Education Board of*  
7 *Trustees and the University of the District of Columbia sub-*  
8 *mit to the Mayor of the District of Columbia for inclusion*  
9 *in the Mayor's budget submission to the Council of the Dis-*  
10 *trict of Columbia pursuant to section 442 of the District*  
11 *of Columbia Home Rule Act, Public Law 93-198, as*  
12 *amended (D.C. Code, sec. 47-301).*

13       **SEC. 137.** *The Emergency Transitional Education*  
14 *Board of Trustees, the Board of Trustees of the University*  
15 *of the District of Columbia, the Board of Library Trustees,*  
16 *and the Board of Governors of the University of the District*  
17 *of Columbia School of Law shall vote on and approve their*  
18 *respective annual or revised budgets before submission to*  
19 *the Mayor of the District of Columbia for inclusion in the*  
20 *Mayor's budget submission to the Council of the District*  
21 *of Columbia in accordance with section 442 of the District*  
22 *of Columbia Home Rule Act, Public Law 93-198, as*  
23 *amended (D.C. Code, sec. 47-301), or before submitting*  
24 *their respective budgets directly to the Council.*

1        *SEC. 138. (a) CEILING ON TOTAL OPERATING EX-*  
2 *PENSES.—*

3            *(1) IN GENERAL.—Notwithstanding any other*  
4 *provision of law, the total amount appropriated in*  
5 *this Act for operating expenses for the District of Co-*  
6 *lumbia for fiscal year 1998 under the caption “Divi-*  
7 *sion of Expenses” shall not exceed the lesser of—*

8                    *(A) the sum of the total revenues of the Dis-*  
9 *trict of Columbia for such fiscal year; or*

10                   *(B) \$4,811,906,000 (of which \$118,269,000*  
11 *shall be from intra-District funds), which*  
12 *amount may be increased by the following:*

13                            *(i) proceeds of one-time transactions,*  
14 *which are expended for emergency or unan-*  
15 *ticipated operating or capital needs ap-*  
16 *proved by the District of Columbia Finan-*  
17 *cial Responsibility and Management Assist-*  
18 *ance Authority; and*

19                            *(ii) additional expenditures which the*  
20 *Chief Financial Officer of the District of*  
21 *Columbia certifies will produce additional*  
22 *revenues during such fiscal year at least*  
23 *equal to 200 percent of such additional ex-*  
24 *penditures, and which are approved by the*

1           *District of Columbia Financial Responsibil-*  
2           *ity and Management Assistance Authority.*

3           *(C) to the extent that the sum of the total*  
4           *revenues of the District of Columbia for such fis-*  
5           *cal year exceed the total amount provided for in*  
6           *subsection (B) above, the Chief Financial Officer*  
7           *of the District of Columbia, with the approval of*  
8           *the District of Columbia Financial Responsibil-*  
9           *ity and Management Assistance Authority, may*  
10          *credit up to ten percent (10%) of the amount of*  
11          *such difference, not to exceed \$3,300,000, to a re-*  
12          *serve fund which may be expended for operating*  
13          *purposes in future fiscal years, in accordance*  
14          *with the financial plans and budgets for such*  
15          *years.*

16          (2) *ENFORCEMENT.*—*The Chief Financial Officer*  
17          *of the District of Columbia and the District of Colum-*  
18          *bia Financial Responsibility and Management Assist-*  
19          *ance Authority (hereafter in this section referred to as*  
20          *“Authority”)* shall take such steps as are necessary to  
21          *assure that the District of Columbia meets the re-*  
22          *quirements of this section, including the apportioning*  
23          *by the Chief Financial Officer of the appropriations*  
24          *and funds made available to the District during fiscal*  
25          *year 1998.*

1           **(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED**  
2 *IN CEILING.—*

3           **(1) IN GENERAL.—***Notwithstanding subsection*  
4 *(a), the Mayor in consultation with the Chief Finan-*  
5 *cial Officer of the District of Columbia during a con-*  
6 *trol year, as defined in section 305(4) of Public Law*  
7 *104–8, as amended, 109 Stat. 152, may accept, obli-*  
8 *gate, and expend Federal, private, and other grants*  
9 *received by the District government that are not re-*  
10 *flected in the amounts appropriated in this Act.*

11           **(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER**  
12 **REPORT AND FINANCIAL RESPONSIBILITY AND MAN-**  
13 **AGEMENT ASSISTANCE AUTHORITY APPROVAL.—***No*  
14 *such Federal, private, or other grant may be accepted,*  
15 *obligated, or expended pursuant to paragraph (1)*  
16 *until—*

17           **(A)** *the Chief Financial Officer of the Dis-*  
18 *trict submits to the Authority a report setting*  
19 *forth detailed information regarding such grant;*  
20 *and*

21           **(B)** *the Authority has reviewed and ap-*  
22 *proved the acceptance, obligation, and expendi-*  
23 *ture of such grant in accordance with review and*  
24 *approval procedures consistent with the provi-*  
25 *sions of the District of Columbia Financial Re-*

1           *sponsibility and Management Assistance Act of*  
2           *1995.*

3           (3) *PROHIBITION ON SPENDING IN ANTICIPATION*  
4           *OF APPROVAL OR RECEIPT.—No amount may be obli-*  
5           *gated or expended from the general fund or other*  
6           *funds of the District government in anticipation of*  
7           *the approval or receipt of a grant under paragraph*  
8           *(2)(B) or in anticipation of the approval or receipt*  
9           *of a Federal, private, or other grant not subject to*  
10          *such paragraph.*

11          (4) *MONTHLY REPORTS.—The Chief Financial*  
12          *Officer of the District of Columbia shall prepare a*  
13          *monthly report setting forth detailed information re-*  
14          *garding all Federal, private, and other grants subject*  
15          *to this subsection. Each such report shall be submitted*  
16          *to the Council of the District of Columbia, and to the*  
17          *Committees on Appropriations of the House of Rep-*  
18          *resentatives and the Senate, not later than 15 days*  
19          *after the end of the month covered by the report.*

20          *SEC. 139. The District of Columbia Emergency Tran-*  
21          *sitional Education Board of Trustees shall, subject to the*  
22          *contract approval provisions of Public Law 104–8—*

23                 (A) *develop a comprehensive plan to identify and*  
24                 *accomplish energy conservation measures to achieve*  
25                 *maximum cost-effective energy and water savings;*

1           (B) enter into innovative financing and contrac-  
2           tual mechanisms including, but not limited to, utility  
3           demand-side management programs and energy sav-  
4           ings performance contracts and water conservation  
5           performance contracts: Provided, That the terms of  
6           such contracts do not exceed twenty-five years; and

7           (C) permit and encourage each department or  
8           agency and other instrumentality of the District of  
9           Columbia to participate in programs conducted by  
10          any gas, electric or water utility of the management  
11          of electricity or gas demand or for energy or water  
12          conservation.

13          SEC. 140. If a department or agency of the government  
14          of the District of Columbia is under the administration of  
15          a court-appointed receiver or other court-appointed official  
16          during fiscal year 1998 or any succeeding fiscal year, the  
17          receiver or official shall prepare and submit to the Mayor,  
18          for inclusion in the annual budget of the District of Colum-  
19          bia for the year, annual estimates of the expenditures and  
20          appropriations necessary for the maintenance and oper-  
21          ation of the department or agency. All such estimates shall  
22          be forwarded by the Mayor to the Council, for its action  
23          pursuant to sections 446 and 603(c) of the District of Co-  
24          lumbia Home Rule Act, without revision but subject to the  
25          Mayor's recommendations. Notwithstanding any provision

1 *of the District of Columbia Home Rule Act, the Council*  
2 *may comment or make recommendations concerning such*  
3 *annual estimates but shall have no authority under such*  
4 *Act to revise such estimates.*

5       *SEC. 141. In addition to amounts appropriated or oth-*  
6 *erwise made available, \$5,000,000 is hereby appropriated*  
7 *to the National Park Service and shall be available only*  
8 *for the United States Park Police operations in the District*  
9 *of Columbia.*

10       *SEC. 142. The District government shall maintain for*  
11 *fiscal year 1998 the same funding levels as provided in fis-*  
12 *cal year 1997 for homeless services in the District of Colum-*  
13 *bia.*

14       *SEC. 143. The District of Columbia Financial Respon-*  
15 *sibility and Management Assistance Authority and the*  
16 *Chief Executive Officer of the District of Columbia public*  
17 *schools are hereby directed to report to the Appropriations*  
18 *Committees of the Senate and the House of Representatives,*  
19 *the Senate Committee on Governmental Affairs and the*  
20 *Committee on Government Reform and Oversight of the*  
21 *House of Representatives not later than April 1, 1998, on*  
22 *all measures necessary and steps to be taken to ensure that*  
23 *the District's public schools open on time to begin the 1998-*  
24 *99 academic year.*

1        *SEC. 144. There are appropriated from applicable*  
2 *funds of the District of Columbia such sums as may be nec-*  
3 *essary to hire 12 additional inspectors for the Alcoholic Bev-*  
4 *erage Commission. Of the additional inspectors, 6 shall*  
5 *focus their responsibilities on the enforcement of laws relat-*  
6 *ing to the sale of alcohol to minors.*

7        *SEC. 145. (a) Not later than 6 months after the date*  
8 *of enactment of this Act, the General Accounting Office shall*  
9 *conduct and submit to Congress a study of—*

10            *(1) the District of Columbia's alcoholic beverage*  
11 *tax structure and its relation to surrounding jurisdic-*  
12 *tions;*

13            *(2) the effects of the District of Columbia's lower*  
14 *excise taxes on alcoholic beverages on consumption of*  
15 *alcoholic beverages in the District of Columbia;*

16            *(3) ways in which the District of Columbia's tax*  
17 *structure can be revised to bring it into conformity*  
18 *with the higher levels in surrounding jurisdictions;*  
19 *and*

20            *(4) ways in which those increased revenues can*  
21 *be used to lower consumption and promote abstention*  
22 *from alcohol among young people.*

23        *(b) The study should consider whether—*

24            *(1) alcohol is being sold in proximity to schools*  
25 *and other areas where children are likely to be; and*



1           (2) *creation of alcohol free zones in areas fre-*  
2           *quented by children would be useful in deterring un-*  
3           *derage alcohol consumption.*

4           *SEC. 146. Of the amounts appropriated in this Act to*  
5           *the District of Columbia, funds may be expended to—*

6           (1) *hire 5 additional inspectors for the Depart-*  
7           *ment of Consumer and Regulatory Affairs to focus on*  
8           *monitoring day care centers and home day care oper-*  
9           *ations; and*

10          (2) *hire 5 additional Department of Human*  
11          *Services monitors to focus on selecting quality day*  
12          *care centers eligible for public financing and monitor-*  
13          *ing safety standards at such centers.*

14          (b) *Nothing in this section shall be deemed to supersede*  
15          *or otherwise preempt the development and implementation*  
16          *of the management reform plan for the Department of*  
17          *Consumer and Regulatory Affairs and the Department of*  
18          *Human Services as authorized in the District of Columbia*  
19          *Management Reform Act of 1997 (Subtitle B, Title XI, Pub-*  
20          *lic Law 105–33).*

21          *SEC. 147. (a) SHORT TITLE; FINDINGS; PURPOSE.—*

22                 (1) *SHORT TITLE.—This section may be cited as*  
23                 *the “Nation’s Capital Bicentennial Designation Act”.*

24                 (2) *FINDINGS.—The Senate finds that—*

1           (A) the year 2000 will mark the 200th an-  
2           niversary of Washington, D.C. as the Nation's  
3           permanent capital, commencing when the Gov-  
4           ernment moved from Philadelphia to the Federal  
5           City;

6           (B) the framers of the Constitution provided  
7           for the establishment of a special district to serve  
8           as "the seat of Government of the United States";

9           (C) the site for the city was selected under  
10          the direction of President George Washington,  
11          with construction initiated in 1791;

12          (D) in submitting his design to Congress,  
13          Major Pierre Charles L'Enfant included numer-  
14          ous parks, fountains, and sweeping avenues de-  
15          signed to reflect a vision as grand and as ambi-  
16          tious as the American experience itself;

17          (E) the capital city was named after Presi-  
18          dent George Washington to commemorate and  
19          celebrate his triumph in building the Nation;

20          (F) as the seat of Government of the United  
21          States for almost 200 years, the Nation's capital  
22          has been a center of American culture and a  
23          world symbol of freedom and democracy;

24          (G) from Washington, D.C., President Abra-  
25          ham Lincoln labored to preserve the Union and

1           *the Reverend Martin Luther King, Jr. led an*  
2           *historic march that energized the civil rights*  
3           *movement, reminding America of its promise of*  
4           *liberty and justice for all; and*

5           *(H) the Government of the United States*  
6           *must continually work to ensure that the Na-*  
7           *tion's capital is and remains the shining city on*  
8           *the hill.*

9           *(3) PURPOSE.—The purposes of this section are*  
10          *to—*

11           *(A) designate the year 2000 as the “Year of*  
12           *National Bicentennial Celebration for Washing-*  
13           *ton, D.C.—the Nation's Capital”;* and

14           *(B) establish the Presidents' Day holiday in*  
15           *the year 2000 as a day of national celebration*  
16           *for the 200th anniversary of Washington, D.C.*

17          *(b) NATION'S CAPITAL NATIONAL BICENTENNIAL.—*

18           *(1) IN GENERAL.—The year 2000 is designated*  
19           *as the “Year of the National Bicentennial Celebration*  
20           *for Washington, D.C.—the Nation's Capital” and the*  
21           *Presidents' Day Federal holiday in the year 2000 is*  
22           *designated as a day of national celebration for the*  
23           *200th anniversary of Washington, D.C.*

24           *(2) SENSE OF THE SENATE.—It is the sense of*  
25           *the Senate that all Federal entities should coordinate*

1       *with and assist the Nation’s Capital Bicentennial*  
2       *Celebration, a nonprofit 501(c)(3) entity, organized*  
3       *and operating pursuant to the laws of the District of*  
4       *Columbia, to ensure the success of events and projects*  
5       *undertaken to renew and celebrate the bicentennial of*  
6       *the establishment of Washington, D.C. as the Nation’s*  
7       *capital.*

8       *SEC. 148. Notwithstanding section 602(c)(1) of the*  
9       *District of Columbia Home Rule Act (sec. 1–233(c)(1), D.C.*  
10       *Code), General Obligation Bond Act of 1998 (D.C. Bill 12–*  
11       *371), if enacted by the Council of the District of Columbia*  
12       *and approved by the District of Columbia Financial Re-*  
13       *sponsibility and Management Assistance Authority, shall*  
14       *take effect on the date of such approval or the date of the*  
15       *enactment of this Act, whichever is later.*

16       *SEC. 149. (a) Notwithstanding any other provision of*  
17       *law, rule, or regulation, an employee of the District of Co-*  
18       *lumbia Public Schools shall be—*

19                (1) *classified as an Educational Service em-*  
20                *ployee;*

21                (2) *placed under the personnel authority of the*  
22                *Board of Education; and*

23                (3) *subject to all Board of Education rules.*

24        (b) *School-based personnel shall constitute a separate*  
25        *competitive area from nonschool-based personnel who shall*

1 *not compete with school-based personnel for retention pur-*  
2 *poses.*

3       *SEC. 150. (a) RESTRICTIONS ON USE OF OFFICIAL VE-*  
4 *HICLES.—(1) None of the funds made available by this Act*  
5 *or by any other Act may be used to provide any officer*  
6 *or employee of the District of Columbia with an official*  
7 *vehicle unless the officer or employee uses the vehicle only*  
8 *in the performance of the officer’s or employee’s official du-*  
9 *ties. For purposes of this paragraph, the term “official du-*  
10 *ties” does not include travel between the officer’s or employ-*  
11 *ee’s residence and workplace (except in the case of a police*  
12 *officer who resides in the District of Columbia).*

13       *(2) The Chief Financial Officer of the District of Co-*  
14 *lumbia shall submit, by December 15, 1997, an inventory,*  
15 *as of September 30, 1997, of all vehicles owned, leased or*  
16 *operated by the District of Columbia government. The in-*  
17 *ventory shall include, but not be limited to, the department*  
18 *to which the vehicle is assigned; the year and make of the*  
19 *vehicle; the acquisition date and cost; the general condition*  
20 *of the vehicle; annual operating and maintenance costs; cur-*  
21 *rent mileage; and whether the vehicle is allowed to be taken*  
22 *home by a District officer or employee and if so, the officer*  
23 *or employee’s title and resident location.*

24       *(b) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED*  
25 *WITHIN GOVERNMENT.—For purposes of determining the*

1 amount of funds expended by any entity within the District  
2 of Columbia government during fiscal year 1998 and each  
3 succeeding fiscal year, any expenditures of the District gov-  
4 ernment attributable to any officer or employee of the Dis-  
5 trict government who provides services which are within the  
6 authority and jurisdiction of the entity (including any por-  
7 tion of the compensation paid to the officer or employee at-  
8 tributable to the time spent in providing such services) shall  
9 be treated as expenditures made from the entity's budget,  
10 without regard to whether the officer or employee is assigned  
11 to the entity or otherwise treated as an officer or employee  
12 of the entity.

13 (c) *RESTRICTING PROVIDERS FROM WHOM EMPLOY-*  
14 *EES MAY RECEIVE DISABILITY COMPENSATION SERV-*  
15 *ICES.*—

16 (1) *IN GENERAL.*—Section 2303(a) of the Dis-  
17 trict of Columbia Comprehensive Merit Personnel Act  
18 of 1978 (D.C. Code, sec. 1-624.3(a)) is amended by  
19 striking paragraph (3) and all that follows and in-  
20 serting the following:

21 “(3) By or on the order of the District of Colum-  
22 bia government medical officers and hospitals, or by  
23 or on the order of a physician or managed care orga-  
24 nization designated or approved by the Mayor.”.

1           (2) *SERVICES FURNISHED.*—Section 2303 of  
2           such Act (D.C. Code, sec. 1–624.3) is amended by  
3           adding at the end the following new subsection:

4           “(c)(1) *An employee to whom services, appliances, or*  
5           *supplies are furnished pursuant to subsection (a) shall be*  
6           *provided with such services, appliances, and supplies (in-*  
7           *cluding reasonable transportation incident thereto) by a*  
8           *managed care organization or other health care provider*  
9           *designated by the Mayor, in accordance with such rules,*  
10          *regulations, and instructions as the Mayor considers appro-*  
11          *priate.*

12          “(2) *Any expenses incurred as a result of furnishing*  
13          *services, appliances, or supplies which are authorized by the*  
14          *Mayor under paragraph (1) shall be paid from the Employ-*  
15          *ees’ Compensation Fund.*

16          “(3) *Any medical service provided pursuant to this*  
17          *subsection shall be subject to utilization review under sec-*  
18          *tion 2323.”.*

19               (3) *REPEAL PENALTY FOR DELAYED PAYMENT OF*  
20               *COMPENSATION.*—Section 2324 of such Act (D.C.  
21               Code, sec. 1–624.24) is amended by striking sub-  
22               section (c).

23               (4) *DEFINITIONS.*—Section 2301 of such Act  
24               (D.C. Code, sec. 1–624.1) is amended—

1           (A) *in the first sentence of subsection (c), by*  
2           *inserting “and as designated by the Mayor to*  
3           *provide services to injured employees” after*  
4           *“State law”; and*

5           (B) *by adding at the end the following new*  
6           *subsection:*

7           “(r)(1) *The term ‘managed care organization’ means*  
8           *an organization of physicians and allied health profes-*  
9           *sionals organized to and capable of providing systematic*  
10           *and comprehensive medical care and treatment of injured*  
11           *employees which is designated by the Mayor to provide such*  
12           *care and treatment under this title.*

13           “(2) *The term ‘allied health professional’ means a med-*  
14           *ical care provider (including a nurse, physical therapist,*  
15           *laboratory technician, X-ray technician, social worker, or*  
16           *other provider who provides such care within the scope of*  
17           *practice under applicable law) who is employed by or affili-*  
18           *ated with a managed care organization.”.*

19           (5) *EFFECTIVE DATE.—The amendments made*  
20           *by this subsection shall apply with respect to services,*  
21           *supplies, or appliances furnished under title XXIII of*  
22           *the District of Columbia Merit Personnel Act of 1978*  
23           *on or after the date of the enactment of this Act.*

24           (d) *MODIFICATION OF REDUCTION IN FORCE PROCE-*  
25           *DURES.—The District of Columbia Government Com-*



1 *prehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–*  
2 *601.1 et seq.), as amended by section 140(b) of the District*  
3 *of Columbia Appropriations Act, 1997 (Public Law 104–*  
4 *194), is amended by adding at the end the following new*  
5 *section:*

6 **“SEC. 2408. ABOLISHMENT OF POSITIONS FOR FISCAL YEAR**  
7 **1998.**

8 *“(a) Notwithstanding any other provision of law, regu-*  
9 *lation, or collective bargaining agreement either in effect*  
10 *or to be negotiated while this legislation is in effect for the*  
11 *fiscal year ending September 30, 1998, each agency head*  
12 *is authorized, within the agency head’s discretion, to iden-*  
13 *tify positions for abolishment.*

14 *“(b) Prior to February 1, 1998, each personnel author-*  
15 *ity (other than a personnel authority of an agency which*  
16 *is subject to a management reform plan under subtitle B*  
17 *of title XI of the Balanced Budget Act of 1997) shall make*  
18 *a final determination that a position within the personnel*  
19 *authority is to be abolished.*

20 *“(c) Notwithstanding any rights or procedures estab-*  
21 *lished by any other provision of this title, any District gov-*  
22 *ernment employee, regardless of date of hire, who encumbers*  
23 *a position identified for abolishment shall be separated*  
24 *without competition or assignment rights, except as pro-*  
25 *vided in this section.*

1       “(d) An employee affected by the abolishment of a posi-  
2       tion pursuant to this section who, but for this section would  
3       be entitled to compete for retention, shall be entitled to one  
4       round of lateral competition pursuant to Chapter 24 of the  
5       District of Columbia Personnel Manual, which shall be lim-  
6       ited to positions in the employee’s competitive level.

7       “(e) Each employee selected for separation pursuant  
8       to this section shall be given written notice of at least 30  
9       days before the effective date of his or her separation.

10       “(f) Neither the establishment of a competitive area  
11       smaller than an agency, nor the determination that a spe-  
12       cific position is to be abolished, nor separation pursuant  
13       to this section shall be subject to review except that—

14               “(1) an employee may file a complaint contest-  
15       ing a determination or a separation pursuant to title  
16       XV of this Act or section 303 of the Human Rights  
17       Act of 1977 (D.C. Code, sec. 1–2543); and

18               “(2) an employee may file with the Office of Em-  
19       ployee Appeals an appeal contesting that the separa-  
20       tion procedures of subsections (d) and (f) were not  
21       properly applied.

22       “(g) An employee separated pursuant to this section  
23       shall be entitled to severance pay in accordance with title  
24       XI of this Act, except that the following shall be included

1 *in computing creditable service for severance pay for em-*  
2 *ployees separated pursuant to this section—*

3           “(1) *four years for an employee who qualified for*  
4 *veterans preference under this Act, and*

5           “(2) *three years for an employee who qualified*  
6 *for residency preference under this Act.*

7           “(h) *Separation pursuant to this section shall not af-*  
8 *fect an employee’s rights under either the Agency Reemploy-*  
9 *ment Priority Program or the Displaced Employee Pro-*  
10 *gram established pursuant to Chapter 24 of the District*  
11 *Personnel Manual.*

12           “(i) *With respect to agencies which are not subject to*  
13 *a management reform plan under subtitle B of title XI of*  
14 *the Balanced Budget Act of 1997, the Mayor shall submit*  
15 *to the Council a listing of all positions to be abolished by*  
16 *agency and responsibility center by March 1, 1998 or upon*  
17 *the delivery of termination notices to individual employees.*

18           “(j) *Notwithstanding the provisions of section 1708 or*  
19 *section 2402(d), the provisions of this Act shall not be*  
20 *deemed negotiable.*

21           “(k) *A personnel authority shall cause a 30-day termi-*  
22 *nation notice to be served, no later than September 1, 1998,*  
23 *on any incumbent employee remaining in any position*  
24 *identified to be abolished pursuant to subsection (b) of this*  
25 *section.*

1       “(l) *In the case of an agency which is subject to a man-*  
2 *agement reform plan under subtitle B of title XI of the Bal-*  
3 *anced Budget Act of 1997, the authority provided by this*  
4 *section shall be exercised to carry out the agency’s manage-*  
5 *ment reform plan, and this section shall otherwise be imple-*  
6 *mented solely in a manner consistent with such plan.”.*

7       *SEC. 151. (a) COMPLIANCE WITH BUY AMERICAN*  
8 *ACT.—None of the funds made available in this Act may*  
9 *be expended by an entity unless the entity agrees that in*  
10 *expending the funds the entity will comply with the Buy*  
11 *American Act (41 U.S.C. 10a–10c).*

12       *(b) SENSE OF CONGRESS; REQUIREMENT REGARDING*  
13 *NOTICE.—*

14             *(1) PURCHASE OF AMERICAN-MADE EQUIPMENT*  
15 *AND PRODUCTS.—In the case of any equipment or*  
16 *product that may be authorized to be purchased with*  
17 *financial assistance provided using funds made avail-*  
18 *able in this Act, it is the sense of the Congress that*  
19 *entities receiving the assistance should, in expending*  
20 *the assistance, purchase only American-made equip-*  
21 *ment and products to the greatest extent practicable.*

22             *(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In*  
23 *providing financial assistance using funds made*  
24 *available in this Act, the head of each agency of the*  
25 *Federal or District of Columbia government shall pro-*

1        *vide to each recipient of the assistance a notice de-*  
2        *scribing the statement made in paragraph (1) by the*  
3        *Congress.*

4        *(c) PROHIBITION OF CONTRACTS WITH PERSONS*  
5        *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—*  
6        *If it has been finally determined by a court or Federal agen-*  
7        *cy that any person intentionally affixed a label bearing a*  
8        *“Made in America” inscription, or any inscription with*  
9        *the same meaning, to any product sold in or shipped to*  
10       *the United States that is not made in the United States,*  
11       *the person shall be ineligible to receive any contract or sub-*  
12       *contract made with funds made available in this Act, pur-*  
13       *suant to the debarment, suspension, and ineligibility proce-*  
14       *dures described in sections 9.400 through 9.409 of title 48,*  
15       *Code of Federal Regulations.*

16       *SEC. 152. (a) CAP ON STIPENDS OF RETIREMENT*  
17       *BOARD MEMBERS.—Section 121(c)(1) of the District of Co-*  
18       *lumbia Retirement Reform Act (D.C. Code, sec. 1–*  
19       *711(c)(1)) is amended by striking the period at the end and*  
20       *inserting the following: “, and the total amount to which*  
21       *a member may be entitled under this subsection during a*  
22       *year (beginning with 1998) may not exceed \$5,000.”.*

23       *(b) RESUMPTION OF CERTAIN TERMINATED ANNU-*  
24       *ITIES PAID TO CHILD SURVIVORS OF DISTRICT OF COLUM-*  
25       *BIA POLICE AND FIREFIGHTERS.—*

1           (1) *IN GENERAL.*—Subsection (k)(5) of the Po-  
2           licemen and Firemen’s Retirement and Disability Act  
3           (D.C. Code, sec. 4–622(e)) is amended by adding at  
4           the end the following new subparagraph:

5           “(D) If the annuity of a child under subparagraph (A)  
6           or subparagraph (B) terminates because of marriage and  
7           such marriage ends, the annuity shall resume on the first  
8           day of the month in which it ends, but only if the individ-  
9           ual is not otherwise ineligible for the annuity.”.

10           (2) *EFFECTIVE DATE.*—The amendment made by  
11           paragraph (1) shall apply with respect to any termi-  
12           nation of marriage taking effect on or after November  
13           1, 1993, except that benefits shall be payable only  
14           with respect to amounts accruing for periods begin-  
15           ning on the first day of the month beginning after the  
16           later of such termination of marriage or such date of  
17           enactment.

18           SEC. 153. (a) *IN GENERAL.*—The Council of the Dis-  
19           trict of Columbia shall annually review and adjust the  
20           amount of the monthly assistance payment that may be  
21           made under the Temporary Assistance for Needy Families  
22           Program so that such payment is comparable with the  
23           monthly assistance payments made under such program in  
24           Maryland and Virginia counties that are contiguous to the  
25           District of Columbia.

1       (b) *EFFECTIVE DATE.*—Subsection (a) shall apply  
2 with respect to fiscal year 1998 and each succeeding fiscal  
3 year.

4       *SEC. 154. Effective as if included in the enactment of*  
5 *the Omnibus Consolidated Rescissions and Appropriations*  
6 *Act of 1996, section 517 of such Act (110 Stat. 1321–248)*  
7 *is amended by striking “October 1, 1991” and inserting*  
8 *“the date of the enactment of this Act”.*

9       *SEC. 155. REQUIRING PLACEMENT OF INSPECTOR*  
10 *GENERAL HOTLINE ON PERMIT AND LICENSE APPLICATION*  
11 *FORMS.*—

12           (1) *IN GENERAL.*—Each District of Columbia  
13 permit or license application form printed after the  
14 expiration of the 30-day period which begins on the  
15 date of the enactment of this Act shall include the  
16 telephone number established by the Inspector General  
17 of the District of Columbia for reporting instances of  
18 waste, fraud, and abuse, together with a brief descrip-  
19 tion of the uses and purposes of such number.

20           (2) *QUARTERLY REPORTS ON USE OF NUMBER.*—  
21 Not later than 10 days after the end of such calendar  
22 quarter of each fiscal year (beginning with fiscal year  
23 1998), the Inspector General of the District of Colum-  
24 bia shall submit a report to Congress on the number  
25 and nature of the calls received through the telephone

1        *number described in paragraph (1) during the quar-*  
2        *ter and on the waste, fraud, and abuse detected as a*  
3        *result of such calls.*

4        *SEC. 156. (a) IN GENERAL.—Notwithstanding any*  
5        *other provision of law (including any law or regulation*  
6        *providing for collective bargaining or the enforcement of*  
7        *any collective bargaining agreement) or collective bargain-*  
8        *ing agreement, any payment made by the District of Co-*  
9        *lumbia after the expiration of the 45-day period which be-*  
10       *gins on the date of the enactment of this Act to any person*  
11       *shall be made by—*

12                *(1) direct deposit through electronic funds trans-*  
13        *fer to a checking, savings, or other account designated*  
14        *by the person; or*

15                *(2) a check delivered through the United States*  
16        *Postal Service to the person’s place of residence or*  
17        *business.*

18        *(b) REGULATIONS.—The Chief Financial Officer of the*  
19        *District of Columbia is authorized to issue rules to carry*  
20        *out this section.*

21        *SEC. 157. (a) DEPOSIT OF ANNUAL FEDERAL CON-*  
22        *TRIBUTION WITH AUTHORITY.—*

23                *(1) IN GENERAL.—The District of Columbia Fi-*  
24        *nancial Responsibility and Management Assistance*  
25        *Act of 1995, as amended by section 11601(b)(2) of the*



1 *Balanced Budget Act of 1997, is amended by insert-*  
2 *ing after section 204 the following new section:*

3 **“SEC. 205. DEPOSIT OF ANNUAL FEDERAL CONTRIBUTION**  
4 **WITH AUTHORITY.**

5 *“(a) IN GENERAL.—*

6 *“(1) DEPOSIT INTO ESCROW ACCOUNT.—In the*  
7 *case of a fiscal year which is a control year, the Sec-*  
8 *retary of the Treasury shall deposit any Federal con-*  
9 *tribution to the District of Columbia for the year au-*  
10 *thorized under section 11601(c)(2) of the Balanced*  
11 *Budget Act of 1997 into an escrow account held by*  
12 *the Authority, which shall allocate the funds to the*  
13 *Mayor at such intervals and in accordance with such*  
14 *terms and conditions as it considers appropriate to*  
15 *implement the financial plan for the year. In estab-*  
16 *lishing such terms and conditions, the Authority shall*  
17 *give priority to using the Federal contribution for*  
18 *cash flow management and the payment of outstand-*  
19 *ing bills owed by the District government.*

20 *“(2) EXCEPTION FOR AMOUNTS WITHHELD FOR*  
21 *ADVANCES.—Paragraph (1) shall not apply with re-*  
22 *spect to any portion of the Federal contribution which*  
23 *is withheld by the Secretary of the Treasury in ac-*  
24 *cordance with section 605(b)(2) of title VI of the Dis-*  
25 *trict of Columbia Revenue Act of 1939 to reimburse*

1        *the Secretary for advances made under title VI of*  
2        *such Act.*

3        “(b) *EXPENDITURE OF FUNDS FROM ACCOUNT IN AC-*  
4        *CORDANCE WITH AUTHORITY INSTRUCTIONS.—Any funds*  
5        *allocated by the Authority to the Mayor from the escrow*  
6        *account described in paragraph (1) may be expended by*  
7        *the Mayor only in accordance with the terms and conditions*  
8        *established by the Authority at the time the funds are allo-*  
9        *cated.”.*

10            (2) *CLERICAL AMENDMENT.—The table of con-*  
11            *tents for such Act is amended by inserting after the*  
12            *item relating to section 204 the following new item:*

          “*Sec. 205. Deposit of annual Federal contribution with Authority.”.*

13            (3) *EFFECTIVE DATE.—The amendments made*  
14            *by this subsection shall take effect as if included in*  
15            *the enactment of the Balanced Budget Act of 1997.*

16            (b) *DISHONORED CHECK COLLECTION.—The Act enti-*  
17            *tled “An Act to authorize the Commissioners of the District*  
18            *of Columbia to prescribe penalties for the handling and col-*  
19            *lection of dishonored checks”, approved September 28, 1965*  
20            *(D.C. Code, sec. 1–357) is amended—*

21            (1) *in subsection (a) by inserting after the third*  
22            *sentence the following: “The Mayor may enter into a*  
23            *contract to collect the amount of the original obliga-*  
24            *tion.”; and*

1           (2) by adding at the end the following new sub-  
2           sections:

3           “(c) In a case in which the amount of a dishonored  
4 or unpaid check is collected as a result of a contract, the  
5 Mayor shall collect any costs or expenses incurred to collect  
6 such amount from such person who gives or causes to be  
7 given, in payment of any obligation or liability due the  
8 government of the District of Columbia, a check which is  
9 subsequently dishonored or not duly paid. In a case in  
10 which the amount of a dishonored or unpaid check is col-  
11 lected as a result of an action at law or in equity, such  
12 costs and expenses shall include litigation expenses and at-  
13 torney’s fees.

14           “(d) An action at law or in equity for the recovery  
15 of any amount owed to the District as a result of subsection  
16 (c), including any litigation expenses or attorney’s fees may  
17 be initiated—

18           “(1) by the Corporation Counsel of the District  
19 of Columbia; or

20           “(2) in a case in which the Corporation Counsel  
21 does not exercise his or her authority, by the person  
22 who provides collection services as a result of a con-  
23 tract with the Mayor.

1       “(e) *Nothing in this section may be construed to elimi-*  
2 *nate the Mayor’s exclusive authority with respect to any*  
3 *obligations and liabilities of the District of Columbia.*”.

4       (c) *CONFORMING REFERENCES TO INTERNAL REVE-*  
5 *NUE CODE OF 1986.—Section 4(28A) of the District of Co-*  
6 *lumbia Income and Franchise Act of 1947 (D.C. Code, sec.*  
7 *47–1801.4(28A)) is amended to read as follows:*

8               “(28A) *The term ‘Internal Revenue Code of*  
9 *1986’ means the Internal Revenue Code of 1986 (100*  
10 *Stat. 2085; 26 U.S.C. 1 et seq.), as amended through*  
11 *August 20, 1996. The provisions of the Internal Reve-*  
12 *nue Code of 1986 shall be effective on the same dates*  
13 *that they are effective for Federal tax purposes.*”.

14       (d) *STANDARD FOR REVIEW OF RECOMMENDATIONS*  
15 *OF BUSINESS REGULATORY REFORM COMMISSION IN RE-*  
16 *VIEW OF REGULATIONS BY AUTHORITY.—Section*  
17 *11701(a)(1) of the Balanced Budget Act of 1997 is amended*  
18 *by striking the second sentence and inserting the following:*  
19 *“In carrying out such review, the Authority shall include*  
20 *an explicit reference to each recommendation made by the*  
21 *Business Regulatory Reform Commission pursuant to the*  
22 *Business Regulatory Reform Commission Act of 1994 (D.C.*  
23 *Code, sec. 2–4101 et seq.), together with specific findings*  
24 *and conclusions with respect to each such recommenda-*  
25 *tion.*”.

1           (e) *TECHNICAL CORRECTIONS RELATING TO BAL-*  
2 *ANCED BUDGET ACT OF 1997.—(1) Effective as if included*  
3 *in the enactment of the Balanced Budget Act of 1997, sec-*  
4 *tion 453(c) of the District of Columbia Home Rule Act*  
5 *(D.C. Code, sec. 47–304.1(c)), as amended by section*  
6 *11243(d) of the Balanced Budget Act of 1997, is amended*  
7 *to read as follows:*

8           “(c) *Subsection (a) shall not apply to amounts appro-*  
9 *priated or otherwise made available to the Council, the Dis-*  
10 *trict of Columbia Financial Responsibility and Manage-*  
11 *ment Assistance Authority established under section 101(a)*  
12 *of the District of Columbia Financial Responsibility and*  
13 *Management Assistance Act of 1995, or the District of Co-*  
14 *lumbia Water and Sewer Authority established pursuant to*  
15 *the Water and Sewer Authority Establishment and Depart-*  
16 *ment of Public Works Reorganization Act of 1996.”.*

17           (2) *Section 11201(g)(2)(A)(ii) of the Balanced Budget*  
18 *Act of 1997 is amended—*

19           (A) *in the heading, by striking “DEPARTMENT*  
20 *OF PARKS AND RECREATION” and inserting “PARKS*  
21 *AUTHORITY”; and*

22           (B) *by striking “Department of Parks and*  
23 *Recreation” and inserting “Parks Authority”.*

24           (f) *REPEAL OF PRIOR NOTICE REQUIREMENT FOR*  
25 *FEDERAL ACTIVITIES AFFECTING REAL PROPERTY IN DIS-*

1 *TRICT OF COLUMBIA.—Effective October 1, 1997, the Bal-*  
2 *anced Budget Act of 1997 (Public Law 105–33) is amended*  
3 *by striking section 11715.*

4 *SEC. 158. Notwithstanding any provision of any Fed-*  
5 *erally-granted charter or any other provision of law, the*  
6 *real property of the National Education Association located*  
7 *in the District of Columbia shall be subject to taxation by*  
8 *the District of Columbia in the same manner as any simi-*  
9 *lar organization.*

10 *SEC. 159. (a) Section 501(c)(4) of the District of Co-*  
11 *lumbia Police and Firemen’s Act of 1958 (D.C. Code, sec.*  
12 *4–416(c)(4)) is amended by striking “locality pay” and in-*  
13 *serting “longevity pay”.*

14 *(b) The amendment made by subsection (a) is effective*  
15 *on the date of enactment of Public Law 105–61.*

16 *SEC. 160. In addition to amounts appropriated or oth-*  
17 *erwise made available, \$3,000,000 is appropriated for the*  
18 *purpose of funding a Medicare Coordinated Care Dem-*  
19 *onstration Project in the District of Columbia as specified*  
20 *in section 4016(b)(2)(C) of the Balanced Budget Act of*  
21 *1997.*

22 *SEC. 161. Nothing in this Act shall be construed to*  
23 *authorize any office, agency or entity to expend funds for*  
24 *programs or functions for which a reorganization plan is*  
25 *required but has not been approved by the District of Co-*

1 *lumbia Financial Responsibility and Management Assist-*  
2 *ance Authority (hereafter in this section referred to as “Au-*  
3 *thority”). Appropriations made by this Act for such pro-*  
4 *grams or functions are conditioned only on the approval*  
5 *by the Authority of the required reorganization plans.*

6       *SEC. 162. Effective as if included in the enactment of*  
7 *subtitle J of title IV of the Balanced Budget Act of 1997*  
8 *(Public Law 105–33) the Social Security Act is amended*  
9 *as follows:*

10           *(1) The fourth sentence of section 1905(b) of such*  
11 *Act (42 U.S.C. 1396d(b)) is amended by inserting*  
12 *“for the State for a fiscal year, and that do not exceed*  
13 *the amount of the State’s allotment under section*  
14 *2104 (not taking into account reductions under sec-*  
15 *tion 2104(d)(2)) for the fiscal year reduced by the*  
16 *amount of any payments made under section 2105 to*  
17 *the State from such allotment for such fiscal year,”*  
18 *after “subsection (u)(3)”.*

19           *(2) Section 1905(u) of such Act (42 U.S.C.*  
20 *1396d(u)) is amended—*

21                   *(A) in paragraph (1)(B), by striking “para-*  
22 *graph (2)” and inserting “the fourth sentence of*  
23 *subsection (b)”;*

1           (B) in paragraph (2)(A), by striking “(C),  
2           but not in excess” and all that follows up to the  
3           period at the end and inserting “(B)”;

4           (C) by striking subparagraphs (B) and (C)  
5           of paragraph (2) and inserting the following:

6           “(B) For purposes of this paragraph, the term ‘op-  
7           tional targeted low-income child’ means a targeted low-in-  
8           come child as defined in section 2110(b)(1) (determined  
9           without regard to that portion of subparagraph (C) of such  
10          section concerning eligibility for medical assistance under  
11          this title) who would not qualify for medical assistance  
12          under the State plan under this title as in effect on March  
13          31, 1997 (but taking into account the expansion of age of  
14          eligibility effected through the operation of section  
15          1902(l)(1)(D)).”;

16          (D) in paragraph (3)—

17                 (i) by striking “described in this sub-  
18                 paragraph” and inserting “described in this  
19                 paragraph”; and

20                 (ii) by striking “April 15, 1997” and  
21                 inserting “March 31, 1997”; and

22          (E) by adding at the end the following:

23          “(4) The limitations on payment under subsections (f)  
24          and (g) of section 1108 shall not apply to Federal payments



1 *made under section 1903(a)(1) based on an enhanced*  
2 *FMAP described in section 2105(b).”*

3 *(3) Section 2110(b) of such Act (42 U.S.C.*  
4 *1397jj(b)) is amended—*

5 *(A) in paragraph (1)(B)(ii) to read as fol-*  
6 *lows:*

7 *“(i) is a child—*

8 *“(I) whose family income (as deter-*  
9 *mined under the State child health plan))*  
10 *exceeds the medicaid applicable income level*  
11 *(as defined in paragraph (4)), but does not*  
12 *exceed 50 percentage points above the med-*  
13 *icaid applicable income level;*

14 *“(II) whose family income (as so deter-*  
15 *mined) does not exceed the medicaid appli-*  
16 *cable income level (as defined in paragraph*  
17 *(4) but determined as if ‘June 1, 1997’ were*  
18 *substituted for ‘March 31, 1997’); or*

19 *“(III) who resides in a State that does*  
20 *not have a medicaid applicable income level*  
21 *(as defined in paragraph (4)); and”; and*  
22 *(B) in paragraph (4)—*

23 *(i) by striking “June 1, 1997” and in-*  
24 *serting “March 31, 1997”; and*

1                   (ii) by inserting “or 1905(n)(2) (as se-  
2                   lected by a State)” after “1902(l)(2)”.

3                   (4) Section 1903(f)(4) of such Act (42 U.S.C.  
4                   1396b(f)(4)) is amended by striking “or 1905(p)(1)”  
5                   and inserting “1905(p)(1), or 1905(u)”.

6                   (5) Section 2105(c)(2)(A) of such Act (42 U.S.C.  
7                   1397ee(c)(2)(A)) is amended to read as follows—

8                   “(A) *IN GENERAL.*—Except as provided in  
9                   this paragraph, payment shall not be made  
10                  under subsection (a) for expenditures for items  
11                  described in subsection (a) (other than para-  
12                  graph (1)) for a fiscal year to the extent the total  
13                  of such expenditures (for which payment is made  
14                  under such subsection) exceeds 10 percent of the  
15                  sum of—

16                  “(i) the total of such expenditures for  
17                  such fiscal year, and

18                  “(ii) the total expenditures for medical  
19                  assistance by the State under title XIX for  
20                  which Federal payments made under sec-  
21                  tion 1903(a)(1) are based on an enhanced  
22                  FMAP described in section 2105(b) for such  
23                  fiscal year.”.

24                  (6) Section 2104 of such Act (42 U.S.C. 1397dd)  
25                  is amended—

1           (A) in subsection (d)(1), by striking “for  
2           calendar quarters” and inserting “for expendi-  
3           tures claimed by the State”; and

4           (B) by striking subsection (d)(2) and insert-  
5           ing the following:

6           “(2) the amount (if any) of the payments made  
7           to that State under section 1903(a) for expenditures  
8           claimed by the State during such fiscal year that is  
9           attributable to the provision of medical assistance to  
10          a child for which payment is made under section  
11          1903(a)(1) on the basis of an enhanced FMAP under  
12          the fourth sentence of section 1905(b).”.

13          (7) Section 2105 of such Act (42 U.S.C. 1397ee)  
14          is amended by adding at the end the following:

15          “(f) FLEXIBILITY IN SUBMITTAL OF CLAIMS.—Nothing  
16          in this section or subsections (e) and (f) of section 2104  
17          shall be construed as preventing a State from claiming as  
18          expenditures in the quarter expenditures that were incurred  
19          in a previous quarter.”.

20          (8) Section 2104 of such Act (42 U.S.C. 1397dd)  
21          is amended—

22                 (A) in subsection (a)(1), by striking  
23                 “\$4,275,000,000”                 and                 inserting  
24                 “\$4,295,000,000”;

1                   (B) in subsection (b)(4), by striking “Sub-  
2                   ject to paragraph (5), in” and inserting “In”;  
3                   and

4                   (C) in subsection (c)—

5                   (i) in paragraph (2)(C), by inserting  
6                   “the” before “Virgin Islands”, and

7                   (ii) in paragraphs (3)(C) and (3)(E),  
8                   by striking “the” and inserting “The”.

9                   (9) Section 2110(c)(3) of such Act (42 U.S.C.  
10                  1397jj(c)(3)) is amended by striking “2191” and in-  
11                  serting “2791”.

12                SEC. 163. The Administrator of General Services is  
13 authorized to amend the use restriction contained in the  
14 Administrator’s 1956 conveyance of land to the City of  
15 Bonham, Texas, mandated by Public Law 586 of the 84th  
16 Congress. The amended use restriction will limit the prop-  
17 erty to state veterans, nursing homes and public safety com-  
18 munications purposes only.

19                SEC. 164. Notwithstanding any other provision of law,  
20 rule, or regulation, the evaluation process and instruments  
21 for evaluating District of Columbia Public Schools employ-  
22 ees shall be a non-negotiable item for collective bargaining  
23 purposes.

24                SEC. 165. There are appropriated from such funds of  
25 the District of Columbia, as are deemed appropriate by the

1 *District of Columbia Financial Responsibility and Man-*  
2 *agement Assistance Authority, \$2,600,000, for the Fire and*  
3 *Emergency Medical Services Department for a 5 percent*  
4 *pay increase for uniformed fire fighters.*

5       *SEC. 166. During fiscal year 1998, from funds avail-*  
6 *able to the Department of Defense, up to \$800,000 is avail-*  
7 *able to the Department of Defense to compensate persons*  
8 *who have suffered documented commercial loss of cranberry*  
9 *crops in 1997 in the Mashpee or Falmouth bogs, located*  
10 *on the Quashnet and Coonamessett Rivers, respectively, as*  
11 *a result of the presence of ethylene dibromide (EDB) in or*  
12 *on cranberries from either of the plumes of EDB-contami-*  
13 *nated groundwater known as “FS 28” and “FS-1” adja-*  
14 *cent to the Massachusetts Military Reservation, Cape Cod,*  
15 *Massachusetts.*

16 *TITLE II—CLARIFICATION OF ELIGIBILITY FOR*  
17 *RELIEF FROM REMOVAL AND DEPORTATION*  
18 *FOR CERTAIN ALIENS*

19       *SEC. 201. SHORT TITLE.—This title may be cited as*  
20 *the “Nicaraguan Adjustment and Central American Relief*  
21 *Act”.*

22       *SEC. 202. ADJUSTMENT OF STATUS OF CERTAIN NICA-*  
23 *RAGUANS AND CUBANS. (a) ADJUSTMENT OF STATUS.—*

24               *(1) IN GENERAL.—Notwithstanding section*  
25       *245(c) of the Immigration and Nationality Act, the*

1       *status of any alien described in subsection (b) shall*  
2       *be adjusted by the Attorney General to that of an*  
3       *alien lawfully admitted for permanent residence, if*  
4       *the alien—*

5               *(A) applies for such adjustment before April*  
6               *1, 2000; and*

7               *(B) is otherwise eligible to receive an immi-*  
8               *grant visa and is otherwise admissible to the*  
9               *United States for permanent residence, except in*  
10              *determining such admissibility the grounds for*  
11              *inadmissibility specified in paragraphs (4), (5),*  
12              *(6)(A), and (7)(A) of section 212(a) of the Immi-*  
13              *gration and Nationality Act shall not apply.*

14              (2) *RELATIONSHIP OF APPLICATION TO CERTAIN*  
15              *ORDERS.—An alien present in the United States who*  
16              *has been ordered excluded, deported, removed, or or-*  
17              *dered to depart voluntarily from the United States*  
18              *under any provision of the Immigration and Nation-*  
19              *ality Act may, notwithstanding such order, apply for*  
20              *adjustment of status under paragraph (1). Such an*  
21              *alien may not be required, as a condition of submit-*  
22              *ting or granting such application, to file a separate*  
23              *motion to reopen, reconsider, or vacate such order. If*  
24              *the Attorney General grants the application, the At-*  
25              *torney General shall cancel the order. If the Attorney*

1       *General renders a final administrative decision to*  
2       *deny the application, the order shall be effective and*  
3       *enforceable to the same extent as if the application*  
4       *had not been made.*

5       **(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-**  
6       **TUS.—**

7               **(1) IN GENERAL.—***The benefits provided by sub-*  
8       *section (a) shall apply to any alien who is a national*  
9       *of Nicaragua or Cuba and who has been physically*  
10       *present in the United States for a continuous period,*  
11       *beginning not later than December 1, 1995, and end-*  
12       *ing not earlier than the date the application for ad-*  
13       *justment under such subsection is filed, except an*  
14       *alien shall not be considered to have failed to main-*  
15       *tain continuous physical presence by reason of an ab-*  
16       *sence, or absences, from the United States for any pe-*  
17       *riods in the aggregate not exceeding 180 days.*

18               **(2) PROOF OF COMMENCEMENT OF CONTINUOUS**  
19       **PRESENCE.—***For purposes of establishing that the pe-*  
20       *riod of continuous physical presence referred to in*  
21       *paragraph (1) commenced not later than December 1,*  
22       *1995, an alien—*

23                       **(A)** *shall demonstrate that the alien, prior*  
24                       *to December 1, 1995—*

1           (i) applied to the Attorney General for  
2           asylum;

3           (ii) was issued an order to show cause  
4           under section 242 or 242B of the Immigra-  
5           tion and Nationality Act (as in effect prior  
6           to April 1, 1997);

7           (iii) was placed in exclusion proceed-  
8           ings under section 236 of such Act (as so in  
9           effect);

10          (iv) applied for adjustment of status  
11          under section 245 of such Act;

12          (v) applied to the Attorney General for  
13          employment authorization;

14          (vi) performed service, or engaged in a  
15          trade or business, within the United States  
16          which is evidenced by records maintained  
17          by the Commissioner of Social Security; or

18          (vii) applied for any other benefit  
19          under the Immigration and Nationality Act  
20          by means of an application establishing the  
21          alien's presence in the United States prior  
22          to December 1, 1995; or

23          (B) shall make such other demonstration of  
24          physical presence as the Attorney General may  
25          provide for by regulation.



1       (c) *STAY OF REMOVAL; WORK AUTHORIZATION.*—

2           (1) *IN GENERAL.*—*The Attorney General shall*  
3 *provide by regulation for an alien subject to a final*  
4 *order of deportation or removal to seek a stay of such*  
5 *order based on the filing of an application under sub-*  
6 *section (a).*

7           (2) *DURING CERTAIN PROCEEDINGS.*—*Notwith-*  
8 *standing any provision of the Immigration and Na-*  
9 *tionality Act, the Attorney General shall not order*  
10 *any alien to be removed from the United States, if the*  
11 *alien is in exclusion, deportation, or removal proceed-*  
12 *ings under any provision of such Act and has applied*  
13 *for adjustment of status under subsection (a), except*  
14 *where the Attorney General has rendered a final ad-*  
15 *ministrative determination to deny the application.*

16           (3) *WORK AUTHORIZATION.*—*The Attorney Gen-*  
17 *eral may authorize an alien who has applied for ad-*  
18 *justment of status under subsection (a) to engage in*  
19 *employment in the United States during the pendency*  
20 *of such application and may provide the alien with*  
21 *an “employment authorized” endorsement or other*  
22 *appropriate document signifying authorization of em-*  
23 *ployment, except that if such application is pending*  
24 *for a period exceeding 180 days, and has not been de-*

1        *nied, the Attorney General shall authorize such em-*  
2        *ployment.*

3        *(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHIL-*  
4        *DREN.—*

5            *(1) IN GENERAL.—Notwithstanding section*  
6        *245(c) of the Immigration and Nationality Act, the*  
7        *status of an alien shall be adjusted by the Attorney*  
8        *General to that of an alien lawfully admitted for per-*  
9        *manent residence, if—*

10            *(A) the alien is a national of Nicaragua or*  
11        *Cuba;*

12            *(B) the alien is the spouse, child, or unmar-*  
13        *ried son or daughter, of an alien whose status is*  
14        *adjusted to that of an alien lawfully admitted for*  
15        *permanent residence under subsection (a), except*  
16        *that in the case of such an unmarried son or*  
17        *daughter, the son or daughter shall be required*  
18        *to establish that they have been physically*  
19        *present in the United States for a continuous pe-*  
20        *riod, beginning not later than December 1, 1995,*  
21        *and ending not earlier than the date the applica-*  
22        *tion for adjustment under this subsection is filed;*

23            *(C) the alien applies for such adjustment*  
24        *and is physically present in the United States on*  
25        *the date the application is filed;*

1           (D) the alien is otherwise eligible to receive  
2           an immigrant visa and is otherwise admissible  
3           to the United States for permanent residence, ex-  
4           cept in determining such admissibility the  
5           grounds for exclusion specified in paragraphs  
6           (4), (5), (6)(A), and (7)(A) of section 212(a) of  
7           the Immigration and Nationality Act shall not  
8           apply; and

9           (E) applies for such adjustment before April  
10          1, 2000.

11          (2) *PROOF OF CONTINUOUS PRESENCE.*—For  
12          purposes of establishing the period of continuous  
13          physical presence referred to in paragraph (1)(B), an  
14          alien—

15               (A) shall demonstrate that such period com-  
16               menced not later than December 1, 1995, in a  
17               manner consistent with subsection (b)(2); and

18               (B) shall not be considered to have failed to  
19               maintain continuous physical presence by reason  
20               of an absence, or absences, from the United  
21               States for any period in the aggregate not ex-  
22               ceeding 180 days.

23          (e) *AVAILABILITY OF ADMINISTRATIVE REVIEW.*—The  
24          Attorney General shall provide to applicants for adjustment

1 *of status under subsection (a) the same right to, and proce-*  
2 *dures for, administrative review as are provided to—*

3 *(1) applicants for adjustment of status under*  
4 *section 245 of the Immigration and Nationality Act;*

5 *or*

6 *(2) aliens subject to removal proceedings under*  
7 *section 240 of such Act.*

8 *(f) LIMITATION ON JUDICIAL REVIEW.—A determina-*  
9 *tion by the Attorney General as to whether the status of*  
10 *any alien should be adjusted under this section is final and*  
11 *shall not be subject to review by any court.*

12 *(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—*  
13 *When an alien is granted the status of having been lawfully*  
14 *admitted for permanent residence pursuant to this section,*  
15 *the Secretary of State shall not be required to reduce the*  
16 *number of immigrant visas authorized to be issued under*  
17 *any provision of the Immigration and Nationality Act.*

18 *(h) APPLICATION OF IMMIGRATION AND NATIONALITY*  
19 *ACT PROVISIONS.—Except as otherwise specifically pro-*  
20 *vided in this section, the definitions contained in the Immi-*  
21 *gration and Nationality Act shall apply in the administra-*  
22 *tion of this section. Nothing contained in this section shall*  
23 *be held to repeal, amend, alter, modify, affect, or restrict*  
24 *the powers, duties, functions, or authority of the Attorney*  
25 *General in the administration and enforcement of such Act*

1 *or any other law relating to immigration, nationality, or*  
2 *naturalization. The fact that an alien may be eligible to*  
3 *be granted the status of having been lawfully admitted for*  
4 *permanent residence under this section shall not preclude*  
5 *the alien from seeking such status under any other provi-*  
6 *sion of law for which the alien may be eligible.*

7       *SEC. 203. MODIFICATION OF CERTAIN TRANSITION*  
8 *RULES. (a) TRANSITIONAL RULES WITH REGARD TO SUS-*  
9 *PENSION OF DEPORTATION.—*

10           *(1) IN GENERAL.—Section 309(c)(5) of the Ille-*  
11 *gal Immigration Reform and Immigrant Responsibil-*  
12 *ity Act of 1996 (Public Law 104–208; division C; 110*  
13 *Stat. 3009–627) is amended to read as follows:*

14           *“(5) TRANSITIONAL RULES WITH REGARD TO*  
15 *SUSPENSION OF DEPORTATION.—*

16           *“(A) IN GENERAL.—Subject to subpara-*  
17 *graphs (B) and (C), paragraphs (1) and (2) of*  
18 *section 240A(d) of the Immigration and Nation-*  
19 *ality Act (relating to continuous residence or*  
20 *physical presence) shall apply to orders to show*  
21 *cause (including those referred to in section*  
22 *242B(a)(1) of the Immigration and Nationality*  
23 *Act, as in effect before the title III–A effective*  
24 *date), issued before, on, or after the date of the*  
25 *enactment of this Act.*

1           “(B) *EXCEPTION FOR CERTAIN ORDERS.*—  
2           *In any case in which the Attorney General elects*  
3           *to terminate and reinitiate proceedings in ac-*  
4           *cordance with paragraph (3) of this subsection,*  
5           *paragraphs (1) and (2) of section 240A(d) of the*  
6           *Immigration and Nationality Act shall not*  
7           *apply to an order to show cause issued before*  
8           *April 1, 1997.*

9           “(C) *SPECIAL RULE FOR CERTAIN ALIENS*  
10           *GRANTED TEMPORARY PROTECTION FROM DE-*  
11           *PORTATION.*—

12           “(i) *IN GENERAL.*—*For purposes of*  
13           *calculating the period of continuous phys-*  
14           *ical presence under section 244(a) of the*  
15           *Immigration and Nationality Act (as in ef-*  
16           *fect before the title III–A effective date) or*  
17           *section 240A of such Act (as in effect after*  
18           *the title III–A effective date), subparagraph*  
19           *(A) and paragraphs (1) and (2) of section*  
20           *240A(d) of the Immigration and National-*  
21           *ity Act shall not apply in the case of an*  
22           *alien, regardless of whether the alien is in*  
23           *exclusion or deportation proceedings before*  
24           *the title III–A effective date, who has not*  
25           *been convicted at any time of an aggravated*

1           *felony (as defined in section 101(a) of the*  
2           *Immigration and Nationality Act) and—*

3                     *“(I) was not apprehended after*  
4                     *December 19, 1990, at the time of*  
5                     *entry, and is—*

6                             *“(aa) a Salvadoran national*  
7                             *who first entered the United*  
8                             *States on or before September 19,*  
9                             *1990, and who registered for bene-*  
10                            *fits pursuant to the settlement*  
11                            *agreement in American Baptist*  
12                            *Churches, et al. v. Thornburgh*  
13                            *(ABC), 760 F. Supp. 796 (N.D.*  
14                            *Cal. 1991) on or before October*  
15                            *31, 1991, or applied for tem-*  
16                            *porary protected status on or be-*  
17                            *fore October 31, 1991; or*

18                            *“(bb) a Guatemalan national*  
19                            *who first entered the United*  
20                            *States on or before October 1,*  
21                            *1990, and who registered for bene-*  
22                            *fits pursuant to such settlement*  
23                            *agreement on or before December*  
24                            *31, 1991;*

1           “(II) is a Guatemalan or Salva-  
2           doran national who filed an applica-  
3           tion for asylum with the Immigration  
4           and Naturalization Service on or be-  
5           fore April 1, 1990;

6           “(III) is the spouse or child (as  
7           defined in section 101(b)(1) of the Im-  
8           migration and Nationality Act) of an  
9           individual, at the time a decision is  
10          rendered to suspend the deportation, or  
11          cancel the removal, of such individual,  
12          if the individual has been determined  
13          to be described in this clause (exclud-  
14          ing this subclause and subclause (IV));

15          “(IV) is the unmarried son or  
16          daughter of an alien parent, at the  
17          time a decision is rendered to suspend  
18          the deportation, or cancel the removal,  
19          of such alien parent, if—

20                 “(aa) the alien parent has  
21                 been determined to be described in  
22                 this clause (excluding this sub-  
23                 clause and subclause (III)); and

24                 “(bb) in the case of a son or  
25                 daughter who is 21 years of age or



1            *older at the time such decision is*  
2            *rendered, the son or daughter en-*  
3            *tered the United States on or be-*  
4            *fore October 1, 1990; or*

5            *“(V) is an alien who entered the*  
6            *United States on or before December*  
7            *31, 1990, who filed an application for*  
8            *asylum on or before December 31,*  
9            *1991, and who, at the time of filing*  
10           *such application, was a national of the*  
11           *Soviet Union, Russia, any republic of*  
12           *the former Soviet Union, Latvia, Esto-*  
13           *nia, Lithuania, Poland, Czecho-*  
14           *slovakia, Romania, Hungary, Bul-*  
15           *garia, Albania, East Germany, Yugo-*  
16           *slavia, or any state of the former Yugo-*  
17           *slavia.*

18           *“(ii) LIMITATION ON JUDICIAL RE-*  
19           *VIEW.—A determination by the Attorney*  
20           *General as to whether an alien satisfies the*  
21           *requirements of this clause (i) is final and*  
22           *shall not be subject to review by any court.*  
23           *Nothing in the preceding sentence shall be*  
24           *construed as limiting the application of sec-*  
25           *tion 242(a)(2)(B) of the Immigration and*

1                   *Nationality Act (as in effect after the title*  
2                   *III–A effective date) to other eligibility de-*  
3                   *terminations pertaining to discretionary re-*  
4                   *lief under this Act.”.*

5                   (2) *CONFORMING AMENDMENT.—Subsection (c)*  
6                   *of section 309 of the Illegal Immigration Reform and*  
7                   *Immigrant Responsibility Act of 1996 (Public Law*  
8                   *104–208; division C; 110 Stat. 3009–625) is amended*  
9                   *by striking the subsection designation and the sub-*  
10                   *section heading and inserting the following:*

11                   “*(c) TRANSITION FOR CERTAIN ALIENS.—*”.

12                   (b) *SPECIAL RULE FOR CANCELLATION OF RE-*  
13                   *MOVAL.—Section 309 of the Illegal Immigration Reform*  
14                   *and Immigrant Responsibility Act of 1996 (Public Law*  
15                   *104–208; 110 Stat. 3009–625) is amended by adding at the*  
16                   *end the following:*

17                   “*(f) SPECIAL RULE FOR CANCELLATION OF RE-*  
18                   *MOVAL.—*

19                   “*(1) IN GENERAL.—Subject to the provisions of*  
20                   *the Immigration and Nationality Act (as in effect*  
21                   *after the title III–A effective date), other than sub-*  
22                   *sections (b)(1), (d)(1), and (e) of section 240A of such*  
23                   *Act (but including section 242(a)(2)(B) of such Act),*  
24                   *the Attorney General may, under section 240A of such*  
25                   *Act, cancel removal of, and adjust to the status of an*

1        *alien lawfully admitted for permanent residence, an*  
2        *alien who is inadmissible or deportable from the*  
3        *United States, if the alien applies for such relief, the*  
4        *alien is described in subsection (c)(5)(C)(i) of this sec-*  
5        *tion, and—*

6                *“(A) the alien—*

7                        *“(i) is not inadmissible or deportable*  
8                        *under paragraph (2) or (3) of section*  
9                        *212(a) or paragraph (2), (3), or (4) of sec-*  
10                        *tion 237(a) of the Immigration and Nation-*  
11                        *ality Act and is not an alien described in*  
12                        *section 241(b)(3)(B)(i) of such Act;*

13                        *“(ii) has been physically present in the*  
14                        *United States for a continuous period of not*  
15                        *less than 7 years immediately preceding the*  
16                        *date of such application;*

17                        *“(iii) has been a person of good moral*  
18                        *character during such period; and*

19                        *“(iv) establishes that removal would re-*  
20                        *sult in extreme hardship to the alien or to*  
21                        *the alien’s spouse, parent, or child, who is*  
22                        *a citizen of the United States or an alien*  
23                        *lawfully admitted for permanent residence;*  
24                        *or*

25                *“(B) the alien—*

1           “(i) is inadmissible or deportable  
2           under section 212(a)(2), 237(a)(2) (other  
3           than 237(a)(2)(A)(iii)), or 237(a)(3) of the  
4           Immigration and Nationality Act;

5           “(ii) is not an alien described in sec-  
6           tion 241(b)(3)(B)(i) or 101(a)(43) of such  
7           Act;

8           “(iii) has been physically present in  
9           the United States for a continuous period of  
10          not less than 10 years immediately follow-  
11          ing the commission of an act, or the as-  
12          sumption of a status, constituting a ground  
13          for removal;

14          “(iv) has been a person of good moral  
15          character during such period; and

16          “(v) establishes that removal would re-  
17          sult in exceptional and extremely unusual  
18          hardship to the alien or to the alien’s  
19          spouse, parent, or child, who is a citizen of  
20          the United States or an alien lawfully ad-  
21          mitted for permanent residence.

22          “(2) TREATMENT OF CERTAIN BREAKS IN PRES-  
23          ENCE.—Section 240A(d)(2) shall apply for purposes  
24          of calculating any period of continuous physical pres-  
25          ence under this subsection, except that the reference to

1        *subsection (b)(1) in such section shall be considered to*  
2        *be a reference to paragraph (1) of this section.”.*

3        *(c) MOTIONS TO REOPEN DEPORTATION OR REMOVAL*  
4        *PROCEEDINGS.—Section 309 of the Illegal Immigration Re-*  
5        *form and Immigrant Responsibility Act of 1996 (Public*  
6        *Law 104–208; 110 Stat. 3009–625), as amended by sub-*  
7        *section (b), is further amended by adding at the end the*  
8        *following:*

9        *“(g) MOTIONS TO REOPEN DEPORTATION OR REMOVAL*  
10       *PROCEEDINGS.—Notwithstanding any limitation imposed*  
11       *by law on motions to reopen removal or deportation pro-*  
12       *ceedings (except limitations premised on an alien’s convic-*  
13       *tion of an aggravated felony (as defined in section 101(a)*  
14       *of the Immigration and Nationality Act)), any alien who*  
15       *has become eligible for cancellation of removal or suspension*  
16       *of deportation as a result of the amendments made by sec-*  
17       *tion 203 of the Nicaraguan Adjustment and Central Amer-*  
18       *ican Relief Act may file one motion to reopen removal or*  
19       *deportation proceedings to apply for cancellation of removal*  
20       *or suspension of deportation. The Attorney General shall*  
21       *designate a specific time period in which all such motions*  
22       *to reopen are required to be filed. The period shall begin*  
23       *not later than 60 days after the date of the enactment of*  
24       *the Nicaraguan Adjustment and Central American Relief*  
25       *Act and shall extend for a period not to exceed 240 days.”.*

1       (d) *TEMPORARY REDUCTION IN DIVERSITY VISAS.*—

2           (1) *Beginning in fiscal year 1999, subject to*  
3 *paragraph (2), the number of visas available for a fis-*  
4 *cal year under section 201(e) of the Immigration and*  
5 *Nationality Act shall be reduced by 5,000 from the*  
6 *number of visas available under that section for such*  
7 *fiscal year.*

8           (2) *In no case shall the reduction under para-*  
9 *graph (1) for a fiscal year exceed the amount by*  
10 *which—*

11           (A) *one-half of the total number of individ-*  
12 *uals described in subclauses (I), (II), (III), and*  
13 *(IV) of section 309(c)(5)(C) of the Illegal Immi-*  
14 *gration Reform and Immigrant Responsibility*  
15 *Act of 1996 who have adjusted their status to*  
16 *that of aliens lawfully admitted for permanent*  
17 *residence under the Nicaraguan Adjustment and*  
18 *Central American Relief Act as of the end of the*  
19 *previous fiscal year exceeds—*

20           (B) *the total of the reductions in available*  
21 *visas under this subsection for all previous fiscal*  
22 *years.*

23       (e) *TEMPORARY REDUCTION IN OTHER WORKERS'*  
24 *VISAS.*—

1           (1) *Beginning in the fiscal year following the fis-*  
2           *cal year in which a visa has been made available*  
3           *under section 203(b)(3)(A)(iii) of the Immigration*  
4           *and Nationality Act for all aliens who are the bene-*  
5           *ficiary of a petition approved under section 204 of*  
6           *such Act as of the date of the enactment of this Act*  
7           *for classification under section 203(b)(3)(A)(iii) of*  
8           *such Act, subject to paragraph (2), visas available*  
9           *under section 203(b)(3)(A)(iii) of that Act shall be re-*  
10          *duced by 5,000 from the number of visas otherwise*  
11          *available under that section for such fiscal year.*

12           (2) *In no case shall the reduction under para-*  
13          *graph (1) for a fiscal year exceed the amount by*  
14          *which—*

15                   (A) *the number computed under subsection*  
16                   *(d)(2)(A), exceeds—*

17                   (B) *the total of the reductions in available*  
18                   *visas under this subsection for all previous fiscal*  
19                   *years.*

20          (f) *EFFECTIVE DATE.—The amendments made by this*  
21          *section to the Illegal Immigration Reform and Immigrant*  
22          *Responsibility Act of 1996 shall take effect as if included*  
23          *in the enactment of such Act.*

24          SEC. 204. *LIMITATION ON CANCELLATIONS OF RE-*  
25          *MOVAL AND SUSPENSIONS OF DEPORTATION. (a) ANNUAL*

1 *LIMITATION.—Section 240A(e) of the Immigration and Na-*  
2 *tionality Act (8 U.S.C. 1229b(e)) is amended to read as*  
3 *follows:*

4 “(e) *ANNUAL LIMITATION.—*

5 “(1) *AGGREGATE LIMITATION.—Subject to para-*  
6 *graphs (2) and (3), the Attorney General may not*  
7 *cancel the removal and adjust the status under this*  
8 *section, nor suspend the deportation and adjust the*  
9 *status under section 244(a) (as in effect before the en-*  
10 *actment of the Illegal Immigration Reform and Im-*  
11 *migrant Responsibility Act of 1996), of a total of*  
12 *more than 4,000 aliens in any fiscal year. The pre-*  
13 *vious sentence shall apply regardless of when an alien*  
14 *applied for such cancellation and adjustment, or such*  
15 *suspension and adjustment, and whether such an*  
16 *alien had previously applied for suspension of depor-*  
17 *tation under such section 244(a). The numerical limi-*  
18 *tation under this paragraph shall apply to the aggre-*  
19 *gate number of decisions in any fiscal year to cancel*  
20 *the removal (and adjust the status) of an alien, or*  
21 *suspend the deportation (and adjust the status) of an*  
22 *alien, under this section or such section 244(a).*

23 “(2) *FISCAL YEAR 1997.—For fiscal year 1997,*  
24 *paragraph (1) shall only apply to decisions to cancel*  
25 *the removal of an alien, or suspend the deportation*



1 of an alien, made after April 1, 1997. Notwithstand-  
2 ing any other provision of law, the Attorney General  
3 may cancel the removal or suspend the deportation,  
4 in addition to the normal allotment for fiscal year  
5 1998, of a number of aliens equal to 4,000 less the  
6 number of such cancellations of removal and suspen-  
7 sions of deportation granted in fiscal year 1997 after  
8 April 1, 1997.

9 “(3) *EXCEPTION FOR CERTAIN ALIENS.*—Para-  
10 graph (1) shall not apply to the following:

11 “(A) Aliens described in section  
12 309(c)(5)(C)(i) of the *Illegal Immigration Re-*  
13 *form and Immigrant Responsibility Act of 1996*  
14 *(as amended by the Nicaraguan Adjustment and*  
15 *Central American Relief Act).*

16 “(B) Aliens in deportation proceedings  
17 prior to April 1, 1997, who applied for suspen-  
18 sion of deportation under section 244(a)(3) (as  
19 in effect before the date of the enactment of the  
20 *Illegal Immigration Reform and Immigrant Re-*  
21 *sponsibility Act of 1996).*”.

22 (b) *CANCELLATION OF REMOVAL AND ADJUSTMENT OF*  
23 *STATUS FOR CERTAIN NONPERMANENT RESIDENTS.*—Sec-  
24 *tion 240A(b) of the Immigration and Nationality Act (8*  
25 *U.S.C. 1229b(b)) is amended in each of paragraphs (1) and*

1 (2) by striking “may cancel removal in the case of an alien”  
2 and inserting “may cancel removal of, and adjust to the  
3 status of an alien lawfully admitted for permanent resi-  
4 dence, an alien”.

5 (c) *RECORDATION OF DATE.*—Section 240A(b)(3) of  
6 the *Immigration and Nationality Act* (8 U.S.C.  
7 1229b(b)(3)) is amended to read as follows:

8 “(3) *RECORDATION OF DATE.*—With respect to  
9 aliens who the Attorney General adjusts to the status  
10 of an alien lawfully admitted for permanent residence  
11 under paragraph (1) or (2), the Attorney General  
12 shall record the alien’s lawful admission for perma-  
13 nent residence as of the date of the Attorney General’s  
14 cancellation of removal under paragraph (1) or (2).”.

15 (d) *APRIL 1 EFFECTIVE DATE FOR AGGREGATE LIMI-*  
16 *TATION.*—Section 309(c)(7) of the *Illegal Immigration Re-*  
17 *form and Immigrant Responsibility Act of 1996* (Public  
18 *Law 104–208; division C; 110 Stat. 3009–627*) is amended  
19 to read as follows:

20 “(7) *LIMITATION ON SUSPENSION OF DEPORTA-*  
21 *TION.*—After April 1, 1997, the Attorney General may  
22 not suspend the deportation and adjust the status  
23 under section 244 of the *Immigration and National-*  
24 *ity Act* (as in effect before the title III–A effective  
25 date) of any alien in any fiscal year, except in ac-

1        *cordance with section 240A(e) of such Act. The pre-*  
2        *vious sentence shall apply regardless of when an alien*  
3        *applied for such suspension and adjustment.”.*

4        *(e) EFFECTIVE DATE.—The amendments made by this*  
5        *section shall take effect as if included in the enactment of*  
6        *the Illegal Immigration Reform and Immigrant Respon-*  
7        *sibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–*  
8        *546).*

9        *This division may be cited as the “District of Colum-*  
10       *bia Appropriations Act, 1998”.*

11       *DIVISION B—DEPARTMENTS OF COMMERCE, JUS-*  
12       *TICE, AND STATE, THE JUDICIARY, AND RE-*  
13       *LATED AGENCIES APPROPRIATIONS ACT,*  
14       *1998*

15       *The following sums are appropriated, out of any*  
16       *money in the Treasury not otherwise appropriated, for the*  
17       *Departments of Commerce, Justice, and State, the Judici-*  
18       *ary, and related agencies for the fiscal year ending Septem-*  
19       *ber 30, 1998, and for other purposes, to be effective as if*  
20       *it had been enacted into law as the regular appropriations*  
21       *Act, namely:*

1            *TITLE I—DEPARTMENT OF JUSTICE*2                            *GENERAL ADMINISTRATION*3                                    *SALARIES AND EXPENSES*

4            *For expenses necessary for the administration of the*  
5 *Department of Justice, \$76,199,000, of which not to exceed*  
6 *\$3,317,000 is for the Facilities Program 2000, to remain*  
7 *available until expended: Provided, That not to exceed 43*  
8 *permanent positions and 44 full-time equivalent workyears*  
9 *and \$7,860,000 shall be expended for the Department Lead-*  
10 *ership Program exclusive of augmentation that occurred in*  
11 *these offices in fiscal year 1997: Provided further, That not*  
12 *to exceed 41 permanent positions and 48 full-time equiva-*  
13 *lent workyears and \$4,660,000 shall be expended for the Of-*  
14 *fices of Legislative Affairs and Public Affairs: Provided fur-*  
15 *ther, That the latter two aforementioned offices shall not*  
16 *be augmented by personnel details, temporary transfers of*  
17 *personnel on either a reimbursable or non-reimbursable*  
18 *basis or any other type of formal or informal transfer or*  
19 *reimbursement of personnel or funds on either a temporary*  
20 *or long-term basis.*

21                                    *COUNTERTERRORISM FUND*

22            *For necessary expenses, as determined by the Attorney*  
23 *General, \$20,000,000 to remain available until expended,*  
24 *to reimburse any Department of Justice organization for*  
25 *(1) the costs incurred in reestablishing the operational ca-*  
26 *pability of an office or facility which has been damaged*

1 *or destroyed as a result of any domestic or international*  
2 *terrorist incident, (2) the costs of providing support to*  
3 *counter, investigate or prosecute domestic or international*  
4 *terrorism, including payment of rewards in connection*  
5 *with these activities, and (3) the costs of conducting a ter-*  
6 *rorism threat assessment of Federal agencies and their fa-*  
7 *cilities: Provided, That funds provided under this heading*  
8 *shall be available only after the Attorney General notifies*  
9 *the Committees on Appropriations of the House of Rep-*  
10 *resentatives and the Senate in accordance with section 605*  
11 *of this Act.*

12 *In addition, for necessary expenses, as determined by*  
13 *the Attorney General, \$32,700,000, to remain available*  
14 *until expended, to reimburse departments and agencies of*  
15 *the Federal Government for any costs incurred in connec-*  
16 *tion with—*

17 *(1) counterterrorism technology research and de-*  
18 *velopment;*

19 *(2) providing training and related equipment for*  
20 *chemical, biological, nuclear, and cyber attack preven-*  
21 *tion and response capabilities to State and local law*  
22 *enforcement agencies; and*

23 *(3) providing bomb training and response capa-*  
24 *bilities to State and local law enforcement agencies.*

1                    *ADMINISTRATIVE REVIEW AND APPEALS*

2            *For expenses necessary for the administration of par-*  
3 *don and clemency petitions and immigration related activi-*  
4 *ties, \$70,007,000.*

5            *VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE*  
6                    *REVIEW AND APPEALS*

7            *For activities authorized by section 130005 of the Vio-*  
8 *lent Crime Control and Law Enforcement Act of 1994 (Pub-*  
9 *lic Law 103-322), as amended, \$59,251,000, to remain*  
10 *available until expended, which shall be derived from the*  
11 *Violent Crime Reduction Trust Fund.*

12                    *OFFICE OF INSPECTOR GENERAL*

13            *For necessary expenses of the Office of Inspector Gen-*  
14 *eral in carrying out the provisions of the Inspector General*  
15 *Act of 1978, as amended, \$33,211,000; including not to ex-*  
16 *ceed \$10,000 to meet unforeseen emergencies of a confiden-*  
17 *tial character, to be expended under the direction of, and*  
18 *to be accounted for solely under the certificate of, the Attor-*  
19 *ney General; and for the acquisition, lease, maintenance,*  
20 *and operation of motor vehicles, without regard to the gen-*  
21 *eral purchase price limitation for the current fiscal year:*  
22 *Provided, That up to one-tenth of one percent of the Depart-*  
23 *ment of Justice's allocation from the Violent Crime Reduc-*  
24 *tion Trust Fund grant programs may be transferred at the*  
25 *discretion of the Attorney General to this account for the*  
26 *audit or other review of such grant programs, as authorized*

1 *by section 130005 of the Violent Crime Control and Law*  
2 *Enforcement Act of 1994 (Public Law 103–322).*

3 *UNITED STATES PAROLE COMMISSION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses of the United States Parole*  
6 *Commission as authorized by law, \$5,009,000.*

7 *LEGAL ACTIVITIES*

8 *SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES*

9 *For expenses, necessary for the legal activities of the*  
10 *Department of Justice, not otherwise provided for, includ-*  
11 *ing not to exceed \$20,000 for expenses of collecting evidence,*  
12 *to be expended under the direction of, and to be accounted*  
13 *for solely under the certificate of, the Attorney General; and*  
14 *rent of private or Government-owned space in the District*  
15 *of Columbia; \$444,200,000; of which not to exceed*  
16 *\$10,000,000 for litigation support contracts shall remain*  
17 *available until expended: Provided, That of the funds avail-*  
18 *able in this appropriation, not to exceed \$17,525,000 shall*  
19 *remain available until expended for office automation sys-*  
20 *tems for the legal divisions covered by this appropriation,*  
21 *and for the United States Attorneys, the Antitrust Division,*  
22 *and offices funded through “Salaries and Expenses”, Gen-*  
23 *eral Administration: Provided further, That of the total*  
24 *amount appropriated, not to exceed \$1,000 shall be avail-*  
25 *able to the United States National Central Bureau,*

1 *INTERPOL, for official reception and representation ex-*  
2 *penses: Provided further, That, of the funds appropriated*  
3 *under this heading, such funds as may be necessary for the*  
4 *orderly termination of the Ounce of Prevention Council.*

5 *In addition, for reimbursement of expenses of the De-*  
6 *partment of Justice associated with processing cases under*  
7 *the National Childhood Vaccine Injury Act of 1986, as*  
8 *amended, not to exceed \$4,028,000, to be appropriated from*  
9 *the Vaccine Injury Compensation Trust Fund.*

10 *VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL*  
11 *ACTIVITIES*

12 *For the expeditious deportation of denied asylum ap-*  
13 *plicants, as authorized by section 130005 of the Violent*  
14 *Crime Control and Law Enforcement Act of 1994 (Public*  
15 *Law 103-322), as amended, \$7,969,000, to remain avail-*  
16 *able until expended, which shall be derived from the Violent*  
17 *Crime Reduction Trust Fund.*

18 *SALARIES AND EXPENSES, ANTITRUST DIVISION*

19 *For expenses necessary for the enforcement of antitrust*  
20 *and kindred laws, \$75,495,000: Provided, That notwith-*  
21 *standing any other provision of law, not to exceed*  
22 *\$70,000,000 of offsetting collections derived from fees col-*  
23 *lected for premerger notification filings under the Hart-*  
24 *Scott-Rodino Antitrust Improvements Act of 1976 (15*  
25 *U.S.C. 18(a)) shall be retained and used for necessary ex-*  
26 *penses in this appropriation, and shall remain available*



1 *until expended: Provided further, That the sum herein ap-*  
2 *propriated from the General Fund shall be reduced as such*  
3 *offsetting collections are received during fiscal year 1998,*  
4 *so as to result in a final fiscal year 1998 appropriation*  
5 *from the General Fund estimated at not more than*  
6 *\$5,495,000: Provided further, That any fees received in ex-*  
7 *cess of \$70,000,000 in fiscal year 1998, shall remain avail-*  
8 *able until expended, but shall not be available for obligation*  
9 *until October 1, 1998.*

10 *SALARIES AND EXPENSES, UNITED STATES ATTORNEYS*

11 *For necessary expenses of the Office of the United*  
12 *States Attorneys, including intergovernmental and coopera-*  
13 *tive agreements, \$972,460,000; of which not to exceed*  
14 *\$2,500,000 shall be available until September 30, 1999, for*  
15 *(1) training personnel in debt collection, (2) locating debt-*  
16 *ors and their property, (3) paying the net costs of selling*  
17 *property, and (4) tracking debts owed to the United States*  
18 *Government: Provided, That of the total amount appro-*  
19 *priated, not to exceed \$8,000 shall be available for official*  
20 *reception and representation expenses: Provided further,*  
21 *That not to exceed \$10,000,000 of those funds available for*  
22 *automated litigation support contracts shall remain avail-*  
23 *able until expended: Provided further, That not to exceed*  
24 *\$1,200,000 for the design, development, and implementation*  
25 *of an information systems strategy for D.C. Superior Court*  
26 *shall remain available until expended: Provided further,*

1 *That not to exceed \$2,500,000 for the operation of the Na-*  
2 *tional Advocacy Center shall remain available until ex-*  
3 *pende: Provided further, That not to exceed \$2,000,000*  
4 *shall remain available until expended for the expansion of*  
5 *existing Violent Crime Task Forces in United States Attor-*  
6 *neys Offices into demonstration projects, including inter-*  
7 *governmental, inter-local, cooperative, and task-force agree-*  
8 *ments, however denominated, and contracts with State and*  
9 *local prosecutorial and law enforcement agencies engaged*  
10 *in the investigation and prosecution of violent crimes, in-*  
11 *cluding bank robbery and carjacking, and drug trafficking:*  
12 *Provided further, That, in addition to reimbursable full-*  
13 *time equivalent workyears available to the Office of the*  
14 *United States Attorneys, not to exceed 8,948 positions and*  
15 *9,113 full-time equivalent workyears shall be supported*  
16 *from the funds appropriated in this Act for the United*  
17 *States Attorneys.*

18 *VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES*

19 *ATTORNEYS*

20 *For activities authorized by sections 40114, 130005,*  
21 *190001(b), 190001(d) and 250005 of the Violent Crime Con-*  
22 *trol and Law Enforcement Act of 1994 (Public Law 103-*  
23 *322), as amended, and section 815 of the Antiterrorism and*  
24 *Effective Death Penalty Act of 1996 (Public Law 104-132),*  
25 *\$62,828,000, to remain available until expended, which*

1 *shall be derived from the Violent Crime Reduction Trust*  
2 *Fund.*

3 *UNITED STATES TRUSTEE SYSTEM FUND*

4 *For necessary expenses of the United States Trustee*  
5 *Program, as authorized by 28 U.S.C. 589a(a),*  
6 *\$114,248,000, to remain available until expended and to*  
7 *be derived from the United States Trustee System Fund:*  
8 *Provided, That, notwithstanding any other provision of*  
9 *law, deposits to the Fund shall be available in such amounts*  
10 *as may be necessary to pay refunds due depositors: Pro-*  
11 *vided further, That, notwithstanding any other provision*  
12 *of law, \$114,248,000 of offsetting collections derived from*  
13 *fees collected pursuant to 28 U.S.C. 589a(b) shall be re-*  
14 *tained and used for necessary expenses in this appropria-*  
15 *tion and remain available until expended: Provided further,*  
16 *That the sum herein appropriated from the Fund shall be*  
17 *reduced as such offsetting collections are received during fis-*  
18 *cal year 1998, so as to result in a final fiscal year 1998*  
19 *appropriation from the Fund estimated at \$0: Provided*  
20 *further, That any such fees collected in excess of*  
21 *\$114,248,000 in fiscal year 1998 shall remain available*  
22 *until expended but shall not be available for obligation until*  
23 *October 1, 1998.*

1 *SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT*2 *COMMISSION*

3 *For expenses necessary to carry out the activities of*  
4 *the Foreign Claims Settlement Commission, including serv-*  
5 *ices as authorized by 5 U.S.C. 3109, \$1,226,000.*

6 *SALARIES AND EXPENSES, UNITED STATES MARSHALS*7 *SERVICE*

8 *For necessary expenses of the United States Marshals*  
9 *Service; including the acquisition, lease, maintenance, and*  
10 *operation of vehicles and aircraft, and the purchase of pas-*  
11 *senger motor vehicles for police-type use, without regard to*  
12 *the general purchase price limitation for the current fiscal*  
13 *year, \$467,833,000, as authorized by 28 U.S.C. 561(i); of*  
14 *which not to exceed \$6,000 shall be available for official*  
15 *reception and representation expenses; and of which not to*  
16 *exceed \$4,000,000 for development, implementation, main-*  
17 *tenance and support, and training for an automated pris-*  
18 *oner information system, and not to exceed \$2,200,000 to*  
19 *support the Justice Prisoner and Alien Transportation Sys-*  
20 *tem, shall remain available until expended: Provided, That,*  
21 *for fiscal year 1998 and thereafter, the service of maintain-*  
22 *ing and transporting State, local, or territorial prisoners*  
23 *shall be considered a specialized or technical service for pur-*  
24 *poses of 31 U.S.C. 6505, and any prisoners so transported*  
25 *shall be considered persons (transported for other than com-*  
26 *mercial purposes) whose presence is associated with the per-*

1 *formance of a governmental function for purposes of 49*  
2 *U.S.C. 40102.*

3 *VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES*

4 *MARSHALS SERVICE*

5 *For activities authorized by section 190001(b) of the*  
6 *Violent Crime Control and Law Enforcement Act of 1994*  
7 *(Public Law 103–322), as amended, \$25,553,000, to remain*  
8 *available until expended, which shall be derived from the*  
9 *Violent Crime Reduction Trust Fund.*

10 *FEDERAL PRISONER DETENTION*

11 *For expenses, related to United States prisoners in the*  
12 *custody of the United States Marshals Service as authorized*  
13 *in 18 U.S.C. 4013, but not including expenses otherwise*  
14 *provided for in appropriations available to the Attorney*  
15 *General, \$405,262,000, as authorized by 28 U.S.C. 561(i),*  
16 *to remain available until expended.*

17 *FEES AND EXPENSES OF WITNESSES*

18 *For expenses, mileage, compensation, and per diems*  
19 *of witnesses, for expenses of contracts for the procurement*  
20 *and supervision of expert witnesses, for private counsel ex-*  
21 *penses, and for per diems in lieu of subsistence, as author-*  
22 *ized by law, including advances, \$75,000,000, to remain*  
23 *available until expended; of which not to exceed \$4,750,000*  
24 *may be made available for planning, construction, renova-*  
25 *tions, maintenance, remodeling, and repair of buildings,*  
26 *and the purchase of equipment incident thereto, for pro-*

1 *tected witness safesites; of which not to exceed \$1,000,000*  
2 *may be made available for the purchase and maintenance*  
3 *of armored vehicles for transportation of protected wit-*  
4 *nesses; and of which not to exceed \$4,000,000 may be made*  
5 *available for the purchase, installation and maintenance of*  
6 *a secure, automated information network to store and re-*  
7 *trieve the identities and locations of protected witnesses.*

8 *SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE*

9 *For necessary expenses of the Community Relations*  
10 *Service, established by title X of the Civil Rights Act of*  
11 *1964, \$5,319,000 and, in addition, up to \$2,000,000 of*  
12 *funds made available to the Department of Justice in this*  
13 *Act may be transferred by the Attorney General to this ac-*  
14 *count: Provided, That notwithstanding any other provision*  
15 *of law, upon a determination by the Attorney General that*  
16 *emergent circumstances require additional funding for con-*  
17 *flict prevention and resolution activities of the Community*  
18 *Relations Service, the Attorney General may transfer such*  
19 *amounts to the Community Relations Service, from avail-*  
20 *able appropriations for the current fiscal year for the De-*  
21 *partment of Justice, as may be necessary to respond to such*  
22 *circumstances: Provided further, That any transfer pursu-*  
23 *ant to the previous proviso shall be treated as a reprogram-*  
24 *ming under section 605 of this Act and shall not be avail-*  
25 *able for obligation or expenditure except in compliance with*  
26 *the procedures set forth in that section.*

1 *ASSETS FORFEITURE FUND*

2 *For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii),*  
 3 *(B), (F), and (G), as amended, \$23,000,000, to be derived*  
 4 *from the Department of Justice Assets Forfeiture Fund.*

5 *RADIATION EXPOSURE COMPENSATION*

6 *ADMINISTRATIVE EXPENSES*

7 *For necessary administrative expenses in accordance*  
 8 *with the Radiation Exposure Compensation Act,*  
 9 *\$2,000,000.*

10 *PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST*

11 *FUND*

12 *For payments to the Radiation Exposure Compensa-*  
 13 *tion Trust Fund, \$4,381,000.*

14 *INTERAGENCY LAW ENFORCEMENT*

15 *INTERAGENCY CRIME AND DRUG ENFORCEMENT*

16 *For necessary expenses for the detection, investigation,*  
 17 *and prosecution of individuals involved in organized crime*  
 18 *drug trafficking not otherwise provided for, to include inter-*  
 19 *governmental agreements with State and local law enforce-*  
 20 *ment agencies engaged in the investigation and prosecution*  
 21 *of individuals involved in organized crime drug trafficking,*  
 22 *\$294,967,000, of which \$50,000,000 shall remain available*  
 23 *until expended: Provided, That any amounts obligated from*  
 24 *appropriations under this heading may be used under au-*  
 25 *thorities available to the organizations reimbursed from this*  
 26 *appropriation: Provided further, That any unobligated bal-*

1 *ances remaining available at the end of the fiscal year shall*  
2 *revert to the Attorney General for reallocation among par-*  
3 *ticipating organizations in succeeding fiscal years, subject*  
4 *to the reprogramming procedures described in section 605*  
5 *of this Act.*

6 *FEDERAL BUREAU OF INVESTIGATION*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Federal Bureau of Inves-*  
9 *tigation for detection, investigation, and prosecution of*  
10 *crimes against the United States; including purchase for*  
11 *police-type use of not to exceed 3,094 passenger motor vehi-*  
12 *cles, of which 2,270 will be for replacement only, without*  
13 *regard to the general purchase price limitation for the cur-*  
14 *rent fiscal year, and hire of passenger motor vehicles; acqui-*  
15 *sition, lease, maintenance, and operation of aircraft; and*  
16 *not to exceed \$70,000 to meet unforeseen emergencies of a*  
17 *confidential character, to be expended under the direction*  
18 *of, and to be accounted for solely under the certificate of,*  
19 *the Attorney General, \$2,750,921,000; of which not to exceed*  
20 *\$50,000,000 for automated data processing and tele-*  
21 *communications and technical investigative equipment and*  
22 *not to exceed \$1,000,000 for undercover operations shall re-*  
23 *main available until September 30, 1999; of which not less*  
24 *than \$221,050,000 shall be for counterterrorism investiga-*  
25 *tions, foreign counterintelligence, and other activities relat-*



1 *ed to our national security; of which not to exceed*  
2 *\$98,400,000 shall remain available until expended; of which*  
3 *not to exceed \$10,000,000 is authorized to be made available*  
4 *for making advances for expenses arising out of contractual*  
5 *or reimbursable agreements with State and local law en-*  
6 *forcement agencies while engaged in cooperative activities*  
7 *related to violent crime, terrorism, organized crime, and*  
8 *drug investigations; and of which \$1,500,000 shall be avail-*  
9 *able to maintain an independent program office dedicated*  
10 *solely to the relocation of the Criminal Justice Information*  
11 *Services Division and the automation of fingerprint identi-*  
12 *fication services: Provided, That not to exceed \$45,000 shall*  
13 *be available for official reception and representation ex-*  
14 *penses: Provided further, That no funds in this Act may*  
15 *be used to provide ballistics imaging equipment to any*  
16 *State or local authority which has obtained similar equip-*  
17 *ment through a Federal grant or subsidy unless the State*  
18 *or local authority agrees to return that equipment or to*  
19 *repay that grant or subsidy to the Federal Government.*

20 *VIOLENT CRIME REDUCTION PROGRAMS*

21 *For activities authorized by the Violent Crime Control*  
22 *and Law Enforcement Act of 1994 (Public Law 103–322)*  
23 *as amended (“the 1994 Act”), and the Antiterrorism and*  
24 *Effective Death Penalty Act of 1996 (“the Antiterrorism*  
25 *Act”), \$179,121,000, to remain available until expended,*  
26 *which shall be derived from the Violent Crime Reduction*

1 *Trust Fund; of which \$102,127,000 shall be for activities*  
2 *authorized by section 190001(c) of the 1994 Act and section*  
3 *811 of the Antiterrorism Act; \$57,994,000 shall be for ac-*  
4 *tivities authorized by section 190001(b) of the 1994 Act;*  
5 *\$4,000,000 shall be for training and investigative assistance*  
6 *authorized by section 210501 of the 1994 Act; \$9,500,000*  
7 *shall be for grants to States, as authorized by section 811(b)*  
8 *of the Antiterrorism Act; and \$5,500,000 shall be for estab-*  
9 *lishing DNA quality-assurance and proficiency-testing*  
10 *standards, establishing an index to facilitate law enforce-*  
11 *ment exchange of DNA identification information, and re-*  
12 *lated activities authorized by section 210501 of the 1994*  
13 *Act.*

14 *CONSTRUCTION*

15 *For necessary expenses to construct or acquire build-*  
16 *ings and sites by purchase, or as otherwise authorized by*  
17 *law (including equipment for such buildings); conversion*  
18 *and extension of federally-owned buildings; and prelimi-*  
19 *nary planning and design of projects; \$44,506,000, to re-*  
20 *main available until expended.*

21 *DRUG ENFORCEMENT ADMINISTRATION*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Drug Enforcement Ad-*  
24 *ministration, including not to exceed \$70,000 to meet un-*  
25 *foreseen emergencies of a confidential character, to be ex-*  
26 *pended under the direction of, and to be accounted for solely*

1 *under the certificate of, the Attorney General; expenses for*  
2 *conducting drug education and training programs, includ-*  
3 *ing travel and related expenses for participants in such pro-*  
4 *grams and the distribution of items of token value that pro-*  
5 *mote the goals of such programs; purchase of not to exceed*  
6 *1,602 passenger motor vehicles, of which 1,410 will be for*  
7 *replacement only, for police-type use without regard to the*  
8 *general purchase price limitation for the current fiscal year;*  
9 *and acquisition, lease, maintenance, and operation of air-*  
10 *craft; \$723,841,000, of which not to exceed \$1,800,000 for*  
11 *research and \$15,000,000 for transfer to the Drug Diversion*  
12 *Control Fee Account for operating expenses shall remain*  
13 *available until expended, and of which not to exceed*  
14 *\$4,000,000 for purchase of evidence and payments for infor-*  
15 *mation, not to exceed \$10,000,000 for contracting for auto-*  
16 *mated data processing and telecommunications equipment,*  
17 *and not to exceed \$2,000,000 for laboratory equipment,*  
18 *\$4,000,000 for technical equipment, and \$2,000,000 for air-*  
19 *craft replacement retrofit and parts, shall remain available*  
20 *until September 30, 1999; and of which not to exceed*  
21 *\$50,000 shall be available for official reception and rep-*  
22 *resentation expenses.*

23 *VIOLENT CRIME REDUCTION PROGRAMS*

24 *For activities authorized by sections 180104 and*  
25 *190001(b) of the Violent Crime Control and Law Enforce-*  
26 *ment Act of 1994 (Public Law 103–322), as amended, and*

1 *section 814 of the Antiterrorism and Effective Death Pen-*  
2 *alty Act of 1996 (Public Law 104–132), \$403,537,000, to*  
3 *remain available until expended, which shall be derived*  
4 *from the Violent Crime Reduction Trust Fund.*

5 *CONSTRUCTION*

6 *For necessary expenses to construct or acquire build-*  
7 *ings and sites by purchase, or as otherwise authorized by*  
8 *law (including equipment for such buildings); conversion*  
9 *and extension of federally-owned buildings; and prelimi-*  
10 *nary planning and design of projects; \$8,000,000, to remain*  
11 *available until expended.*

12 *IMMIGRATION AND NATURALIZATION SERVICE*

13 *SALARIES AND EXPENSES*

14 *For expenses, not otherwise provided for, necessary for*  
15 *the administration and enforcement of the laws relating to*  
16 *immigration, naturalization, and alien registration, in-*  
17 *cluding not to exceed \$50,000 to meet unforeseen emer-*  
18 *gencies of a confidential character, to be expended under*  
19 *the direction of, and to be accounted for solely under the*  
20 *certificate of, the Attorney General; purchase for police type*  
21 *use (not to exceed 2,904, of which 1,711 are for replacement*  
22 *only), without regard to the general purchase price limita-*  
23 *tion for the current fiscal year, and hire of passenger motor*  
24 *vehicles; acquisition, lease, maintenance and operation of*  
25 *aircraft; research related to immigration enforcement; and*  
26 *for the care and housing of Federal detainees held in the*

1 *joint Immigration and Naturalization Service and United*  
2 *States Marshals Service's Buffalo Detention Facility;*  
3 *\$1,658,886,000 of which not to exceed \$400,000 for research*  
4 *shall remain available until expended; of which not to ex-*  
5 *ceed \$10,000,000 shall be available for costs associated with*  
6 *the training program for basic officer training, and*  
7 *\$5,000,000 is for payments or advances arising out of con-*  
8 *tractual or reimbursable agreements with State and local*  
9 *law enforcement agencies while engaged in cooperative ac-*  
10 *tivities related to immigration; and of which not to exceed*  
11 *\$5,000,000 is to fund or reimburse other Federal agencies*  
12 *for the costs associated with the care, maintenance, and re-*  
13 *patriation of smuggled illegal aliens: Provided, That none*  
14 *of the funds available to the Immigration and Naturaliza-*  
15 *tion Service shall be available to pay any employee over-*  
16 *time pay in an amount in excess of \$30,000 during the*  
17 *calendar year beginning January 1, 1998: Provided fur-*  
18 *ther, That uniforms may be purchased without regard to*  
19 *the general purchase price limitation for the current fiscal*  
20 *year: Provided further, That not to exceed \$5,000 shall be*  
21 *available for official reception and representation expenses:*  
22 *Provided further, That none of the funds provided in this*  
23 *or any other Act shall be used for the continued operation*  
24 *of the San Clemente and Temecula checkpoints unless the*  
25 *checkpoints are open and traffic is being checked on a con-*

1 *tinuous 24-hour basis: Provided further, That not to exceed*  
2 *43 permanent positions and 43 full-time equivalent*  
3 *workyears and \$4,167,000 shall be expended for the Office*  
4 *of Legislative Affairs and Public Affairs: Provided further,*  
5 *That the latter two aforementioned offices shall not be aug-*  
6 *mented by personnel details, temporary transfers of person-*  
7 *nel on either a reimbursable or non-reimbursable basis or*  
8 *any other type of formal or informal transfer or reimburse-*  
9 *ment of personnel or funds on either a temporary or long-*  
10 *term basis: Provided further, That beginning seven calendar*  
11 *days after the enactment of this Act and for each fiscal year*  
12 *thereafter, none of the funds appropriated or otherwise*  
13 *made available to the Immigration and Naturalization*  
14 *Service may be used by the INS to accept, for the purpose*  
15 *of conducting criminal background checks on applications*  
16 *for any benefit under the Immigration and Nationality Act,*  
17 *any FD-258 fingerprint card which has been prepared by*  
18 *or received from any individual or entity other than an*  
19 *office of the Immigration and Naturalization Service with*  
20 *the following exceptions—(1) State and local law enforce-*  
21 *ment agencies and (2) United States consular offices at*  
22 *United States embassies and consulates abroad under the*  
23 *jurisdiction of the Department of State or United States*  
24 *military offices under the jurisdiction of the Department*  
25 *of Defense authorized to perform fingerprinting services to*

1 prepare FD-258 fingerprint cards for applicants residing  
2 abroad applying for immigration benefits: Provided fur-  
3 ther, That agencies may collect and retain a fee for  
4 fingerprinting services: Provided further, That, during fis-  
5 cal year 1998 and each fiscal year thereafter, none of the  
6 funds appropriated or otherwise made available to the Im-  
7 migration and Naturalization Service shall be used to com-  
8 plete adjudication of an application for naturalization un-  
9 less the Immigration and Naturalization Service has re-  
10 ceived confirmation from the Federal Bureau of Investiga-  
11 tion that a full criminal background check has been com-  
12 pleted, except for those exempted by regulation as of Janu-  
13 ary 1, 1997: Provided further, That the number of positions  
14 filled through non-career appointment at the Immigration  
15 and Naturalization Service, for which funding is provided  
16 in this Act or is otherwise made available to the Immigra-  
17 tion and Naturalization Service, shall not exceed four per-  
18 manent positions and four full-time equivalent workyears  
19 after July 1, 1998: Provided further, That notwithstanding  
20 any other provision of law, during fiscal year 1998, the At-  
21 torney General is authorized and directed to impose dis-  
22 ciplinary action, including termination of employment,  
23 pursuant to policies and procedures applicable to employees  
24 of the Federal Bureau of Investigation, for any employee  
25 of the Immigration and Naturalization Service who violates

1 *policies and procedures set forth by the Department of Jus-*  
2 *tice relative to the granting of citizenship or who willfully*  
3 *deceives the Congress or Department Leadership on any*  
4 *matter.*

5 *VIOLENT CRIME REDUCTION PROGRAMS*

6 *For activities authorized by sections 130002, 130005,*  
7 *130006, 130007, and 190001(b) of the Violent Crime Con-*  
8 *trol and Law Enforcement Act of 1994 (Public Law 103-*  
9 *322), as amended, and section 813 of the Antiterrorism and*  
10 *Effective Death Penalty Act of 1996 (Public Law 104-132),*  
11 *\$607,206,000, to remain available until expended, which*  
12 *will be derived from the Violent Crime Reduction Trust*  
13 *Fund.*

14 *CONSTRUCTION*

15 *For planning, construction, renovation, equipping,*  
16 *and maintenance of buildings and facilities necessary for*  
17 *the administration and enforcement of the laws relating to*  
18 *immigration, naturalization, and alien registration, not*  
19 *otherwise provided for, \$75,959,000, to remain available*  
20 *until expended.*

21 *FEDERAL PRISON SYSTEM*

22 *SALARIES AND EXPENSES*

23 *For expenses necessary for the administration, oper-*  
24 *ation, and maintenance of Federal penal and correctional*  
25 *institutions, including purchase (not to exceed 834, of which*  
26 *599 are for replacement only) and hire of law enforcement*



1 *and passenger motor vehicles, and for the provision of tech-*  
2 *nical assistance and advice on corrections related issues to*  
3 *foreign governments; \$2,823,642,000: Provided, That the*  
4 *Attorney General may transfer to the Health Resources and*  
5 *Services Administration such amounts as may be necessary*  
6 *for direct expenditures by that Administration for medical*  
7 *relief for inmates of Federal penal and correctional institu-*  
8 *tions: Provided further, That the Director of the Federal*  
9 *Prison System (FPS), where necessary, may enter into con-*  
10 *tracts with a fiscal agent/fiscal intermediary claims proc-*  
11 *essor to determine the amounts payable to persons who, on*  
12 *behalf of the FPS, furnish health services to individuals*  
13 *committed to the custody of the FPS: Provided further, That*  
14 *uniforms may be purchased without regard to the general*  
15 *purchase price limitation for the current fiscal year: Pro-*  
16 *vided further, That not to exceed \$6,000 shall be available*  
17 *for official reception and representation expenses: Provided*  
18 *further, That not to exceed \$90,000,000 for the activation*  
19 *of new facilities shall remain available until September 30,*  
20 *1999: Provided further, That of the amounts provided for*  
21 *Contract Confinement, not to exceed \$20,000,000 shall re-*  
22 *main available until expended to make payments in ad-*  
23 *vance for grants, contracts and reimbursable agreements,*  
24 *and other expenses authorized by section 501(c) of the Refu-*  
25 *gee Education Assistance Act of 1980, as amended, for the*

1 *care and security in the United States of Cuban and Hai-*  
2 *tian entrants: Provided further, That notwithstanding sec-*  
3 *tion 4(d) of the Service Contract Act of 1965 (41 U.S.C.*  
4 *353(d)), FPS may enter into contracts and other agree-*  
5 *ments with private entities for periods of not to exceed 3*  
6 *years and 7 additional option years for the confinement*  
7 *of Federal prisoners.*

8 *VIOLENT CRIME REDUCTION PROGRAMS*

9 *For substance abuse treatment in Federal prisons as*  
10 *authorized by section 32001(e) of the Violent Crime Control*  
11 *and Law Enforcement Act of 1994 (Public Law 103–322),*  
12 *as amended, \$26,135,000, to remain available until ex-*  
13 *pended, which shall be derived from the Violent Crime Re-*  
14 *duction Trust Fund.*

15 *BUILDINGS AND FACILITIES*

16 *For planning, acquisition of sites and construction of*  
17 *new facilities; leasing the Oklahoma City Airport Trust Fa-*  
18 *cility; purchase and acquisition of facilities and remodel-*  
19 *ing, and equipping of such facilities for penal and correc-*  
20 *tional use, including all necessary expenses incident thereto,*  
21 *by contract or force account; and constructing, remodeling,*  
22 *and equipping necessary buildings and facilities at existing*  
23 *penal and correctional institutions, including all necessary*  
24 *expenses incident thereto, by contract or force account;*  
25 *\$255,133,000, to remain available until expended, of which*  
26 *not to exceed \$14,074,000 shall be available to construct*

1 *areas for inmate work programs: Provided, That labor of*  
2 *United States prisoners may be used for work performed*  
3 *under this appropriation: Provided further, That not to ex-*  
4 *ceed 10 percent of the funds appropriated to “Buildings and*  
5 *Facilities” in this Act or any other Act may be transferred*  
6 *to “Salaries and Expenses”, Federal Prison System, upon*  
7 *notification by the Attorney General to the Committees on*  
8 *Appropriations of the House of Representatives and the*  
9 *Senate in compliance with provisions set forth in section*  
10 *605 of this Act: Provided further, That, of the total amount*  
11 *appropriated, not to exceed \$2,300,000 shall be available*  
12 *for the renovation and construction of United States Mar-*  
13 *shals Service prisoner-holding facilities.*

14 *FEDERAL PRISON INDUSTRIES, INCORPORATED*

15 *The Federal Prison Industries, Incorporated, is hereby*  
16 *authorized to make such expenditures, within the limits of*  
17 *funds and borrowing authority available, and in accord*  
18 *with the law, and to make such contracts and commitments,*  
19 *without regard to fiscal year limitations as provided by sec-*  
20 *tion 9104 of title 31, United States Code, as may be nec-*  
21 *essary in carrying out the program set forth in the budget*  
22 *for the current fiscal year for such corporation, including*  
23 *purchase of (not to exceed five for replacement only) and*  
24 *hire of passenger motor vehicles.*

1     *LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL*  
2                     *PRISON INDUSTRIES, INCORPORATED*

3             *Not to exceed \$3,266,000 of the funds of the corporation*  
4 *shall be available for its administrative expenses, and for*  
5 *services as authorized by 5 U.S.C. 3109, to be computed*  
6 *on an accrual basis to be determined in accordance with*  
7 *the corporation's current prescribed accounting system, and*  
8 *such amounts shall be exclusive of depreciation, payment*  
9 *of claims, and expenditures which the said accounting sys-*  
10 *tem requires to be capitalized or charged to cost of commod-*  
11 *ities acquired or produced, including selling and shipping*  
12 *expenses, and expenses in connection with acquisition, con-*  
13 *struction, operation, maintenance, improvement, protec-*  
14 *tion, or disposition of facilities and other property belong-*  
15 *ing to the corporation or in which it has an interest.*

16                     *OFFICE OF JUSTICE PROGRAMS*

17                             *JUSTICE ASSISTANCE*

18             *For grants, contracts, cooperative agreements, and*  
19 *other assistance authorized by title I of the Omnibus Crime*  
20 *Control and Safe Streets Act of 1968, as amended, and the*  
21 *Missing Children's Assistance Act, as amended, including*  
22 *salaries and expenses in connection therewith, and with the*  
23 *Victims of Crime Act of 1984, as amended, and sections*  
24 *819 and 821 of the Antiterrorism and Effective Death Pen-*  
25 *alty Act of 1996, \$173,600,000, to remain available until*

1 *expended, as authorized by section 1001 of title I of the Om-*  
2 *nibus Crime Control and Safe Streets Act, as amended by*  
3 *Public Law 102-534 (106 Stat. 3524); of which*  
4 *\$25,000,000 is for the National Sexual Offender Registry.*

5 *STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE*

6 *For grants, contracts, cooperative agreements, and*  
7 *other assistance authorized by part E of title I of the Omni-*  
8 *bus Crime Control and Safe Streets Act of 1968, as amend-*  
9 *ed, for State and Local Narcotics Control and Justice As-*  
10 *sistance Improvements, notwithstanding the provisions of*  
11 *section 511 of said Act, \$512,500,000, to remain available*  
12 *until expended, as authorized by section 1001 of title I of*  
13 *said Act, as amended by Public Law 102-534 (106 Stat.*  
14 *3524), of which \$46,500,000 shall be available to carry out*  
15 *the provisions of chapter A of subpart 2 of part E of title*  
16 *I of said Act, for discretionary grants under the Edward*  
17 *Byrne Memorial State and Local Law Enforcement Assist-*  
18 *ance Programs, of which \$2,097,000 shall be available to*  
19 *the Executive Office of United States Attorneys to support*  
20 *the National District Attorneys Association's participation*  
21 *in legal education training at the National Advocacy Cen-*  
22 *ter.*

23 *VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL*  
24 *LAW ENFORCEMENT ASSISTANCE*

25 *For assistance (including amounts for administrative*  
26 *costs for management and administration, which amounts*

1 shall be transferred to and merged with the “Justice Assist-  
2 ance” account) authorized by the Violent Crime Control and  
3 Law Enforcement Act of 1994 (Public Law 103–322), as  
4 amended (“the 1994 Act”); the Omnibus Crime Control and  
5 Safe Streets Act of 1968, as amended (“the 1968 Act”); and  
6 the Victims of Child Abuse Act of 1990, as amended (“the  
7 1990 Act”); \$2,383,400,000, to remain available until ex-  
8 pended, which shall be derived from the Violent Crime Re-  
9 duction Trust Fund; of which \$523,000,000 shall be for  
10 Local Law Enforcement Block Grants, pursuant to H.R.  
11 728 as passed by the House of Representatives on February  
12 14, 1995, except that for purposes of this Act, the Common-  
13 wealth of Puerto Rico shall be considered a “unit of local  
14 government” as well as a “State”, for the purposes set forth  
15 in paragraphs (A), (B), (D), (F), and (I) of section  
16 101(a)(2) of H.R. 728 and for establishing crime prevention  
17 programs involving cooperation between community resi-  
18 dents and law enforcement personnel in order to control,  
19 detect, or investigate crime or the prosecution of criminals:  
20 Provided, That no funds provided under this heading may  
21 be used as matching funds for any other Federal grant pro-  
22 gram: Provided further, That \$20,000,000 of this amount  
23 shall be for Boys and Girls Clubs in public housing facili-  
24 ties and other areas in cooperation with State and local  
25 law enforcement: Provided further, That funds may also be

1 used to defray the costs of indemnification insurance for  
2 law enforcement officers; of which \$45,000,000 shall be for  
3 grants to upgrade criminal records, as authorized by section  
4 106(b) of the Brady Handgun Violence Prevention Act of  
5 1993, as amended, and section 4(b) of the National Child  
6 Protection Act of 1993; of which \$34,500,000 shall be avail-  
7 able as authorized by section 1001 of title I of the 1968  
8 Act, to carry out the provisions of subpart 1, part E of  
9 title I of the 1968 Act notwithstanding section 511 of said  
10 Act, for the Edward Byrne Memorial State and Local Law  
11 Enforcement Assistance Programs; of which \$420,000,000  
12 shall be for the State Criminal Alien Assistance Program,  
13 as authorized by section 242(j) of the Immigration and Na-  
14 tionality Act, as amended; of which \$720,500,000 shall be  
15 for Violent Offender Incarceration and Truth in Sentencing  
16 Incentive Grants pursuant to subtitle A of title II of the  
17 1994 Act, of which \$165,000,000 shall be available for pay-  
18 ments to States for incarceration of criminal aliens, and  
19 of which \$25,000,000 shall be available for the Cooperative  
20 Agreement Program: Provided further, That funds made  
21 available for Violent Offender Incarceration and Truth in  
22 Sentencing Incentive Grants to the State of California may,  
23 at the discretion of the recipient, be used for payments for  
24 the incarceration of criminal aliens; of which \$7,000,000  
25 shall be for the Court Appointed Special Advocate Program,

1 *as authorized by section 218 of the 1990 Act; of which*  
2 *\$2,000,000 shall be for Child Abuse Training Programs for*  
3 *Judicial Personnel and Practitioners, as authorized by sec-*  
4 *tion 224 of the 1990 Act; of which \$172,000,000 shall be*  
5 *for Grants to Combat Violence Against Women, to States,*  
6 *units of local government, and Indian tribal governments,*  
7 *as authorized by section 1001(a)(18) of the 1968 Act, in-*  
8 *cluding \$12,000,000 which shall be used exclusively for the*  
9 *purpose of strengthening civil and criminal legal assistance*  
10 *programs for victims of domestic violence: Provided further,*  
11 *That, of these funds, \$7,000,000 shall be provided to the Na-*  
12 *tional Institute of Justice for research and evaluation of*  
13 *violence against women and \$853,000 shall be provided to*  
14 *the Office of the United States Attorney for the District of*  
15 *Columbia for domestic violence programs in D.C. Superior*  
16 *Court; of which \$59,000,000 shall be for Grants to Encour-*  
17 *age Arrest Policies to States, units of local government, and*  
18 *Indian tribal governments, as authorized by section*  
19 *1001(a)(19) of the 1968 Act; of which \$25,000,000 shall be*  
20 *for Rural Domestic Violence and Child Abuse Enforcement*  
21 *Assistance Grants, as authorized by section 40295 of the*  
22 *1994 Act; of which \$2,000,000 shall be for training pro-*  
23 *grams to assist probation and parole officers who work with*  
24 *released sex offenders, as authorized by section 40152(c) of*  
25 *the 1994 Act; of which \$1,000,000 shall be for grants for*



1 *televised testimony, as authorized by section 1001(a)(7) of*  
2 *the 1968 Act; of which \$2,750,000 shall be for national*  
3 *stalker and domestic violence reduction, as authorized by*  
4 *section 40603 of the 1994 Act; of which \$63,000,000 shall*  
5 *be for grants for residential substance abuse treatment for*  
6 *State prisoners, as authorized by section 1001(a)(17) of the*  
7 *1968 Act; of which \$12,500,000 shall be for grants to States*  
8 *and units of local government for projects to improve DNA*  
9 *analysis, as authorized by section 1001(a)(22) of the 1968*  
10 *Act; of which \$900,000 shall be for the Missing Alzheimer's*  
11 *Disease Patient Alert Program, as authorized by section*  
12 *240001(c) of the 1994 Act; of which \$750,000 shall be for*  
13 *Motor Vehicle Theft Prevention Programs, as authorized by*  
14 *section 220002(h) of the 1994 Act; of which \$30,000,000*  
15 *shall be for Drug Courts, as authorized by title V of the*  
16 *1994 Act; of which \$1,000,000 shall be for Law Enforcement*  
17 *Family Support Programs, as authorized by section*  
18 *1001(a)(21) of the 1968 Act; of which \$2,500,000 shall be*  
19 *for public awareness programs addressing marketing scams*  
20 *aimed at senior citizens, as authorized by section 250005(3)*  
21 *of the 1994 Act: Provided further, That funds made avail-*  
22 *able in fiscal year 1998 under subpart 1 of part E of title*  
23 *I of the 1968 Act may be obligated for programs to assist*  
24 *States in the litigation processing of death penalty Federal*  
25 *habeas corpus petitions and for drug testing initiatives:*

1 *Provided further, That if a unit of local government uses*  
2 *any of the funds made available under this title to increase*  
3 *the number of law enforcement officers, the unit of local gov-*  
4 *ernment will achieve a net gain in the number of law en-*  
5 *forcement officers who perform nonadministrative public*  
6 *safety service.*

7 *JUVENILE BLOCK GRANTS*

8 *VIOLENT CRIME REDUCTION PROGRAMS*

9 *For activities of the Juvenile Justice Block Grant Pro-*  
10 *gram, \$230,000,000, to remain available until expended,*  
11 *which shall be derived from the Violent Crime Reduction*  
12 *Trust Fund: Provided, That none of the funds appropriated*  
13 *or otherwise made available by this Act for “Juvenile Block*  
14 *Grants” may be obligated or expended unless such obliga-*  
15 *tion or expenditure is expressly authorized by the enactment*  
16 *of a subsequent Act.*

17 *WEED AND SEED PROGRAM FUND*

18 *For necessary expenses, including salaries and related*  
19 *expenses of the Executive Office for Weed and Seed, to im-*  
20 *plement “Weed and Seed” program activities, \$33,500,000,*  
21 *for intergovernmental agreements, including grants, cooper-*  
22 *ative agreements, and contracts, with State and local law*  
23 *enforcement agencies engaged in the investigation and pros-*  
24 *ecution of violent crimes and drug offenses in “Weed and*  
25 *Seed” designated communities, and for either reimburse-*  
26 *ments or transfers to appropriation accounts of the Depart-*

1 *ment of Justice and other Federal agencies which shall be*  
2 *specified by the Attorney General to execute the “Weed and*  
3 *Seed” program strategy: Provided, That funds designated*  
4 *by Congress through language for other Department of Jus-*  
5 *tice appropriation accounts for “Weed and Seed” program*  
6 *activities shall be managed and executed by the Attorney*  
7 *General through the Executive Office for Weed and Seed:*  
8 *Provided further, That the Attorney General may direct the*  
9 *use of other Department of Justice funds and personnel in*  
10 *support of “Weed and Seed” program activities only after*  
11 *the Attorney General notifies the Committees on Appropria-*  
12 *tions of the House of Representatives and the Senate in ac-*  
13 *cordance with section 605 of this Act.*

14 *GAMBLING IMPACT STUDY COMMISSION*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses of the National Gambling Im-*  
17 *pact Study Commission, \$1,000,000, to remain available*  
18 *until expended.*

19 *COMMUNITY ORIENTED POLICING SERVICES*

20 *VIOLENT CRIME REDUCTION PROGRAMS*

21 *For activities authorized by the Violent Crime Control*  
22 *and Law Enforcement Act of 1994, Public Law 103–322*  
23 *(“the 1994 Act”) (including administrative costs),*  
24 *\$1,400,000,000, to remain available until expended, which*  
25 *shall be derived from the Violent Crime Reduction Trust*

1 *Fund, for Public Safety and Community Policing Grants*  
2 *pursuant to title I of the 1994 Act: Provided, That not to*  
3 *exceed 186 permanent positions and 186 full-time equiva-*  
4 *lent workyears and \$20,553,000 shall be expended for pro-*  
5 *gram management and administration: Provided further,*  
6 *That of the unobligated balances available in this program,*  
7 *\$103,000,000 shall be used for innovative community polic-*  
8 *ing programs, of which \$38,000,000 shall be used for a law*  
9 *enforcement technology program of which \$10,000,000 is for*  
10 *the North Carolina Criminal Justice Information Network,*  
11 *\$1,000,000 shall be used for police recruitment programs*  
12 *authorized under subtitle H of title III of the 1994 Act,*  
13 *\$34,000,000 shall be used for policing initiatives to combat*  
14 *methamphetamine production and trafficking, \$12,500,000*  
15 *shall be used for the Community Policing to Combat Domes-*  
16 *tic Violence Program pursuant to section 1701(d) of part*  
17 *Q of the Omnibus Crime Control and Safe Streets Act of*  
18 *1968, as amended, \$17,500,000 shall be used for other inno-*  
19 *vative community policing programs, such as programs to*  
20 *improve the safety of elementary and secondary school chil-*  
21 *dren, reduce crime on or near elementary and secondary*  
22 *school grounds and policing initiatives in drug “hot spots”.*

23 *In addition, for programs of Police Corps education,*  
24 *training and service as set forth in sections 200101–200113*  
25 *of the Violent Crime Control and Law Enforcement Act of*

1 1994 (Public Law 103–322), \$30,000,000, to remain avail-  
2 able until expended, which shall be derived from the Violent  
3 Crime Reduction Trust Fund.

4 JUVENILE JUSTICE PROGRAMS

5 For grants, contracts, cooperative agreements, and  
6 other assistance authorized by the Juvenile Justice and De-  
7 linquency Prevention Act of 1974, as amended, including  
8 salaries and expenses in connection therewith to be trans-  
9 ferred to and merged with the appropriations for Justice  
10 Assistance, \$201,672,000, to remain available until ex-  
11 pended, as authorized by section 299 of part I of title II  
12 and section 506 of title V of the Act, as amended by Public  
13 Law 102–586, of which (1) notwithstanding any other pro-  
14 vision of law, \$5,922,000 shall be available for expenses au-  
15 thorized by part A of title II of the Act, \$96,500,000 shall  
16 be available for expenses authorized by part B of title II  
17 of the Act, and \$45,250,000 shall be available for expenses  
18 authorized by part C of title II of the Act: Provided, That  
19 \$26,500,000 of the amounts provided for part B of title II  
20 of the Act, as amended, is for the purpose of providing addi-  
21 tional formula grants under part B to States that provide  
22 assurances to the Administrator that the State has in effect  
23 (or will have in effect no later than one year after date  
24 of application) policies and programs, that ensure that ju-  
25 veniles are subject to accountability-based sanctions for  
26 every act for which they are adjudicated delinquent; (2)

1 \$12,000,000 shall be available for expenses authorized by  
2 section 281 and 282 of part D of title II of the Act for  
3 prevention and treatment programs relating to juvenile  
4 gangs; (3) \$10,000,000 shall be available for expenses au-  
5 thorized by section 285 of part E of title II of the Act; (4)  
6 \$12,000,000 shall be available for expenses authorized by  
7 part G of title II of the Act for juvenile mentoring pro-  
8 grams; and (5) \$20,000,000 shall be available for expenses  
9 authorized by title V of the Act for incentive grants for local  
10 delinquency prevention programs: Provided further, That  
11 upon the enactment of reauthorization legislation for Juve-  
12 nile Justice Programs under the Juvenile Justice and De-  
13 linquency Prevention Act of 1974, as amended, funding  
14 provisions in this Act shall from that date be subject to the  
15 provisions of that legislation and any provisions in this Act  
16 that are inconsistent with that legislation shall no longer  
17 have effect.

18       In addition, for grants, contracts, cooperative agree-  
19 ments, and other assistance, \$5,000,000 to remain available  
20 until expended, for developing, testing, and demonstrating  
21 programs designed to reduce drug use among juveniles.

22       In addition, \$25,000,000 shall be available for grants  
23 of \$360,000 to each state and \$6,640,000 shall be available  
24 for discretionary grants to states, for programs and activi-  
25 ties to enforce state laws prohibiting the sale of alcoholic

1 *beverages to minors or the purchase or consumption of alco-*  
2 *holic beverages by minors, prevention and reduction of con-*  
3 *sumption of alcoholic beverages by minors, and for technical*  
4 *assistance and training.*

5 *In addition, for grants, contracts, cooperative agree-*  
6 *ment, and other assistance authorized by the Victims of*  
7 *Child Abuse Act of 1990, as amended, \$7,000,000, to remain*  
8 *available until expended, as authorized by sections 214B*  
9 *of the Act.*

10 *PUBLIC SAFETY OFFICERS BENEFITS*

11 *To remain available until expended, for payments au-*  
12 *thorized by part L of title I of the Omnibus Crime Control*  
13 *and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended,*  
14 *such sums as are necessary, as authorized by section 6093*  
15 *of Public Law 100–690 (102 Stat. 4339–4340); and*  
16 *\$2,000,000 for the Federal Law Enforcement Education As-*  
17 *sistance Program, as authorized by section 1212 of said Act.*

18 *GENERAL PROVISIONS—DEPARTMENT OF JUSTICE*

19 *SEC. 101. In addition to amounts otherwise made*  
20 *available in this title for official reception and representa-*  
21 *tion expenses, a total of not to exceed \$45,000 from funds*  
22 *appropriated to the Department of Justice in this title shall*  
23 *be available to the Attorney General for official reception*  
24 *and representation expenses in accordance with distribu-*  
25 *tions, procedures, and regulations established by the Attor-*  
26 *ney General.*

1        *SEC. 102. Authorities contained in the Department of*  
2 *Justice Appropriation Authorization Act, Fiscal Year 1980*  
3 *(Public Law 96–132, 93 Stat. 1040 (1979)), as amended,*  
4 *shall remain in effect until the termination date of this Act*  
5 *or until the effective date of a Department of Justice Appro-*  
6 *propriation Authorization Act, whichever is earlier.*

7        *SEC. 103. None of the funds appropriated by this title*  
8 *shall be available to pay for an abortion, except where the*  
9 *life of the mother would be endangered if the fetus were car-*  
10 *ried to term, or in the case of rape: Provided, That should*  
11 *this prohibition be declared unconstitutional by a court of*  
12 *competent jurisdiction, this section shall be null and void.*

13        *SEC. 104. None of the funds appropriated under this*  
14 *title shall be used to require any person to perform, or fa-*  
15 *cilitate in any way the performance of, any abortion.*

16        *SEC. 105. Nothing in the preceding section shall re-*  
17 *move the obligation of the Director of the Bureau of Prisons*  
18 *to provide escort services necessary for a female inmate to*  
19 *receive such service outside the Federal facility: Provided,*  
20 *That nothing in this section in any way diminishes the*  
21 *effect of section 104 intended to address the philosophical*  
22 *beliefs of individual employees of the Bureau of Prisons.*

23        *SEC. 106. Notwithstanding any other provision of law,*  
24 *not to exceed \$10,000,000 of the funds made available in*  
25 *this Act may be used to establish and publicize a program*



1 *under which publicly-advertised, extraordinary rewards*  
2 *may be paid, which shall not be subject to spending limita-*  
3 *tions contained in sections 3059 and 3072 of title 18, Unit-*  
4 *ed States Code: Provided, That any reward of \$100,000 or*  
5 *more, up to a maximum of \$2,000,000, may not be made*  
6 *without the personal approval of the President or the Attor-*  
7 *ney General and such approval may not be delegated.*

8       *SEC. 107. Not to exceed 5 percent of any appropriation*  
9 *made available for the current fiscal year for the Depart-*  
10 *ment of Justice in this Act, including those derived from*  
11 *the Violent Crime Reduction Trust Fund, may be trans-*  
12 *ferred between such appropriations, but no such appropria-*  
13 *tion, except as otherwise specifically provided, shall be in-*  
14 *creased by more than 10 percent by any such transfers: Pro-*  
15 *vided, That any transfer pursuant to this section shall be*  
16 *treated as a reprogramming of funds under section 605 of*  
17 *this Act and shall not be available for obligation except in*  
18 *compliance with the procedures set forth in that section.*

19       *SEC. 108. Section 524(c)(8)(E) of title 28, United*  
20 *States Code, is amended by striking “1996” and inserting*  
21 *“1997 and thereafter”.*

22       *SEC. 109. (a) Section 1402(d) of the Victims of Crime*  
23 *Act of 1984, (42 U.S.C. 10601(d)), is amended—*

24               *(1) by striking paragraph (1); and*

1           (2) in paragraph (2), by striking “the next” and  
2           inserting “The first”.

3           (b) Any unobligated sums hitherto available to the ju-  
4           dicial branch pursuant to the paragraph repealed by section  
5           (a) shall be deemed to be deposits into the Crime Victims  
6           Fund as of the effective date hereof and may be used by  
7           the Director of the Office for Victims of Crime to improve  
8           services for the benefit of crime victims, including the proc-  
9           essing and tracking of criminal monetary penalties and re-  
10          lated litigation activities, in the federal criminal justice  
11          system.

12          SEC. 110. The Immigration and Nationality Act of  
13          1952, as amended, is further amended—

14                 (a) by striking entirely section 286(s);

15                 (b) in section 286(r) by—

16                         (1) adding “, and amount described in sec-  
17                         tion 245(i)(3)(b)” after “recovered by the De-  
18                         partment of Justice” in subsection (2);

19                         (2) replacing “Immigration and Natu-  
20                         ralization Service” with “Attorney General” in  
21                         subsection (3); and

22                         (3) striking subsection (4), and replacing it  
23                         with, “The amounts required to be refunded from  
24                         the Fund for fiscal year 1998 and thereafter  
25                         shall be refunded in accordance with estimates

1           *made in the budget request of the President for*  
2           *those fiscal years. Any proposed changes in the*  
3           *amounts designated in such budget requests shall*  
4           *only be made after Congressional reprogramming*  
5           *notification in accordance with the reprogram-*  
6           *ming guidelines for the applicable fiscal year.”;*  
7           *and*

8           *(c) in section 245(i)(3)(B), by replacing “Immigra-*  
9           *tion Detention Account established under section*  
10          *286(s)” with “Breached Bond/Detention Fund estab-*  
11          *lished under section 286(r)”.*

12          *SEC. 111. (a) LIMITATION ON ELIGIBILITY UNDER*  
13          *SECTION 245(i).—Section 245(i)(1) of the Immigration*  
14          *and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by*  
15          *striking “(i)(1)” through “The Attorney General” and in-*  
16          *serting the following:*

17            *“(i)(1) Notwithstanding the provisions of subsections*  
18            *(a) and (c) of this section, an alien physically present in*  
19            *the United States—*

20            *“(A) who—*

21            *“(i) entered the United States without in-*  
22            *spection; or*

23            *“(ii) is within one of the classes enumerated*  
24            *in subsection (c) of this section; and*

1           “(B) who is the beneficiary of a petition for clas-  
2           sification under section 204 that was filed with the  
3           Attorney General or the Department of Labor for  
4           labor certification pursuant to section 212(a)(5)(i) on  
5           or before the date of the enactment of the Departments  
6           of Commerce, Justice, and State, the Judiciary, and  
7           Related Agencies Appropriations Act, 1998;  
8           may apply to the Attorney General for the adjustment of  
9           his or her status to that of an alien lawfully admitted for  
10          permanent residence. The Attorney General”.

11          (b) *REPEAL OF SUNSET FOR SECTION 245(i).*—Sec-  
12          tion 506(c) of the Departments of Commerce, Justice, and  
13          State, the Judiciary, and Related Agencies Appropriations  
14          Act, 1995 (Public Law 103–317; 108 Stat. 1766) is amend-  
15          ed to read as follows:

16          “(c) The amendment made by subsection (a) shall take  
17          effect on October 1, 1994, and shall cease to have effect on  
18          October 1, 1997. The amendment made by subsection (b)  
19          shall take effect on October 1, 1994.”.

20          (c) *INAPPLICABILITY OF SECTION 245(c)(2) FOR CER-*  
21          *TAIN EMPLOYMENT-BASED IMMIGRANTS.*—Section 245 of  
22          the Immigration and Nationality Act (8 U.S.C. 1255) is  
23          amended—

24                  (1) in subsection (c)(2), by inserting “subject to  
25          subsection (k),” after “(2)”; and

1           (2) *by adding at the end the following:*

2           “(k) *An alien is eligible to receive an immigrant visa*  
3 *under paragraph (1), (2), or (3) of section 203(b) or, in*  
4 *the case of an alien who is an immigrant described in sec-*  
5 *tion 101(a)(27)(C), under section 203(b)(4) pursuant to*  
6 *subsection (a) and notwithstanding subsection (c)(2), if—*

7           “(1) *the alien, on the date of filing an applica-*  
8 *tion for adjustment of status, is present in the United*  
9 *States pursuant to a lawful admission;*

10           “(2) *the alien, subsequent to such lawful admis-*  
11 *sion has not, for an aggregate period exceeding 180*  
12 *days—*

13           “(A) *failed to maintain, continuously, a*  
14 *lawful status;*

15           “(B) *engaged in unauthorized employment;*

16           *or*

17           “(C) *otherwise violated the terms and condi-*  
18 *tions of the alien’s admission.”.*

19           *SEC. 112. (a) SHORT TITLE.—This section may be*  
20 *cited as the “Philippine Army, Scouts, and Guerilla Veter-*  
21 *ans of World War II Naturalization Act of 1997”.*

22           *(b) IN GENERAL.—Section 405 of the Immigration*  
23 *and Nationality Act of 1990 (8 U.S.C. 1440 note) is amend-*  
24 *ed—*

1           (1) *by striking subparagraph (B) of subsection*  
2 *(a)(1) and inserting the following:*

3           “(B) *who—*

4                   “(i) *is listed on the final roster pre-*  
5 *pared by the Recovered Personnel Division*  
6 *of the United States Army of those who*  
7 *served honorably in an active duty status*  
8 *within the Philippine Army during the*  
9 *World War II occupation and liberation of*  
10 *the Philippines,*

11                   “(ii) *is listed on the final roster pre-*  
12 *pared by the Guerilla Affairs Division of*  
13 *the United States Army of those who re-*  
14 *ceived recognition as having served honor-*  
15 *ably in an active duty status within a rec-*  
16 *ognized guerilla unit during the World War*  
17 *II occupation and liberation of the Phil-*  
18 *ippines, or*

19                   “(iii) *served honorably in an active*  
20 *duty status within the Philippine Scouts or*  
21 *within any other component of the United*  
22 *States Armed Forces in the Far East (other*  
23 *than a component described in clause (i) or*  
24 *(ii)) at any time during the period begin-*

1                    *ning September 1, 1939, and ending Decem-*  
2                    *ber 31, 1946.”;*

3                    *(2) by adding at the end of subsection (a) the fol-*  
4                    *lowing new paragraph:*

5                    *“(3)(A) For purposes of the second sentence of*  
6                    *section 329(a) and section 329(b)(3) of the Immigra-*  
7                    *tion and Nationality Act, the executive department*  
8                    *under which a person served shall be—*

9                    *“(i) in the case of an applicant claiming to*  
10                    *have served in the Philippine Army, the United*  
11                    *States Department of the Army;*

12                    *“(ii) in the case of an applicant claiming*  
13                    *to have served in a recognized guerilla unit, the*  
14                    *United States Department of the Army; or*

15                    *“(iii) in the case of an applicant claiming*  
16                    *to have served in the Philippine Scouts or any*  
17                    *other component of the United States Armed*  
18                    *Forces in the Far East (other than a component*  
19                    *described in clause (i) or (ii)) at any time dur-*  
20                    *ing the period beginning September 1, 1939, and*  
21                    *ending December 31, 1946, the United States ex-*  
22                    *ecutive department (or successor thereto) that ex-*  
23                    *ercised supervision over such component.*

24                    *“(B) An executive department specified in sub-*  
25                    *paragraph (A) may not make a determination under*

1       *the second sentence of section 329(a) with respect to*  
2       *the service or separation from service of a person de-*  
3       *scribed in paragraph (1) except pursuant to a request*  
4       *from the Service.”; and*

5               *(3) by adding at the end the following new sub-*  
6       *section:*

7       “(d) *IMPLEMENTATION.—(1) Notwithstanding any*  
8       *other provision of law, for purposes of the naturalization*  
9       *of natives of the Philippines under this section—*

10               “(A) *the processing of applications for natu-*  
11       *ralization, filed in accordance with the provisions of*  
12       *this section, including necessary interviews, shall be*  
13       *conducted in the Philippines by employees of the*  
14       *Service designated pursuant to section 335(b) of the*  
15       *Immigration and Nationality Act; and*

16               “(B) *oaths of allegiance for applications for nat-*  
17       *uralization under this section shall be administered*  
18       *in the Philippines by employees of the Service des-*  
19       *ignated pursuant to section 335(b) of that Act.*

20               “(2) *Notwithstanding paragraph (1), applications for*  
21       *naturalization, including necessary interviews, may con-*  
22       *tinue to be processed, and oaths of allegiance may continue*  
23       *to be taken in the United States.”.*

24               “(c) *REPEAL.—Section 113 of the Departments of Com-*  
25       *merce, Justice, and State, the Judiciary, and Related Agen-*



1 *cies Appropriations Act, 1993 (8 U.S.C. 1440 note), is re-*  
2 *pealed.*

3 *(d) EFFECTIVE DATE; TERMINATION DATE.—*

4 *(1) APPLICATION TO PENDING APPLICATIONS.—*

5 *The amendments made by subsection (b) shall apply*  
6 *to applications filed before February 3, 1995.*

7 *(2) TERMINATION DATE.—The authority pro-*  
8 *vided by the amendments made by subsection (b) shall*  
9 *expire February 3, 2001.*

10 *SEC. 113. Section 101(a)(27)(J) of the Immigration*  
11 *and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended*  
12 *to read as follows:*

13 *“(J) an immigrant who is present in the*  
14 *United States—*

15 *“(i) who has been declared dependent*  
16 *on a juvenile court located in the United*  
17 *States or whom such a court has legally*  
18 *committed to, or placed under the custody*  
19 *of, an agency or department of a State and*  
20 *who has been deemed eligible by that court*  
21 *for long-term foster care due to abuse, ne-*  
22 *glect, or abandonment;*

23 *“(ii) for whom it has been determined*  
24 *in administrative or judicial proceedings*  
25 *that it would not be in the alien’s best in-*

1            *terest to be returned to the alien's or par-*  
2            *ent's previous country of nationality or*  
3            *country of last habitual residence; and*

4            *“(iii) in whose case the Attorney Gen-*  
5            *eral expressly consents to the dependency*  
6            *order serving as a precondition to the grant*  
7            *of special immigrant juvenile status;*

8            *Except that—*

9            *“(I) no juvenile court has juris-*  
10           *isdiction to determine the custody status*  
11           *or placement of an alien in the actual*  
12           *or constructive custody of the Attorney*  
13           *General unless the Attorney General*  
14           *specifically consents to such jurisdic-*  
15           *tion; and*

16           *“(II) no natural parent or prior*  
17           *adoptive parent of any alien provided*  
18           *special immigrant status under this*  
19           *subparagraph shall thereafter, by vir-*  
20           *tue of such parentage, be accorded any*  
21           *right, privilege, or status under this*  
22           *Act; or”.*

23           *SEC. 114. Not to exceed \$200,000 of funds appro-*  
24           *priated under section 1304 of title 31, United States Code,*  
25           *shall be available for payment pursuant to the Hearing Of-*

1 *ficer's Report in United States Court of Federal Claims No.*  
2 *93-645X (June 3, 1996) (see 35 Fed. Cl. 99 (March 7,*  
3 *1996)).*

4 *SEC. 115. (a) STANDARDS FOR SEX OFFENDER REG-*  
5 *ISTRATION PROGRAMS.—*

6 *(1) IN GENERAL.—Section 170101(a) of the Vio-*  
7 *lent Crime Control and Law Enforcement Act of 1994*  
8 *(42 U.S.C. 14071(a)) is amended—*

9 *(A) in paragraph (1)—*

10 *(i) in subparagraph (A), by striking*  
11 *“with a designated State law enforcement*  
12 *agency”; and*

13 *(ii) in subparagraph (B), by striking*  
14 *“with a designated State law enforcement*  
15 *agency”;*

16 *(B) by striking paragraph (2) and inserting*  
17 *the following:*

18 *“(2) DETERMINATION OF SEXUALLY VIOLENT*  
19 *PREDATOR STATUS; WAIVER; ALTERNATIVE MEAS-*  
20 *URES.—*

21 *“(A) IN GENERAL.—A determination of*  
22 *whether a person is a sexually violent predator*  
23 *for purposes of this section shall be made by a*  
24 *court after considering the recommendation of a*  
25 *board composed of experts in the behavior and*

1           *treatment of sex offenders, victims' rights advo-*  
2           *cates, and representatives of law enforcement*  
3           *agencies.*

4           “(B) *WAIVER.*—*The Attorney General may*  
5           *waive the requirements of subparagraph (A) if*  
6           *the Attorney General determines that the State*  
7           *has established alternative procedures or legal*  
8           *standards for designating a person as a sexually*  
9           *violent predator.*

10          “(C) *ALTERNATIVE MEASURES.*—*The Attor-*  
11          *ney General may also approve alternative meas-*  
12          *ures of comparable or greater effectiveness in*  
13          *protecting the public from unusually dangerous*  
14          *or recidivistic sexual offenders in lieu of the spe-*  
15          *cific measures set forth in this section regarding*  
16          *sexually violent predators.”;*

17                 *(C) in paragraph (3)—*

18                         *(i) in subparagraph (A), by striking*  
19                         *“that consists of—” and inserting “in a*  
20                         *range of offenses specified by State law*  
21                         *which is comparable to or which exceeds the*  
22                         *following range of offenses:”;*

23                         *(ii) in subparagraph (B), by striking*  
24                         *“that consists of” and inserting “in a range*  
25                         *of offenses specified by State law which is*

1           comparable to or which exceeds the range of  
2           offenses encompassed by”; and

3           (D) by adding at the end the following:

4           “(F) The term ‘employed, carries on a voca-  
5           tion’ includes employment that is full-time or  
6           part-time for a period of time exceeding 14 days  
7           or for an aggregate period of time exceeding 30  
8           days during any calendar year, whether finan-  
9           cially compensated, volunteered, or for the pur-  
10          pose of government or educational benefit.

11          “(G) The term ‘student’ means a person  
12          who is enrolled on a full-time or part-time basis,  
13          in any public or private educational institution,  
14          including any secondary school, trade, or profes-  
15          sional institution, or institution of higher edu-  
16          cation.”.

17          (2) *REQUIREMENTS UPON RELEASE, PAROLE,*  
18          *SUPERVISED RELEASE, OR PROBATION.*—Section  
19          170101(b) of the *Violent Crime Control and Law En-*  
20          *forcement Act of 1994 (42 U.S.C. 14071(b))* is amend-  
21          ed—

22                 (A) in paragraph (1)—

23                         (i) by striking the paragraph designa-  
24                         tion and heading and inserting the follow-  
25                         ing:

1                   “(1) *DUTIES OF RESPONSIBLE OFFICIALS.—*”;

2                   (ii) *in subparagraph (A)—*

3                   (I) *in the matter preceding clause*

4                   (i), *by striking “or in the case of pro-*

5                   *bation, the court” and inserting “the*

6                   *court, or another responsible officer or*

7                   *official”;*

8                   (II) *in clause (ii), by striking*

9                   *“give” and all that follows before the*

10                   *semicolon and inserting “report the*

11                   *change of address as provided by State*

12                   *law”;* and

13                   (III) *in clause (iii), by striking*

14                   *“shall register” and all that follows be-*

15                   *fore the semicolon and inserting “shall*

16                   *report the change of address as pro-*

17                   *vided by State law and comply with*

18                   *any registration requirement in the*

19                   *new State of residence, and inform the*

20                   *person that the person must also reg-*

21                   *ister in a State where the person is*

22                   *employed, carries on a vocation, or is*

23                   *a student”;* and

1                   (iii) in subparagraph (B), by striking  
2                   “or the court” and inserting “, the court, or  
3                   another responsible officer or official”;

4                   (B) by striking paragraph (2) and inserting  
5                   the following:

6                   “(2) *TRANSFER OF INFORMATION TO STATE AND*  
7                   *FBI; PARTICIPATION IN NATIONAL SEX OFFENDER*  
8                   *REGISTRY.—*

9                   “(A) *STATE REPORTING.—State procedures*  
10                   *shall ensure that the registration information is*  
11                   *promptly made available to a law enforcement*  
12                   *agency having jurisdiction where the person ex-*  
13                   *pects to reside and entered into the appropriate*  
14                   *State records or data system. State procedures*  
15                   *shall also ensure that conviction data and finger-*  
16                   *prints for persons required to register are*  
17                   *promptly transmitted to the Federal Bureau of*  
18                   *Investigation.*

19                   “(B) *NATIONAL REPORTING.—A State shall*  
20                   *participate in the national database established*  
21                   *under section 170102(b) in accordance with*  
22                   *guidelines issued by the Attorney General, in-*  
23                   *cluding transmission of current address informa-*  
24                   *tion and other information on registrants to the*  
25                   *extent provided by the guidelines.”;*

1                   (C) in paragraph (3)(A)—

2                   (i) in the matter preceding clause (i),  
3                   by striking “on each” and all that follows  
4                   through “applies:” and inserting the follow-  
5                   ing: “State procedures shall provide for ver-  
6                   ification of address at least annually.”; and

7                   (ii) by striking clauses (i) through (v);

8                   (D) in paragraph (4), by striking “section  
9                   reported” and all that follows before the period  
10                  at the end and inserting the following: “section  
11                  shall be reported by the person in the manner  
12                  provided by State law. State procedures shall en-  
13                  sure that the updated address information is  
14                  promptly made available to a law enforcement  
15                  agency having jurisdiction where the person will  
16                  reside and entered into the appropriate State  
17                  records or data system”;

18                  (E) in paragraph (5), by striking “shall  
19                  register” and all that follows before the period at  
20                  the end and inserting “and who moves to an-  
21                  other State, shall report the change of address to  
22                  the responsible agency in the State the person is  
23                  leaving, and shall comply with any registration  
24                  requirement in the new State of residence. The  
25                  procedures of the State the person is leaving



1           *shall ensure that notice is provided promptly to*  
2           *an agency responsible for registration in the new*  
3           *State, if that State requires registration”;* and

4           *(F) by adding at the end the following:*

5           “(7) *REGISTRATION OF OUT-OF-STATE OFFEND-*  
6           *ERS, FEDERAL OFFENDERS, PERSONS SENTENCED BY*  
7           *COURTS MARTIAL, AND OFFENDERS CROSSING STATE*  
8           *BORDERS.—As provided in guidelines issued by the*  
9           *Attorney General, each State shall include in its reg-*  
10          *istration program residents who were convicted in an-*  
11          *other State and shall ensure that procedures are in*  
12          *place to accept registration information from—*

13                 *“(A) residents who were convicted in an-*  
14                 *other State, convicted of a Federal offense, or*  
15                 *sentenced by a court martial; and*

16                 *“(B) nonresident offenders who have crossed*  
17                 *into another State in order to work or attend*  
18                 *school.”.*

19           (3) *REGISTRATION OF OFFENDER CROSSING*  
20          *STATE BORDER.—Section 170101 of the Violent Crime*  
21          *Control and Law Enforcement Act of 1994 (42 U.S.C.*  
22          *14071) is amended by redesignating subsections (c)*  
23          *through (f) as (d) through (g), respectively, and in-*  
24          *serting after subsection (b) the following:*

1       “(c) *REGISTRATION OF OFFENDER CROSSING STATE*  
2 *BORDER.*—Any person who is required under this section  
3 to register in the State in which such person resides shall  
4 also register in any State in which the person is employed,  
5 carries on a vocation, or is a student.”.

6           (4) *RELEASE OF INFORMATION.*—Section  
7 170101(e)(2) of the Violent Crime Control and Law  
8 Enforcement Act of 1994 (42 U.S.C. 14071(e)(2)), as  
9 redesignated by subsection (c) of this section, is  
10 amended by striking “The designated” and all that  
11 follows through “State agency” and inserting “The  
12 State or any agency authorized by the State”.

13           (5) *IMMUNITY FOR GOOD FAITH CONDUCT.*—Sec-  
14 tion 170101(f) of the Violent Crime Control and Law  
15 Enforcement Act of 1994 (42 U.S.C. 14071(f)), as re-  
16 designated by subsection (c) of this section, is amend-  
17 ed by striking “, and State officials” and inserting  
18 “and independent contractors acting at the direction  
19 of such agencies, and State officials”.

20           (6) *FBI REGISTRATION.*—(A) Section  
21 170102(a)(2) of the Violent Crime Control and Law  
22 Enforcement Act of 1994 (42 U.S.C. 14072(a)(2)) is  
23 amended by striking “and ‘predatory’” and inserting  
24 the following: “‘predatory’, ‘employed, or carries on a  
25 vocation’, and ‘student’”.

1           (B) Section 170102(a)(3) of the Violent Crime  
2           Control and Law Enforcement Act of 1994 (42 U.S.C.  
3           14072(a)(3)) is amended—

4                   (i) in subparagraph (A), by inserting “in a  
5                   range of offenses specified by State law which is  
6                   comparable to or exceeds that” before “de-  
7                   scribed”;

8                   (ii) by amending subparagraph (B) to read  
9                   as follows:

10                   “(B) participates in the national database  
11                   established under subsection (b) of this section in  
12                   conformity with guidelines issued by the Attor-  
13                   ney General;” and

14                   (iii) by amending subparagraph (C) to read  
15                   as follows:

16                   “(C) provides for verification of address at  
17                   least annually;”.

18           (C) Section 170102(i) of the Violent Crime Con-  
19           trol and Law Enforcement Act of 1994 (42 U.S.C.  
20           14072(i)) in the matter preceding paragraph (1), is  
21           amended by inserting “or pursuant to section  
22           170101(b)(7)” after “subsection (g)”.

23                   (7) PAM LYCHNER SEXUAL OFFENDER TRACKING  
24           AND IDENTIFICATION ACT OF 1996.—Section 10 of the  
25           Pam Lychner Sexual Offender Tracking and Identi-

1        *fication Act of 1996 is amended by inserting at the*  
2        *end the following:*

3        “(d) *EFFECTIVE DATE.*—*States shall be allowed the*  
4        *time specified in subsection (b) to establish minimally suffi-*  
5        *cient sexual offender registration programs for purposes of*  
6        *the amendments made by section 2. Subsections (c) and (k)*  
7        *of section 170102 of the Violent Crime Control and Law*  
8        *Enforcement Act of 1994, and any requirement to issue re-*  
9        *lated regulations, shall take effect at the conclusion of the*  
10       *time provided under this subsection for the establishment*  
11       *of minimally sufficient sexual offender registration pro-*  
12       *grams.”.*

13                (8) *FEDERAL OFFENDERS AND MILITARY PER-*  
14        *SONNEL.*—(A) *Section 4042 of title 18, United States*  
15        *Code, is amended—*

16                        (i) *in subsection (a)(5), by striking “sub-*  
17                        *section (b)” and inserting “subsections (b) and*  
18                        (c)”;

19                        (ii) *in subsection (b), by striking paragraph*  
20                        (4);

21                        (iii) *by redesignating subsection (c) as sub-*  
22                        *section (d); and*

23                        (iv) *by inserting after subsection (b) the fol-*  
24                        *lowing:*

1           “(c) *NOTICE OF SEX OFFENDER RELEASE.*—(1) *In the*  
2 *case of a person described in paragraph (4) who is released*  
3 *from prison or sentenced to probation, notice shall be pro-*  
4 *vided to—*

5                   “(A) *the chief law enforcement officer of the*  
6 *State and of the local jurisdiction in which the person*  
7 *will reside; and*

8                   “(B) *a State or local agency responsible for the*  
9 *receipt or maintenance of sex offender registration in-*  
10 *formation in the State or local jurisdiction in which*  
11 *the person will reside.*

12 *The notice requirements under this subsection do not apply*  
13 *in relation to a person being protected under chapter 224.*

14           “(2) *Notice provided under paragraph (1) shall in-*  
15 *clude the information described in subsection (b)(2), the*  
16 *place where the person will reside, and the information that*  
17 *the person shall be subject to a registration requirement as*  
18 *a sex offender. For a person who is released from the custody*  
19 *of the Bureau of Prisons whose expected place of residence*  
20 *following release is known to the Bureau of Prisons, notice*  
21 *shall be provided at least 5 days prior to release by the*  
22 *Director of the Bureau of Prisons. For a person who is sen-*  
23 *tenced to probation, notice shall be provided promptly by*  
24 *the probation officer responsible for the supervision of the*  
25 *person, or in a manner specified by the Director of the Ad-*

1 *ministrative Office of the United States Courts. Notice con-*  
2 *cerning a subsequent change of residence by a person de-*  
3 *scribed in paragraph (4) during any period of probation,*  
4 *supervised release, or parole shall also be provided to the*  
5 *agencies and officers specified in paragraph (1) by the pro-*  
6 *bation officer responsible for the supervision of the person,*  
7 *or in a manner specified by the Director of the Administra-*  
8 *tive Office of the United States Courts.*

9       “(3) *The Director of the Bureau of Prisons shall in-*  
10 *form a person described in paragraph (4) who is released*  
11 *from prison that the person shall be subject to a registration*  
12 *requirement as a sex offender in any State in which the*  
13 *person resides, is employed, carries on a vocation, or is a*  
14 *student (as such terms are defined for purposes of section*  
15 *170101(a)(3) of the Violent Crime Control and Law En-*  
16 *forcement Act of 1994), and the same information shall be*  
17 *provided to a person described in paragraph (4) who is sen-*  
18 *tenced to probation by the probation officer responsible for*  
19 *supervision of the person or in a manner specified by the*  
20 *Director of the Administrative Office of the United States*  
21 *Courts.*

22       “(4) *A person is described in this paragraph if the per-*  
23 *son was convicted of any of the following offenses (including*  
24 *such an offense prosecuted pursuant to section 1152 or*  
25 *1153):*

1           “(A) *An offense under section 1201 involving a*  
2           *minor victim.*”

3           “(B) *An offense under chapter 109A.*”

4           “(C) *An offense under chapter 110.*”

5           “(D) *An offense under chapter 117.*”

6           “(E) *Any other offense designated by the Attor-*  
7           *ney General as a sexual offense for purposes of this*  
8           *subsection.*”

9           “(5) *The United States and its agencies, officers, and*  
10          *employees shall be immune from liability based on good*  
11          *faith conduct in carrying out this subsection and subsection*  
12          *(b).”.*

13                 (B)(i) *Section 3563(a) of title 18, United States*  
14          *Code, is amended by striking the matter at the end*  
15          *of paragraph (7) beginning with “The results of a*  
16          *drug test” and all that follows through the end of such*  
17          *paragraph and inserting that matter at the end of*  
18          *section 3563.*

19                 (ii) *The matter inserted by subparagraph (A) at*  
20          *the end of section 3563 is amended—*

21                         (I) *by striking “The results of a drug test”*  
22                         *and inserting the following:*

23           “(e) *RESULTS OF DRUG TESTING.—The results of a*  
24          *drug test”; and*

1           (II) by striking “paragraph (4)” each place  
2           it appears and inserting “subsection (a)(5)”.

3           (iii) Section 3563(a) of title 18, United States  
4           Code, is amended—

5           (I) so that paragraphs (6) and (7) appear  
6           in numerical order immediately after paragraph  
7           (5);

8           (II) by striking “and” at the end of para-  
9           graph (6);

10          (III) in paragraph (7), by striking “assess-  
11          ments.” and inserting “assessments; and”; and

12          (IV) by inserting immediately after para-  
13          graph (7) (as moved by clause (i)) the following  
14          new paragraph:

15          “(8) for a person described in section 4042(c)(4),  
16          that the person report the address where the person  
17          will reside and any subsequent change of residence to  
18          the probation officer responsible for supervision, and  
19          that the person register in any State where the person  
20          resides, is employed, carries on a vocation, or is a  
21          student (as such terms are defined under section  
22          170101(a)(3) of the Violent Crime Control and Law  
23          Enforcement Act of 1994).”.

24          (iv) Section 3583(d) of title 18, United States  
25          Code, is amended by inserting after the second sen-



1        *tence the following: “The court shall order, as an ex-*  
2        *PLICIT condition of supervised release for a person de-*  
3        *scribed in section 4042(c)(4), that the person report*  
4        *the address where the person will reside and any sub-*  
5        *sequent change of residence to the probation officer re-*  
6        *sponsible for supervision, and that the person register*  
7        *in any State where the person resides, is employed,*  
8        *carries on a vocation, or is a student (as such terms*  
9        *are defined under section 170101(a)(3) of the Violent*  
10       *Crime Control and Law Enforcement Act of 1994).”.*

11            *(v) Section 4209(a) of title 18, United States*  
12        *Code, insofar as such section remains in effect with*  
13        *respect to certain individuals, is amended by insert-*  
14        *ing after the first sentence the following: “In every*  
15        *case, the Commission shall impose as a condition of*  
16        *parole for a person described in section 4042(c)(4),*  
17        *that the parolee report the address where the parolee*  
18        *will reside and any subsequent change of residence to*  
19        *the probation officer responsible for supervision, and*  
20        *that the parolee register in any State where the pa-*  
21        *rolee resides, is employed, carries on a vocation, or is*  
22        *a student (as such terms are defined under section*  
23        *170101(a)(3) of the Violent Crime Control and Law*  
24        *Enforcement Act of 1994).”.*

1           (C)(i) *The Secretary of Defense shall specify cat-*  
2 *egories of conduct punishable under the Uniform Code*  
3 *of Military Justice which encompass a range of con-*  
4 *duct comparable to that described in section*  
5 *170101(a)(3)(A) and (B) of the Violent Crime Control*  
6 *and Law Enforcement Act of 1994 (42 U.S.C.*  
7 *14071(a)(3)(A) and (B)), and such other conduct as*  
8 *the Secretary deems appropriate for inclusion for*  
9 *purposes of this subparagraph.*

10           (ii) *In relation to persons sentenced by a court*  
11 *martial for conduct in the categories specified under*  
12 *clause (i), the Secretary shall prescribe procedures*  
13 *and implement a system to—*

14                   (I) *provide notice concerning the release*  
15 *from confinement or sentencing of such persons;*

16                   (II) *inform such persons concerning reg-*  
17 *istration obligations; and*

18                   (III) *track and ensure compliance with reg-*  
19 *istration requirements by such persons during*  
20 *any period of parole, probation, or other condi-*  
21 *tional release or supervision related to the of-*  
22 *fense.*

23           (iii) *The procedures and requirements established*  
24 *by the Secretary under this subparagraph shall, to the*  
25 *maximum extent practicable, be consistent with those*

1       *specified for Federal offenders under the amendments*  
2       *made by subparagraphs (A) and (B).*

3               *(iv) If a person within the scope of this subpara-*  
4       *graph is confined in a facility under the control of*  
5       *the Bureau of Prisons at the time of release, the Bu-*  
6       *reau of Prisons shall provide notice of release and in-*  
7       *form the person concerning registration obligations*  
8       *under the procedures specified in section 4042(c) of*  
9       *title 18, United States Code.*

10              (9) *PROTECTED WITNESS REGISTRATION.*—*Sec-*  
11       *tion 3521(b)(1) of title 18, United States Code, is*  
12       *amended—*

13                      (A) *by striking “and” at the end of sub-*  
14                      *paragraph (G);*

15                      (B) *by redesignating subparagraph (H) as*  
16                      *subparagraph (I); and*

17                      (C) *by inserting after subparagraph (G) the*  
18                      *following:*

19                      *“(H) protect the confidentiality of the identity*  
20                      *and location of persons subject to registration require-*  
21                      *ments as convicted offenders under Federal or State*  
22                      *law, including prescribing alternative procedures to*  
23                      *those otherwise provided by Federal or State law for*  
24                      *registration and tracking of such persons; and”.*

1       **(b) SENSE OF CONGRESS AND REPORT RELATING TO**  
2 *STALKING LAWS.*—

3           **(1) SENSE OF CONGRESS.**—*It is the sense of*  
4 *Congress that each State should have in effect a law*  
5 *that makes it a crime to stalk any individual, espe-*  
6 *cially children, without requiring that such individ-*  
7 *ual be physically harmed or abducted before a stalker*  
8 *is restrained or punished.*

9           **(2) REPORT.**—*The Attorney General shall in-*  
10 *clude in an annual report under section 40610 of the*  
11 *Violent Crime Control and Law Enforcement Act of*  
12 *1994 (42 U.S.C. 14039) information concerning exist-*  
13 *ing or proposed State laws and penalties for stalking*  
14 *crimes against children.*

15       **(c) EFFECTIVE DATE.**—*This section shall take effect*  
16 *on the date of the enactment of this Act, except that—*

17           **(1)** *subparagraphs (A), (B), and (C) of sub-*  
18 *section (a)(8) shall take effect 1 year after the date of*  
19 *the enactment of this Act; and*

20           **(2)** *States shall have 3 years from such date of*  
21 *enactment to implement amendments made by this*  
22 *Act which impose new requirements under the Jacob*  
23 *Wetterling Crimes Against Children and Sexually*  
24 *Violent Offender Registration Act, and the Attorney*  
25 *General may grant an additional 2 years to a State*

1        *that is making good faith efforts to implement these*  
2        *amendments.*

3        *SEC. 116. (a) IN GENERAL.—Section 610(b) of the De-*  
4        *partments of Commerce, Justice, and State, the Judiciary,*  
5        *and Related Agencies Appropriations Act, 1993 (8 U.S.C.*  
6        *1153; Public Law 102–395) is amended—*

7                *(1) by striking “300” and inserting “3,000”; and*  
8                *(2) by striking “five years” and inserting “seven*  
9        *years”.*

10        *(b) EFFECTIVE DATE.—The amendment made by sub-*  
11        *section (a)(2) shall be deemed to have become effective on*  
12        *October 6, 1992.*

13        *SEC. 117. For fiscal year 1998, the Attorney General*  
14        *shall provide a magnetometer and not less than one quali-*  
15        *fied guard at each unsecured entrance to the real property*  
16        *(including offices, buildings, and related grounds and fa-*  
17        *cilities) that is leased to the United States as a place of*  
18        *employment for Federal employees at 625 Silver, S.W., in*  
19        *Albuquerque, New Mexico for the duration of time that De-*  
20        *partment of Justice employees are occupants of this build-*  
21        *ing, after which the General Services Administration shall*  
22        *provide the same level of security equipment and personnel*  
23        *at this location until the date on which the new Albuquer-*  
24        *que federal building is occupied.*

1       *SEC. 118. Section 203(p)(1) of the Federal Property*  
2 *and Administrative Services Act of 1949 (40 U.S.C.*  
3 *484(p)(1)) is amended—*

4           *(1) by inserting “(A)” after “(1)”;* and  
5           *(2) by adding at the end the following new sub-*  
6 *paragraph:*

7           *“(B)(i) The Administrator may exercise the au-*  
8 *thority under subparagraph (A) with respect to such*  
9 *surplus real and related property needed by the trans-*  
10 *feree or grantee for—*

11           *“(I) law enforcement purposes, as deter-*  
12 *mined by the Attorney General; or*

13           *“(II) emergency management response pur-*  
14 *poses, including fire and rescue services, as de-*  
15 *termined by the Director of the Federal Emer-*  
16 *gency Management Agency.*

17           *“(ii) The authority provided under this subpara-*  
18 *graph shall terminate on December 31, 1999.”.*

19       *SEC. 119. Section 1701(b)(2)(A) of title I of the Omni-*  
20 *bus Crime Control and Safe Streets Act of 1968 (42 U.S.C.*  
21 *3796dd) is amended to read as follows—*

22           *“(A) may not exceed 20 percent of the funds*  
23 *available for grants pursuant to this subsection in*  
24 *any fiscal year.”.*

1       *SEC. 120. Section 212(a)(1) of the Immigration and*  
2 *Nationality Act (8 U.S.C. 1182(a)(1)) is amended—*

3               *(1) in subparagraph (A)(ii), by inserting “except*  
4 *as provided in subparagraph (C),” after “(ii); and*  
5 *(2) by adding at the end the following:*

6               *“(C) EXCEPTION FROM IMMUNIZATION RE-*  
7 *QUIREMENT FOR ADOPTED CHILDREN 10 YEARS*  
8 *OF AGE OR YOUNGER.—Clause (ii) of subpara-*  
9 *graph (A) shall not apply to a child who—*

10                       *“(i) is 10 years of age or younger,*

11                       *“(ii) is described in section*  
12 *101(b)(1)(F), and*

13                       *“(iii) is seeking an immigrant visa as*  
14 *an immediate relative under section 201(b),*  
15 *if, prior to the admission of the child, an adop-*  
16 *tive parent or prospective adoptive parent of the*  
17 *child, who has sponsored the child for admission*  
18 *as an immediate relative, has executed an affida-*  
19 *vit stating that the parent is aware of the provi-*  
20 *sions of subparagraph (A)(ii) and will ensure*  
21 *that, within 30 days of the child’s admission, or*  
22 *at the earliest time that is medically appro-*  
23 *priate, the child will receive the vaccinations*  
24 *identified in such subparagraph.”.*

1       *SEC. 121. Section 233(d) of the Antiterrorism and Ef-*  
2 *fective Death Penalty Act of 1996 (110 Stat. 1245) is*  
3 *amended by striking “1 year after the date of enactment*  
4 *of this Act” and inserting “October 1, 1999”.*

5       *SEC. 122. (a) DEFINITIONS.—In this section—*

6           (1) *the terms “criminal offense against a victim*  
7 *who is a minor”, “sexually violent offense”, and “sex-*  
8 *ually violent predator” have the meanings given those*  
9 *terms in section 170101(a) of the Violent Crime Con-*  
10 *trol and Law Enforcement Act of 1994 (42 U.S.C.*  
11 *14071(a));*

12           (2) *the term “DNA” means deoxyribonucleic*  
13 *acid; and*

14           (3) *the term “sex offender” means an individual*  
15 *who—*

16                   (A) *has been convicted in Federal court of—*

17                           (i) *a criminal offense against a victim*  
18 *who is a minor; or*

19                           (ii) *a sexually violent offense; or*

20                   (B) *is a sexually violent predator.*

21       (b) *REPORT.—From amounts made available to the*  
22 *Department of Justice under this title, not later than 180*  
23 *days after the date of enactment of this Act, the Attorney*  
24 *General shall submit to Congress a report, which shall in-*  
25 *clude a plan for the implementation of a requirement that,*



1 *prior to the release (including probation, parole, or any*  
2 *other supervised release) of any sex offender from Federal*  
3 *custody following a conviction for a criminal offense*  
4 *against a victim who is a minor or a sexually violent of-*  
5 *fense, the sex offender shall provide a DNA sample to the*  
6 *appropriate law enforcement agency for inclusion in a na-*  
7 *tional law enforcement DNA database.*

8 *(c) PLAN REQUIREMENTS.—The plan submitted under*  
9 *subsection (b) shall include recommendations concerning—*

10 *(1) a system for—*

11 *(A) the collection of DNA samples from any*  
12 *sex offender;*

13 *(B) the analysis of the collected samples for*  
14 *DNA and other genetic typing analysis; and*

15 *(C) making the DNA and other genetic typ-*  
16 *ing information available for law enforcement*  
17 *purposes only;*

18 *(2) guidelines for coordination with existing*  
19 *Federal and State DNA and genetic typing informa-*  
20 *tion databases and for Federal cooperation with State*  
21 *and local law in sharing this information;*

22 *(3) addressing constitutional, privacy, and relat-*  
23 *ed concerns in connection with the mandatory sub-*  
24 *mission of DNA samples; and*

1           (4) procedures and penalties for the prevention of  
2           improper disclosure or dissemination of DNA or other  
3           genetic typing information.

4           SEC. 123. (a) Notwithstanding any other provision of  
5           law relating to position classification or employee pay or  
6           performance, during the 3-year period beginning on the  
7           date of enactment of this Act, the Director of the Federal  
8           Bureau of Investigation may, with the approval of the At-  
9           torney General, establish a personnel management system  
10          providing for the compensation and performance manage-  
11          ment of not more than 3,000 non-Special Agent employees  
12          to fill critical scientific, technical, engineering, intelligence  
13          analyst, language translator, and medical positions in the  
14          Federal Bureau of Investigation.

15          (b) Except as otherwise provided by law, no employee  
16          compensated under any system established under this sec-  
17          tion may be paid at a rate in excess of the rate payable  
18          for a position at level III of the Executive Schedule.

19          (c) Total payments to employees under any system es-  
20          tablished under this section shall be subject to the limitation  
21          on payments to employees set forth in section 5307 of title  
22          5, United States Code.

23          (d) Not later than 90 days after the date of enactment  
24          of this Act, the Director of the Federal Bureau of Investiga-  
25          tion shall submit to the Committees on Appropriations and

1 *the Committees on the Judiciary of the House of Represent-*  
2 *atives and the Senate, the Committee on Government Re-*  
3 *form and Oversight of the House of Representatives, and*  
4 *the Committee on Governmental Affairs of the Senate, an*  
5 *operating plan describing the Director's intended use of the*  
6 *authority under this section, and identifying any provi-*  
7 *sions of title 5, United States Code, being waived for pur-*  
8 *poses of any personnel management system to be established*  
9 *by the Director under this section.*

10 *(e) Any performance management system established*  
11 *under this section shall have not less than 2 levels of per-*  
12 *formance above a retention standard.*

13 *(f) Not later than March 31, 2000, the Director of the*  
14 *Federal Bureau of Investigation shall submit to Congress*  
15 *an evaluation of the performance management system estab-*  
16 *lished under this section, which shall include—*

17 *(1) a comparison of—*

18 *(A) the compensation, benefits, and per-*  
19 *formance management provisions governing per-*  
20 *sonnel of similar employment classification se-*  
21 *ries in other departments and agencies of the*  
22 *Federal Government; and*

23 *(B) the costs, consistent with standards pre-*  
24 *scribed in Office of Management and Budget*  
25 *Circular A-76, of contracting for any services*

1           *provided through those departments and agen-*  
2           *cies; and*

3           *(2) if appropriate, a recommendation for legisla-*  
4           *tion to extend the authority under this section.*

5           *(g) Notwithstanding any other provision of law, the*  
6           *Secretary of the Treasury shall have the same authority*  
7           *provided to the Office of Personnel Management under sec-*  
8           *tion 4703 of title 5, United States Code, to establish, in*  
9           *the discretion of the Secretary, demonstration projects for*  
10          *a period of 3 years, for not to exceed a combined total of*  
11          *950 employees, to fill critical scientific, technical, engineer-*  
12          *ing, intelligence analyst, language translator, and medical*  
13          *positions in the Bureau of Alcohol, Tobacco and Firearms,*  
14          *the United States Customs Service, and the United States*  
15          *Secret Service.*

16          *(h) The authority under this section shall terminate*  
17          *3 years after the date of enactment of this Act.*

18          *SEC. 124. (a) IN GENERAL.—Section 3626 of title 18,*  
19          *United States Code, is amended—*

20                  *(1) in subsection (a)—*

21                          *(A) in paragraph (1)(B)(i), by striking*  
22                          *“permits” and inserting “requires”; and*

23                          *(B) in paragraph (3)—*

24                                  *(i) in subparagraph (A), by striking*  
25                                  *“no prisoner release order shall be entered*

1                   *unless” and inserting “no court shall enter*  
2                   *a prisoner release order unless”; and*

3                   *(ii) in subparagraph (F)—*

4                   *(I) by inserting “including a leg-*  
5                   *islator” after “local official”; and*

6                   *(II) by striking “program” and*  
7                   *inserting “prison”;*

8                   *(2) in subsection (b)(3), by striking “current or*  
9                   *ongoing” and inserting “current and ongoing”;*

10                  *(3) in subsection (e)—*

11                  *(A) in paragraph (1), by adding at the end*  
12                  *the following: “Mandamus shall lie to remedy*  
13                  *any failure to issue a prompt ruling on such a*  
14                  *motion.”;*

15                  *(B) in paragraph (2), by striking “Any*  
16                  *prospective relief subject to a pending motion*  
17                  *shall be automatically stayed” and inserting*  
18                  *“Any motion to modify or terminate prospective*  
19                  *relief made under subsection (b) shall operate as*  
20                  *a stay”; and*

21                  *(C) by adding at the end the following:*

22                  *“(3) POSTPONEMENT OF AUTOMATIC STAY.—The*  
23                  *court may postpone the effective date of an automatic*  
24                  *stay specified in subsection (e)(2)(A) for not more*  
25                  *than 60 days for good cause. No postponement shall*

1       *be permissible because of general congestion of the*  
2       *court's calendar.*

3               “(4) *ORDER BLOCKING THE AUTOMATIC STAY.*—  
4       *Any order staying, suspending, delaying, or barring*  
5       *the operation of the automatic stay described in para-*  
6       *graph (2) (other than an order to postpone the effec-*  
7       *tive date of the automatic stay under paragraph (3))*  
8       *shall be treated as an order refusing to dissolve or*  
9       *modify an injunction and shall be appealable pursu-*  
10       *ant to section 1292(a)(1) of title 28, United States*  
11       *Code, regardless of how the order is styled or whether*  
12       *the order is termed a preliminary or a final ruling.”.*

13       “(b) *EFFECTIVE DATE.*—*The amendments made by this*  
14       *Act shall take effect upon the date of the enactment of this*  
15       *Act and shall apply to pending cases.*

16       *SEC. 125. Section 524(c)(8)(B) of title 28, United*  
17       *States Code, is amended by deleting “1996, and 1997,” and*  
18       *inserting “and 1996,” in place thereof.*

19       *This title may be cited as the “Department of Justice*  
20       *Appropriations Act, 1998”.*

1     *TITLE II—DEPARTMENT OF COMMERCE AND*  
2                     *RELATED AGENCIES*  
3             *TRADE AND INFRASTRUCTURE DEVELOPMENT*  
4                     *RELATED AGENCIES*  
5     *OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE*  
6                     *SALARIES AND EXPENSES*

7         *For necessary expenses of the Office of the United*  
8     *States Trade Representative, including the hire of passenger*  
9     *motor vehicles and the employment of experts and consult-*  
10    *ants as authorized by 5 U.S.C. 3109, \$23,450,000, of which*  
11    *\$2,500,000 shall remain available until expended: Provided,*  
12    *That not to exceed \$98,000 shall be available for official*  
13    *reception and representation expenses: Provided further,*  
14    *That the total number of political appointees on board as*  
15    *of May 1, 1998, shall not exceed 25 positions.*

16                     *INTERNATIONAL TRADE COMMISSION*  
17                     *SALARIES AND EXPENSES*

18         *For necessary expenses of the International Trade*  
19     *Commission, including hire of passenger motor vehicles,*  
20     *and services as authorized by 5 U.S.C. 3109, and not to*  
21     *exceed \$2,500 for official reception and representation ex-*  
22     *penses, \$41,200,000 to remain available until expended.*

1                    *DEPARTMENT OF COMMERCE*  
2                    *INTERNATIONAL TRADE ADMINISTRATION*  
3                    *OPERATIONS AND ADMINISTRATION*

4            *For necessary expenses for international trade activi-*  
5 *ties of the Department of Commerce provided for by law,*  
6 *and engaging in trade promotional activities abroad, in-*  
7 *cluding expenses of grants and cooperative agreements for*  
8 *the purpose of promoting exports of United States firms,*  
9 *without regard to 44 U.S.C. 3702 and 3703; full medical*  
10 *coverage for dependent members of immediate families of*  
11 *employees stationed overseas and employees temporarily*  
12 *posted overseas; travel and transportation of employees of*  
13 *the United States and Foreign Commercial Service between*  
14 *two points abroad, without regard to 49 U.S.C. 1517; em-*  
15 *ployment of Americans and aliens by contract for services;*  
16 *rental of space abroad for periods not exceeding ten years,*  
17 *and expenses of alteration, repair, or improvement; pur-*  
18 *chase or construction of temporary demountable exhibition*  
19 *structures for use abroad; payment of tort claims, in the*  
20 *manner authorized in the first paragraph of 28 U.S.C. 2672*  
21 *when such claims arise in foreign countries; not to exceed*  
22 *\$327,000 for official representation expenses abroad; pur-*  
23 *chase of passenger motor vehicles for official use abroad, not*  
24 *to exceed \$30,000 per vehicle; obtain insurance on official*  
25 *motor vehicles; and rent tie lines and teletype equipment;*



1 \$283,066,000, to remain available until expended: Pro-  
2 vided, That of the \$287,866,000 provided for in direct obli-  
3 gations (of which \$283,066,000 is appropriated from the  
4 General Fund, and \$4,800,000 is derived from unobligated  
5 balances and deobligations from prior years), \$58,986,000  
6 shall be for Trade Development, \$17,340,000 shall be for  
7 the Market Access and Compliance, \$28,770,000 shall be for  
8 the Import Administration, \$171,070,000 shall be for the  
9 United States and Foreign Commercial Service, and  
10 \$11,700,000 shall be for Executive Direction and Adminis-  
11 tration: Provided further, That the provisions of the first  
12 sentence of section 105(f) and all of section 108(c) of the  
13 Mutual Educational and Cultural Exchange Act of 1961  
14 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying  
15 out these activities without regard to section 5412 of the  
16 Omnibus Trade and Competitiveness Act of 1988 (15  
17 U.S.C. 4912); and that for the purpose of this Act, contribu-  
18 tions under the provisions of the Mutual Educational and  
19 Cultural Exchange Act shall include payment for assess-  
20 ments for services provided as part of these activities.

21 *EXPORT ADMINISTRATION*

22 *OPERATIONS AND ADMINISTRATION*

23 *For necessary expenses for export administration and*  
24 *national security activities of the Department of Commerce,*  
25 *including costs associated with the performance of export*

1 *administration field activities both domestically and*  
2 *abroad; full medical coverage for dependent members of im-*  
3 *mediate families of employees stationed overseas; employ-*  
4 *ment of Americans and aliens by contract for services*  
5 *abroad; rental of space abroad for periods not exceeding ten*  
6 *years, and expenses of alteration, repair, or improvement;*  
7 *payment of tort claims, in the manner authorized in the*  
8 *first paragraph of 28 U.S.C. 2672 when such claims arise*  
9 *in foreign countries; not to exceed \$15,000 for official rep-*  
10 *resentation expenses abroad; awards of compensation to in-*  
11 *formers under the Export Administration Act of 1979, and*  
12 *as authorized by 22 U.S.C. 401(b); purchase of passenger*  
13 *motor vehicles for official use and motor vehicles for law*  
14 *enforcement use with special requirement vehicles eligible*  
15 *for purchase without regard to any price limitation other-*  
16 *wise established by law; \$43,900,000 to remain available*  
17 *until expended, of which \$1,900,000 shall be for inspections*  
18 *and other activities related to national security: Provided,*  
19 *That the provisions of the first sentence of section 105(f)*  
20 *and all of section 108(c) of the Mutual Educational and*  
21 *Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and*  
22 *2458(c)) shall apply in carrying out these activities: Pro-*  
23 *vided further, That payments and contributions collected*  
24 *and accepted for materials or services provided as part of*  
25 *such activities may be retained for use in covering the cost*

1 *of such activities, and for providing information to the pub-*  
2 *lic with respect to the export administration and national*  
3 *security activities of the Department of Commerce and other*  
4 *export control programs of the United States and other gov-*  
5 *ernments.*

6 *ECONOMIC DEVELOPMENT ADMINISTRATION*

7 *ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS*

8 *For grants for economic development assistance as pro-*  
9 *vided by the Public Works and Economic Development Act*  
10 *of 1965, as amended, Public Law 91-304, and such laws*  
11 *that were in effect immediately before September 30, 1982,*  
12 *and for trade adjustment assistance, \$340,000,000: Pro-*  
13 *vided, That none of the funds appropriated or otherwise*  
14 *made available under this heading may be used directly or*  
15 *indirectly for attorneys' or consultants' fees in connection*  
16 *with securing grants and contracts made by the Economic*  
17 *Development Administration: Provided further, That, not-*  
18 *withstanding any other provision of law, the Secretary of*  
19 *Commerce may provide financial assistance for projects to*  
20 *be located on military installations closed or scheduled for*  
21 *closure or realignment to grantees eligible for assistance*  
22 *under the Public Works and Economic Development Act of*  
23 *1965, as amended, without it being required that the grant-*  
24 *ee have title or ability to obtain a lease for the property,*  
25 *for the useful life of the project, when in the opinion of the*

1 *Secretary of Commerce, such financial assistance is nec-*  
2 *essary for the economic development of the area: Provided*  
3 *further, That the Secretary of Commerce may, as the Sec-*  
4 *retary considers appropriate, consult with the Secretary of*  
5 *Defense regarding the title to land on military installations*  
6 *closed or scheduled for closure or realignment.*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of administering the economic*  
9 *development assistance programs as provided for by law,*  
10 *\$21,028,000: Provided, That these funds may be used to*  
11 *monitor projects approved pursuant to title I of the Public*  
12 *Works Employment Act of 1976, as amended, title II of the*  
13 *Trade Act of 1974, as amended, and the Community Emer-*  
14 *gency Drought Relief Act of 1977.*

15 *MINORITY BUSINESS DEVELOPMENT AGENCY*

16 *MINORITY BUSINESS DEVELOPMENT*

17 *For necessary expenses of the Department of Commerce*  
18 *in fostering, promoting, and developing minority business*  
19 *enterprise, including expenses of grants, contracts, and*  
20 *other agreements with public or private organizations,*  
21 *\$25,000,000.*

22 *ECONOMIC AND INFORMATION INFRASTRUCTURE*

23 *ECONOMIC AND STATISTICAL ANALYSIS*

24 *SALARIES AND EXPENSES*

25 *For necessary expenses, as authorized by law, of eco-*  
26 *nomical and statistical analysis programs of the Department*

1 of Commerce, \$47,499,000, to remain available until Sep-  
2 tember 30, 1999.

3 *ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING*

4 *FUND*

5 *The Secretary of Commerce is authorized to dissemi-*  
6 *nate economic and statistical data products as authorized*  
7 *by sections 1, 2, and 4 of Public Law 91-412 (15 U.S.C.*  
8 *1525-1527) and, notwithstanding section 5412 of the Om-*  
9 *nibus Trade and Competitiveness Act of 1988 (15 U.S.C.*  
10 *4912), charge fees necessary to recover the full costs incurred*  
11 *in their production. Notwithstanding 31 U.S.C. 3302, re-*  
12 *ceipts received from these data dissemination activities*  
13 *shall be credited to this account, to be available for carrying*  
14 *out these purposes without further appropriation.*

15 *BUREAU OF THE CENSUS*

16 *SALARIES AND EXPENSES*

17 *For expenses necessary for collecting, compiling, ana-*  
18 *lyzing, preparing, and publishing statistics, provided for by*  
19 *law, \$137,278,000.*

20 *PERIODIC CENSUSES AND PROGRAMS*

21 *For expenses necessary to conduct the decennial census,*  
22 *\$388,074,000, to remain available until expended.*

23 *In addition, for expenses to collect and publish statis-*  
24 *tics for other periodic censuses and programs provided for*  
25 *by law, \$165,926,000, to remain available until expended.*

1     *NATIONAL TELECOMMUNICATIONS AND INFORMATION*  
2                                     *ADMINISTRATION*  
3                                     *SALARIES AND EXPENSES*

4         *For necessary expenses, as provided for by law, of the*  
5 *National Telecommunications and Information Adminis-*  
6 *tration (NTIA), \$16,550,000, to remain available until ex-*  
7 *pended: Provided, That notwithstanding 31 U.S.C. 1535(d),*  
8 *the Secretary of Commerce shall charge Federal agencies for*  
9 *costs incurred in spectrum management, analysis, and op-*  
10 *erations, and related services and such fees shall be retained*  
11 *and used as offsetting collections for costs of such spectrum*  
12 *services, to remain available until expended: Provided fur-*  
13 *ther, That hereafter, notwithstanding any other provision*  
14 *of law, NTIA shall not authorize spectrum use or provide*  
15 *any spectrum functions pursuant to the NTIA Organization*  
16 *Act, 47 U.S.C. §§ 902–903, to any Federal entity without*  
17 *reimbursement as required by NTIA for such spectrum*  
18 *management costs, and Federal entities withholding pay-*  
19 *ment of such cost shall not use spectrum: Provided further,*  
20 *That the Secretary of Commerce is authorized to retain and*  
21 *use as offsetting collections all funds transferred, or pre-*  
22 *viously transferred, from other Government agencies for all*  
23 *costs incurred in telecommunications research, engineering,*  
24 *and related activities by the Institute for Telecommuni-*  
25 *cation Sciences of the NTIA, in furtherance of its assigned*

1 *functions under this paragraph, and such funds received*  
2 *from other Government agencies shall remain available*  
3 *until expended.*

4 *PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND*  
5 *CONSTRUCTION*

6 *For grants authorized by section 392 of the Commu-*  
7 *nications Act of 1934, as amended, \$21,000,000, to remain*  
8 *available until expended as authorized by section 391 of the*  
9 *Act, as amended: Provided, That not to exceed \$1,500,000*  
10 *shall be available for program administration as authorized*  
11 *by section 391 of the Act: Provided further, That notwith-*  
12 *standing the provisions of section 391 of the Act, the prior*  
13 *year unobligated balances may be made available for grants*  
14 *for projects for which applications have been submitted and*  
15 *approved during any fiscal year: Provided further, That,*  
16 *notwithstanding any other provision of law, the Pan-Pa-*  
17 *cific Education and Communication Experiments by Sat-*  
18 *ellite (PEACESAT) Program is eligible to compete for Pub-*  
19 *lic Broadcasting Facilities, Planning and Construction*  
20 *funds.*

21 *INFORMATION INFRASTRUCTURE GRANTS*

22 *For grants authorized by section 392 of the Commu-*  
23 *nications Act of 1934, as amended, \$20,000,000, to remain*  
24 *available until expended as authorized by section 391 of the*  
25 *Act, as amended: Provided, That not to exceed \$3,000,000*  
26 *shall be available for program administration and other*

1 *support activities as authorized by section 391: Provided*  
2 *further, That of the funds appropriated herein, not to exceed*  
3 *5 percent may be available for telecommunications research*  
4 *activities for projects related directly to the development of*  
5 *a national information infrastructure: Provided further,*  
6 *That, notwithstanding the requirements of section 392(a)*  
7 *and 392(c) of the Act, these funds may be used for the plan-*  
8 *ning and construction of telecommunications networks for*  
9 *the provision of educational, cultural, health care, public*  
10 *information, public safety, or other social services.*

11 *PATENT AND TRADEMARK OFFICE*

12 *SALARIES AND EXPENSES*

13 *For necessary expenses of the Patent and Trademark*  
14 *Office provided for by law, including defense of suits insti-*  
15 *tuted against the Commissioner of Patents and Trade-*  
16 *marks, \$691,000,000, to remain available until expended:*  
17 *Provided, That of this amount, \$664,000,000 shall be de-*  
18 *rived from offsetting collections assessed and collected pur-*  
19 *suant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 and*  
20 *shall be retained and used for necessary expenses in this*  
21 *appropriation: Provided further, That the sum herein ap-*  
22 *propriated from the General Fund shall be reduced as such*  
23 *offsetting collections are received during fiscal year 1998*  
24 *from the General Fund estimated at \$0: Provided further,*  
25 *That during fiscal year 1998, should the total amount of*



1 *offsetting fee collections be less than \$664,000,000, the total*  
 2 *amounts available to the Patent and Trademark Office shall*  
 3 *be reduced accordingly: Provided further, That any fees re-*  
 4 *ceived in excess of \$664,000,000 in fiscal year 1998 shall*  
 5 *remain available until expended, but shall not be available*  
 6 *for obligation until October 1, 1998: Provided further, That*  
 7 *the remaining \$27,000,000 shall be derived from deposits*  
 8 *in the Patent and Trademark Office Fee Surcharge Fund*  
 9 *as authorized by law and shall remain available until ex-*  
 10 *pended.*

11 *SCIENCE AND TECHNOLOGY*

12 *TECHNOLOGY ADMINISTRATION*

13 *UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF*

14 *TECHNOLOGY POLICY*

15 *SALARIES AND EXPENSES*

16 *For necessary expenses for the Under Secretary for*  
 17 *Technology/Office of Technology Policy, \$8,500,000, of*  
 18 *which not to exceed \$1,600,000 shall remain available until*  
 19 *September 30, 1999.*

20 *NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY*

21 *SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES*

22 *For necessary expenses of the National Institute of*  
 23 *Standards and Technology, \$276,852,000, to remain avail-*  
 24 *able until expended, of which not to exceed \$3,800,000 shall*  
 25 *be used to fund a cooperative agreement with Texas Tech*  
 26 *University for wind research; and of which not to exceed*

1 \$5,000,000 of the amount above \$268,000,000 shall be used  
2 to fund a cooperative agreement with Montana State Uni-  
3 versity for a research program on green buildings; and of  
4 which not to exceed \$1,625,000 may be transferred to the  
5 “Working Capital Fund”.

6 *INDUSTRIAL TECHNOLOGY SERVICES*

7 *For necessary expenses of the Manufacturing Exten-*  
8 *sion Partnership of the National Institute of Standards and*  
9 *Technology, \$113,500,000, to remain available until ex-*  
10 *pended, of which not to exceed \$300,000 may be transferred*  
11 *to the “Working Capital Fund”: Provided, That notwith-*  
12 *standing the time limitations imposed by 15 U.S.C. 278k(c)*  
13 *(1) and (5) on the duration of Federal financial assistance*  
14 *that may be awarded by the Secretary of Commerce to Re-*  
15 *gional Centers for the transfer of Manufacturing Technology*  
16 *(“Centers”), such Federal financial assistance for a Center*  
17 *may continue beyond six years and may be renewed for*  
18 *additional periods, not to exceed one year, at a rate not*  
19 *to exceed one-third of the Center’s total annual costs, subject*  
20 *before any such renewal to a positive evaluation of the Cen-*  
21 *ter and to a finding by the Secretary of Commerce that*  
22 *continuation of Federal funding to the Center is in the best*  
23 *interest of the Regional Centers for the transfer of Manufac-*  
24 *turing Technology Program: Provided further, That the*  
25 *Center’s most recent performance evaluation is positive, and*

1 *the Center has submitted a reapplication which has success-*  
2 *fully passed merit review.*

3 *In addition, for necessary expenses of the Advanced*  
4 *Technology Program of the National Institute of Standards*  
5 *and Technology, \$192,500,000, to remain available until*  
6 *expended, of which not to exceed \$82,000,000 shall be avail-*  
7 *able for the award of new grants, and of which not to exceed*  
8 *\$500,000 may be transferred to the “Working Capital*  
9 *Fund”.*

10 *CONSTRUCTION OF RESEARCH FACILITIES*

11 *For construction of new research facilities, including*  
12 *architectural and engineering design, and for renovation of*  
13 *existing facilities, not otherwise provided for the National*  
14 *Institute of Standards and Technology, as authorized by 15*  
15 *U.S.C. 278c–278e, \$95,000,000, to remain available until*  
16 *expended: Provided, That of the amounts provided under*  
17 *this heading, \$78,308,000 shall be available for obligation*  
18 *and expenditure only after submission of a plan for the ex-*  
19 *penditure of these funds, in accordance with section 605 of*  
20 *this Act.*

21 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*

22 *OPERATIONS, RESEARCH, AND FACILITIES*

23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *For necessary expenses of activities authorized by law*  
25 *for the National Oceanic and Atmospheric Administration,*  
26 *including maintenance, operation, and hire of aircraft; not*

1 to exceed 283 commissioned officers on the active list as of  
2 September 30, 1998; grants, contracts, or other payments  
3 to nonprofit organizations for the purposes of conducting  
4 activities pursuant to cooperative agreements; and reloca-  
5 tion of facilities as authorized by 33 U.S.C. 883i;  
6 \$1,500,350,000, to remain available until expended: Pro-  
7 vided, That, notwithstanding 31 U.S.C. 3302 but consistent  
8 with other existing law, fees shall be assessed, collected, and  
9 credited to this appropriation as offsetting collections to be  
10 available until expended, to recover the costs of administer-  
11 ing aeronautical charting programs: Provided further, That  
12 the sum herein appropriated from the General Fund shall  
13 be reduced as such additional fees are received during fiscal  
14 year 1998, so as to result in a final General Fund appro-  
15 priation estimated at not more than \$1,497,350,000: Pro-  
16 vided further, That any such additional fees received in ex-  
17 cess of \$3,000,000 in fiscal year 1998 shall not be available  
18 for obligation until October 1, 1998: Provided further, That  
19 fees and donations received by the National Ocean Service  
20 for the management of the national marine sanctuaries  
21 may be retained and used for the salaries and expenses asso-  
22 ciated with those activities, notwithstanding 31 U.S.C.  
23 3302: Provided further, That in addition, \$62,381,000 shall  
24 be derived by transfer from the fund entitled "Promote and  
25 Develop Fishery Products and Research Pertaining to

1 *American Fisheries*”: *Provided further, That grants to*  
2 *States pursuant to sections 306 and 306A of the Coastal*  
3 *Zone Management Act of 1972, as amended, shall not exceed*  
4 *\$2,000,000: Provided further, That unexpended balances in*  
5 *the accounts “Construction” and “Fleet Modernization,*  
6 *Shipbuilding and Conversion” shall be transferred to and*  
7 *merged with this account, to remain available until ex-*  
8 *pended for the purposes for which the funds were originally*  
9 *appropriated.*

10 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

11 *(INCLUDING TRANSFERS OF FUNDS)*

12 *For procurement, acquisition and construction of cap-*  
13 *ital assets, including alteration and modification costs, of*  
14 *the National Oceanic and Atmospheric Administration,*  
15 *\$489,609,000, to remain available until expended: Pro-*  
16 *vided, That not to exceed \$116,910,000 is available for the*  
17 *advanced weather interactive processing system, and may*  
18 *be available for obligation and expenditure only pursuant*  
19 *to a certification by the Secretary of Commerce that the*  
20 *total cost to complete the acquisition and deployment of the*  
21 *advanced weather interactive processing system and NOAA*  
22 *Port system, including program management, operations*  
23 *and maintenance costs through deployment will not exceed*  
24 *\$188,700,000: Provided further, That unexpended balances*  
25 *of amounts previously made available in the “Operations,*  
26 *Research, and Facilities” account and the “Construction”*

1 *account for activities funded under this heading may be*  
2 *transferred to and merged with this account, to remain*  
3 *available until expended for the purposes for which the*  
4 *funds were originally appropriated.*

5 *COASTAL ZONE MANAGEMENT FUND*

6 *Of amounts collected pursuant to section 308 of the*  
7 *Coastal Zone Management Act of 1972 (16 U.S.C. 1456a),*  
8 *not to exceed \$7,800,000, for purposes set forth in sections*  
9 *308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.*

10 *FISHERMEN'S CONTINGENCY FUND*

11 *For carrying out the provisions of title IV of Public*  
12 *Law 95-372, not to exceed \$953,000, to be derived from re-*  
13 *ceipts collected pursuant to that Act, to remain available*  
14 *until expended.*

15 *FOREIGN FISHING OBSERVER FUND*

16 *For expenses necessary to carry out the provisions of*  
17 *the Atlantic Tunas Convention Act of 1975, as amended*  
18 *(Public Law 96-339), the Magnuson-Stevens Fishery Con-*  
19 *servation and Management Act of 1976, as amended (Public*  
20 *Law 100-627), and the American Fisheries Promotion Act*  
21 *(Public Law 96-561), to be derived from the fees imposed*  
22 *under the foreign fishery observer program authorized by*  
23 *these Acts, not to exceed \$189,000, to remain available until*  
24 *expended.*

1                    *FISHERIES FINANCE PROGRAM ACCOUNT*

2            *For the cost of direct loans, \$338,000, as authorized*  
3 *by the Merchant Marine Act of 1936, as amended: Provided,*  
4 *That such costs, including the cost of modifying such loans,*  
5 *shall be as defined in section 502 of the Congressional Budg-*  
6 *et Act of 1974: Provided further, That none of the funds*  
7 *made available under this heading may be used for direct*  
8 *loans for any new fishing vessel that will increase the har-*  
9 *vesting capacity in any United States fishery.*

10                    *GENERAL ADMINISTRATION*11                    *SALARIES AND EXPENSES*

12            *For expenses necessary for the general administration*  
13 *of the Department of Commerce provided for by law, includ-*  
14 *ing not to exceed \$3,000 for official entertainment,*  
15 *\$27,490,000.*

16                    *OFFICE OF INSPECTOR GENERAL*

17            *For necessary expenses of the Office of Inspector Gen-*  
18 *eral in carrying out the provisions of the Inspector General*  
19 *Act of 1978, as amended (5 U.S.C. App. 1-11 as amended*  
20 *by Public Law 100-504), \$20,140,000.*

21                    *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*22                    *OPERATIONS, RESEARCH, AND FACILITIES*23                    *(RESCISSION)*

24            *Of the unobligated balances available under this head-*  
25 *ing, \$20,000,000 are rescinded.*

1 *UNITED STATES TRAVEL AND TOURISM ADMINISTRATION*  
2 *SALARIES AND EXPENSES*  
3 *(RESCISSION)*

4 *Of the unobligated balances available under this head-*  
5 *ing, \$3,000,000 are rescinded.*

6 *GENERAL PROVISIONS—DEPARTMENT OF COMMERCE*

7 *SEC. 201. During the current fiscal year, applicable*  
8 *appropriations and funds made available to the Depart-*  
9 *ment of Commerce by this Act shall be available for the*  
10 *activities specified in the Act of October 26, 1949 (15 U.S.C.*  
11 *1514), to the extent and in the manner prescribed by the*  
12 *Act, and, notwithstanding 31 U.S.C. 3324, may be used for*  
13 *advanced payments not otherwise authorized only upon the*  
14 *certification of officials designated by the Secretary of Com-*  
15 *merce that such payments are in the public interest.*

16 *SEC. 202. During the current fiscal year, appropria-*  
17 *tions made available to the Department of Commerce by*  
18 *this Act for salaries and expenses shall be available for hire*  
19 *of passenger motor vehicles as authorized by 31 U.S.C. 1343*  
20 *and 1344; services as authorized by 5 U.S.C. 3109; and uni-*  
21 *forms or allowances therefor, as authorized by law (5 U.S.C.*  
22 *5901–5902).*

23 *SEC. 203. None of the funds made available by this*  
24 *Act may be used to support the hurricane reconnaissance*  
25 *aircraft and activities that are under the control of the*



1 *United States Air Force or the United States Air Force Re-*  
2 *serve.*

3       *SEC. 204. None of the funds provided in this or any*  
4 *previous Act, or hereinafter made available to the Depart-*  
5 *ment of Commerce, shall be available to reimburse the Un-*  
6 *employment Trust Fund or any other fund or account of*  
7 *the Treasury to pay for any expenses paid before October*  
8 *1, 1992, as authorized by section 8501 of title 5, United*  
9 *States Code, for services performed after April 20, 1990, by*  
10 *individuals appointed to temporary positions within the*  
11 *Bureau of the Census for purposes relating to the 1990 de-*  
12 *cennial census of population.*

13       *SEC. 205. Not to exceed 5 percent of any appropriation*  
14 *made available for the current fiscal year for the Depart-*  
15 *ment of Commerce in this Act may be transferred between*  
16 *such appropriations, but no such appropriation shall be in-*  
17 *creased by more than 10 percent by any such transfers: Pro-*  
18 *vided, That any transfer pursuant to this section shall be*  
19 *treated as a reprogramming of funds under section 605 of*  
20 *this Act and shall not be available for obligation or expendi-*  
21 *ture except in compliance with the procedures set forth in*  
22 *that section.*

23       *SEC. 206. (a) Should legislation be enacted to disman-*  
24 *tle or reorganize the Department of Commerce or any por-*  
25 *tion thereof, the Secretary of Commerce, no later than 90*

1 *days thereafter, shall submit to the Committees on Appro-*  
2 *priations of the House and the Senate a plan for transfer-*  
3 *ring funds provided in this Act to the appropriate successor*  
4 *organizations: Provided, That the plan shall include a pro-*  
5 *posal for transferring or rescinding funds appropriated*  
6 *herein for agencies or programs terminated under such leg-*  
7 *islation: Provided further, That such plan shall be trans-*  
8 *mitted in accordance with section 605 of this Act.*

9       **(b)** *The Secretary of Commerce or the appropriate*  
10 *head of any successor organization(s) may use any avail-*  
11 *able funds to carry out legislation dismantling or reor-*  
12 *ganizing the Department of Commerce or any portion there-*  
13 *of to cover the costs of actions relating to the abolishment,*  
14 *reorganization, or transfer of functions and any related per-*  
15 *sonnel action, including voluntary separation incentives if*  
16 *authorized by such legislation: Provided, That the authority*  
17 *to transfer funds between appropriations accounts that may*  
18 *be necessary to carry out this section is provided in addi-*  
19 *tion to authorities included under section 205 of this Act:*  
20 *Provided further, That use of funds to carry out this section*  
21 *shall be treated as a reprogramming of funds under section*  
22 *605 of this Act and shall not be available for obligation*  
23 *or expenditure except in compliance with the procedures set*  
24 *forth in that section.*

1        *SEC. 207. Any costs incurred by a Department or*  
2 *agency funded under this title resulting from personnel ac-*  
3 *tions taken in response to funding reductions included in*  
4 *this title or from actions taken for the care and protection*  
5 *of loan collateral or grant property shall be absorbed within*  
6 *the total budgetary resources available to such Department*  
7 *or agency: Provided, That the authority to transfer funds*  
8 *between appropriations accounts as may be necessary to*  
9 *carry out this section is provided in addition to authorities*  
10 *included elsewhere in this Act: Provided further, That use*  
11 *of funds to carry out this section shall be treated as a re-*  
12 *programming of funds under section 605 of this Act and*  
13 *shall not be available for obligation or expenditure except*  
14 *in compliance with the procedures set forth in that section.*

15        *SEC. 208. The Secretary of Commerce may award con-*  
16 *tracts for hydrographic, geodetic, and photogrammetric sur-*  
17 *veying and mapping services in accordance with title IX*  
18 *of the Federal Property and Administrative Services Act*  
19 *of 1949 (40 U.S.C. 541 et seq.).*

20        *SEC. 209. (a) Congress finds that—*

21            *(1) it is the constitutional duty of the Congress*  
22 *to ensure that the decennial enumeration of the popu-*  
23 *lation is conducted in a manner consistent with the*  
24 *Constitution and laws of the United States;*

1           (2) *the sole constitutional purpose of the decen-*  
2 *ennial enumeration of the population is the apportion-*  
3 *ment of Representatives in Congress among the sev-*  
4 *eral States;*

5           (3) *section 2 of the 14th article of amendment to*  
6 *the Constitution clearly states that Representatives*  
7 *are to be “apportioned among the several States ac-*  
8 *cording to their respective numbers, counting the*  
9 *whole number of persons in each State”;*

10          (4) *article I, section 2, clause 3 of the Constitu-*  
11 *tion clearly requires an “actual Enumeration” of the*  
12 *population, and section 195 of title 13, United States*  
13 *Code, clearly provides “Except for the determination*  
14 *of population for purposes of apportionment of Rep-*  
15 *resentatives in Congress among the several States, the*  
16 *Secretary shall, if he considers it feasible, authorize*  
17 *the use of the statistical method known as ‘sampling’*  
18 *in carrying out the provisions of this title.”;*

19          (5) *the decennial enumeration of the population*  
20 *is one of the most critical constitutional functions our*  
21 *Federal Government performs;*

22          (6) *it is essential that the decennial enumeration*  
23 *of the population be as accurate as possible, consistent*  
24 *with the Constitution and laws of the United States;*

1           (7) *the use of statistical sampling or statistical*  
2 *adjustment in conjunction with an actual enumera-*  
3 *tion to carry out the census with respect to any seg-*  
4 *ment of the population poses the risk of an inac-*  
5 *curate, invalid, and unconstitutional census;*

6           (8) *the decennial enumeration of the population*  
7 *is a complex and vast undertaking, and if such enu-*  
8 *meration is conducted in a manner that does not*  
9 *comply with the requirements of the Constitution or*  
10 *laws of the United States, it would be impracticable*  
11 *for the States to obtain, and the courts of the United*  
12 *States to provide, meaningful relief after such enu-*  
13 *meration has been conducted; and*

14           (9) *Congress is committed to providing the level*  
15 *of funding that is required to perform the entire*  
16 *range of constitutional census activities, with a par-*  
17 *ticular emphasis on accurately enumerating all indi-*  
18 *viduals who have historically been undercounted, and*  
19 *toward this end, Congress expects—*

20                   (A) *aggressive and innovative promotion*  
21 *and outreach campaigns in hard-to-count com-*  
22 *munities;*

23                   (B) *the hiring of enumerators from within*  
24 *those communities;*

1           (C) continued cooperation with local gov-  
2           ernment on address list development; and

3           (D) maximized census employment opportu-  
4           nities for individuals seeking to make the transi-  
5           tion from welfare to work.

6           (b) Any person aggrieved by the use of any statistical  
7           method in violation of the Constitution or any provision  
8           of law (other than this Act), in connection with the 2000  
9           or any later decennial census, to determine the population  
10          for purposes of the apportionment or redistricting of mem-  
11          bers in Congress, may in a civil action obtain declaratory,  
12          injunctive, and any other appropriate relief against the use  
13          of such method.

14          (c) For purposes of this section—

15               (1) the use of any statistical method as part of  
16               a dress rehearsal or other simulation of a census in  
17               preparation for the use of such method, in a decennial  
18               census, to determine the population for purposes of  
19               the apportionment or redistricting of members in  
20               Congress shall be considered the use of such method in  
21               connection with that census; and

22               (2) the report ordered by title VIII of Public  
23               Law 105–18 and the Census 2000 Operational Plan  
24               shall be deemed to constitute final agency action re-  
25               garding the use of statistical methods in the 2000 de-

1        *cennial census, thus making the question of their use*  
2        *in such census sufficiently concrete and final to now*  
3        *be reviewable in a judicial proceeding.*

4        *(d) For purposes of this section, an aggrieved person*  
5        *(described in subsection (b)) includes—*

6                *(1) any resident of a State whose congressional*  
7                *representation or district could be changed as a result*  
8                *of the use of a statistical method challenged in the*  
9                *civil action;*

10               *(2) any Representative or Senator in Congress;*  
11               *and*

12               *(3) either House of Congress.*

13        *(e)(1) Any action brought under this section shall be*  
14        *heard and determined by a district court of three judges*  
15        *in accordance with section 2284 of title 28, United States*  
16        *Code. The chief judge of the United States court of appeals*  
17        *for each circuit shall, to the extent practicable and consist-*  
18        *ent with the avoidance of unnecessary delay, consolidate,*  
19        *for all purposes, in one district court within that circuit,*  
20        *all actions pending in that circuit under this section. Any*  
21        *party to an action under this section shall be precluded*  
22        *from seeking any consolidation of that action other than*  
23        *is provided in this paragraph. In selecting the district court*  
24        *in which to consolidate such actions, the chief judge shall*  
25        *consider the convenience of the parties and witnesses and*

1 *efficient conduct of such actions. Any final order or injunc-*  
2 *tion of a United States district court that is issued pursu-*  
3 *ant to an action brought under this section shall be*  
4 *reviewable by appeal directly to the Supreme Court of the*  
5 *United States. Any such appeal shall be taken by a notice*  
6 *of appeal filed within 10 days after such order is entered;*  
7 *and the jurisdictional statement shall be filed within 30*  
8 *days after such order is entered. No stay of an order issued*  
9 *pursuant to an action brought under this section may be*  
10 *issued by a single Justice of the Supreme Court.*

11       (2) *It shall be the duty of a United States district court*  
12 *hearing an action brought under this section and the Su-*  
13 *preme Court of the United States to advance on the docket*  
14 *and to expedite to the greatest possible extent the disposition*  
15 *of any such matter.*

16       (f) *Any agency or entity within the executive branch*  
17 *having authority with respect to the carrying out of a de-*  
18 *cennial census may in a civil action obtain a declaratory*  
19 *judgment respecting whether or not the use of a statistical*  
20 *method, in connection with such census, to determine the*  
21 *population for the purposes of the apportionment or redis-*  
22 *tricting of members in Congress is forbidden by the Con-*  
23 *stitution and laws of the United States.*

24       (g) *The Speaker of the House of Representatives or the*  
25 *Speaker's designee or designees may commence or join in*



1 *a civil action, for and on behalf of the House of Representa-*  
2 *tives, under any applicable law, to prevent the use of any*  
3 *statistical method, in connection with the decennial census,*  
4 *to determine the population for purposes of the apportion-*  
5 *ment or redistricting of members in Congress. It shall be*  
6 *the duty of the Office of the General Counsel of the House*  
7 *of Representatives to represent the House in such civil ac-*  
8 *tion, according to the directions of the Speaker. The Office*  
9 *of the General Counsel of the House of Representatives may*  
10 *employ the services of outside counsel and other experts for*  
11 *this purpose.*

12 *(h) For purposes of this section and section 210—*

13 *(1) the term “statistical method” means an ac-*  
14 *tivity related to the design, planning, testing, or im-*  
15 *plementation of the use of representative sampling, or*  
16 *any other statistical procedure, including statistical*  
17 *adjustment, to add or subtract counts to or from the*  
18 *enumeration of the population as a result of statis-*  
19 *tical inference; and*

20 *(2) the term “census” or “decennial census”*  
21 *means a decennial enumeration of the population.*

22 *(i) Nothing in this Act shall be construed to authorize*  
23 *the use of any statistical method, in connection with a de-*  
24 *cennial census, for the apportionment or redistricting of*  
25 *members in Congress.*

1           (j) *Sufficient funds appropriated under this Act or*  
2 *under any other Act for purposes of the 2000 decennial cen-*  
3 *sus shall be used by the Bureau of the Census to plan, test,*  
4 *and become prepared to implement a 2000 decennial census,*  
5 *without using statistical methods, which shall result in the*  
6 *percentage of the total population actually enumerated*  
7 *being as close to 100 percent as possible. In both the 2000*  
8 *decennial census, and any dress rehearsal or other simula-*  
9 *tion made in preparation for the 2000 decennial census,*  
10 *the number of persons enumerated without using statistical*  
11 *methods must be publicly available for all levels of census*  
12 *geography which are being released by the Bureau of the*  
13 *Census for (1) all data releases before January 1, 2001, (2)*  
14 *the data contained in the 2000 decennial census Public Law*  
15 *94–171 data file released for use in redistricting, (3) the*  
16 *Summary Tabulation File One (STF–1) for the 2000 decen-*  
17 *nial census, and (4) the official populations of the States*  
18 *transmitted from the Secretary of Commerce through the*  
19 *President to the Clerk of the House used to reapportion the*  
20 *districts of the House among the States as a result of the*  
21 *2000 decennial census. Simultaneously with any other re-*  
22 *lease or reporting of any of the information described in*  
23 *the preceding sentence through other means, such informa-*  
24 *tion shall be made available to the public on the Internet.*  
25 *These files of the Bureau of the Census shall be available*

1 concurrently to the release of the original files to the same  
2 recipients, on identical media, and at a comparable price.  
3 They shall contain the number of persons enumerated with-  
4 out using statistical methods and any additions or subtrac-  
5 tions thereto. These files shall be based on data gathered  
6 and generated by the Bureau of the Census in its official  
7 capacity.

8 (k) This section shall apply in fiscal year 1998 and  
9 succeeding fiscal years.

10 SEC. 210. (a) There shall be established a board to be  
11 known as the Census Monitoring Board (hereinafter in this  
12 section referred to as the "Board").

13 (b) The function of the Board shall be to observe and  
14 monitor all aspects of the preparation and implementation  
15 of the 2000 decennial census (including all dress rehearsals  
16 and other simulations of a census in preparation therefor).

17 (c)(1) The Board shall be composed of 8 members as  
18 follows:

19 (A) 2 individuals appointed by the majority  
20 leader of the Senate.

21 (B) 2 individuals appointed by the Speaker of  
22 the House of Representatives.

23 (C) 4 individuals appointed by the President, of  
24 whom—

1                   (i) 1 shall be on the recommendation of the  
2                   minority leader of the Senate; and

3                   (ii) 1 shall be on the recommendation of the  
4                   minority leader of the House of Representatives.

5 All members of the Board shall be appointed within 60 days  
6 after the date of enactment of this Act. A vacancy in the  
7 Board shall be filled in the manner in which the original  
8 appointment was made.

9           (2) Members shall not be entitled to any pay by reason  
10 of their service on the Board, but shall receive travel ex-  
11 penses, including per diem in lieu of subsistence, in accord-  
12 ance with sections 5702 and 5703 of title 5, United States  
13 Code.

14           (3) The Board shall have—

15                   (A) a co-chairman who shall be appointed joint-  
16 ly by the members under subsection (c)(1)(A) and  
17 (B), and

18                   (B) a co-chairman who shall be appointed joint-  
19 ly by the members under subsection (c)(1)(C).

20           (4) The Board shall meet at the call of either co-chair-  
21 man.

22           (5) A quorum shall consist of 5 members of the Board.

23           (6) The Board may promulgate any regulations nec-  
24 essary to carry out its duties.

25           (d)(1) The Board shall have—

1           (A) an executive director who shall be appointed  
2           jointly by the members under subsection (c)(1)(A) and  
3           (B), and

4           (B) an executive director who shall be appointed  
5           jointly by the members under subsection (c)(1)(C),  
6 each of whom shall be paid at a rate not to exceed level  
7 IV of the Executive Schedule.

8           (2) Subject to such rules as the Board may prescribe,  
9 each executive director—

10           (A) may appoint and fix the pay of such addi-  
11           tional personnel as that executive director considers  
12           appropriate; and

13           (B) may procure temporary and intermittent  
14           services under section 3109(b) of title 5, United States  
15           Code, but at rates for individuals not to exceed the  
16           daily equivalent of the maximum annual rate of pay  
17           payable for grade GS-15 of the General Schedule.

18 Such rules shall include provisions to ensure an equitable  
19 division or sharing of resources, as appropriate, between the  
20 respective staff of the Board.

21           (3) The staff of the Board shall be appointed without  
22 regard to the provisions of title 5, United States Code, gov-  
23 erning appointments in the competitive service, and shall  
24 be paid without regard to the provisions of chapter 51 and

1 *subchapter III of chapter 53 of such title (relating to classi-*  
2 *fication and General Schedule pay rates).*

3       (4) *The Administrator of the General Services Admin-*  
4 *istration, in coordination with the Secretary of Commerce,*  
5 *shall locate suitable office space for the operation of the*  
6 *Board in the W. Edwards Deming Building in Suitland,*  
7 *Maryland. The facilities shall serve as the headquarters of*  
8 *the Board and shall include all necessary equipment and*  
9 *incidentals required for the proper functioning of the*  
10 *Board.*

11       (e)(1) *For the purpose of carrying out its duties, the*  
12 *Board may hold such hearings (at the call of either co-chair-*  
13 *man) and undertake such other activities as the Board de-*  
14 *termines to be necessary to carry out its duties.*

15       (2) *The Board may authorize any member of the*  
16 *Board or of its staff to take any action which the Board*  
17 *is authorized to take by this subsection.*

18       (3)(A) *Each co-chairman of the Board and any mem-*  
19 *bers of the staff who may be designated by the Board under*  
20 *this paragraph shall be granted access to any data, files,*  
21 *information, or other matters maintained by the Bureau*  
22 *of the Census (or received by it in the course of conducting*  
23 *a decennial census of population) which they may request,*  
24 *subject to such regulations as the Board may prescribe in*  
25 *consultation with the Secretary of Commerce.*

1       (B) *The Board or the co-chairmen acting jointly may*  
2 *secure directly from any other Federal agency, including*  
3 *the White House, all information that the Board considers*  
4 *necessary to enable the Board to carry out its duties. Upon*  
5 *request of the Board or both co-chairmen, the head of that*  
6 *agency (or other person duly designated for purposes of this*  
7 *paragraph) shall furnish that information to the Board.*

8       (4) *The Board shall prescribe regulations under which*  
9 *any member of the Board or of its staff, and any person*  
10 *whose services are procured under subsection (d)(2)(B), who*  
11 *gains access to any information or other matter pursuant*  
12 *to this subsection shall, to the extent that any provisions*  
13 *of section 9 or 214 of title 13, United States Code, would*  
14 *apply with respect to such matter in the case of an employee*  
15 *of the Department of Commerce, be subject to such provi-*  
16 *sions.*

17       (5) *Upon the request of the Board, the head of any*  
18 *Federal agency is authorized to detail, without reimburse-*  
19 *ment, any of the personnel of such agency to the Board to*  
20 *assist the Board in carrying out its duties. Any such detail*  
21 *shall not interrupt or otherwise affect the civil service status*  
22 *or privileges of the Federal employee.*

23       (6) *Upon the request of the Board, the head of a Fed-*  
24 *eral agency shall provide such technical assistance to the*

1 *Board as the Board determines to be necessary to carry out*  
2 *its duties.*

3       (7) *The Board may use the United States mails in*  
4 *the same manner and under the same conditions as Federal*  
5 *agencies and shall, for purposes of the frank, be considered*  
6 *a commission of Congress as described in section 3215 of*  
7 *title 39, United States Code.*

8       (8) *Upon request of the Board, the Administrator of*  
9 *General Services shall provide to the Board on a reimburs-*  
10 *able basis such administrative support services as the Board*  
11 *may request.*

12       (9) *For purposes of costs relating to printing and bind-*  
13 *ing, including the cost of personnel detailed from the Gov-*  
14 *ernment Printing Office, the Board shall be deemed to be*  
15 *a committee of the Congress.*

16       (f)(1) *The Board shall transmit to the Congress—*

17               (A) *interim reports, with the first such report*  
18 *due by April 1, 1998;*

19               (B) *additional reports, the first of which shall be*  
20 *due by February 1, 1999, the second of which shall*  
21 *be due by April 1, 1999, and subsequent reports at*  
22 *least semiannually thereafter;*

23               (C) *a final report which shall be due by Septem-*  
24 *ber 1, 2001; and*



1           (D) any other reports which the Board considers  
2           appropriate.

3           The final report shall contain a detailed statement of the  
4           findings and conclusions of the Board with respect to the  
5           matters described in subsection (b).

6           (2) In addition to any matter otherwise required under  
7           this subsection, each such report shall address, with respect  
8           to the period covered by such report—

9           (A) the degree to which efforts of the Bureau of  
10          the Census to prepare to conduct the 2000 census—

11           (i) shall achieve maximum possible accu-  
12          racy at every level of geography;

13           (ii) shall be taken by means of an enumera-  
14          tion process designed to count every individual  
15          possible; and

16           (iii) shall be free from political bias and ar-  
17          bitrary decisions; and

18          (B) efforts by the Bureau of the Census intended  
19          to contribute to enumeration improvement, specifi-  
20          cally, in connection with—

21           (i) computer modernization and the appro-  
22          priate use of automation;

23           (ii) address list development;

24           (iii) outreach and promotion efforts at all  
25          levels designed to maximize response rates, espe-

1           cially among groups that have historically been  
2           undercounted (including measures undertaken in  
3           conjunction with local government and commu-  
4           nity and other groups);

5                   (iv) establishment and operation of field of-  
6           fices; and

7                   (v) efforts relating to the recruitment, hir-  
8           ing, and training of enumerators.

9           (3) Any data or other information obtained by the  
10 Board under this section shall be made available to any  
11 committee or subcommittee of Congress of appropriate juris-  
12 diction upon request of the chairman or ranking minority  
13 member of such committee or subcommittee. No such com-  
14 mittee or subcommittee, or member thereof, shall disclose  
15 any information obtained under this paragraph which is  
16 submitted to it on a confidential basis unless the full com-  
17 mittee determines that the withholding of that information  
18 is contrary to the national interest.

19           (4) The Board shall study and submit to Congress, as  
20 part of its first report under paragraph (1)(A), its findings  
21 and recommendations as to the feasibility and desirability  
22 of using postal personnel or private contractors to help  
23 carry out the decennial census.

1           (g) *There is authorized to be appropriated \$4,000,000*  
2 *for each of fiscal years 1998 through 2001 to carry out this*  
3 *section.*

4           (h) *To the extent practicable, members of the Board*  
5 *shall work to promote the most accurate and complete cen-*  
6 *sus possible by using their positions to publicize the need*  
7 *for full and timely responses to census questionnaires.*

8           (i)(1) *No individual described in paragraph (2) shall*  
9 *be eligible—*

10                   (A) *to be appointed or to continue serving as a*  
11 *member of the Board or as a member of the staff*  
12 *thereof; or*

13                   (B) *to enter into any contract with the Board.*

14           (2) *This subsection applies with respect to any indi-*  
15 *vidual who is serving or who has ever served—*

16                   (A) *as the Director of the Census; or*

17                   (B) *with any committee or subcommittee of ei-*  
18 *ther House of Congress, having jurisdiction over any*  
19 *aspect of the decennial census, as—*

20                           (i) *a Member of Congress; or*

21                           (ii) *a congressional employee.*

22           (j) *The Board shall cease to exist on September 30,*  
23 *2001.*

24           (k) *Section 9(a) of title 13, United States Code, is*  
25 *amended in the matter before paragraph (1) thereof by*

1 *striking “of this title—” and inserting “of this title or sec-*  
2 *tion 210 of the Departments of Commerce, Justice, and*  
3 *State, the Judiciary, and Related Agencies Appropriations*  
4 *Act, 1998—”.*

5 *SEC. 211. (a) Section 401 of title 22, United States*  
6 *Code, is amended—*

7 *(1) in subsection (a), by adding after the first*  
8 *sentence the following: “The Secretary of Commerce*  
9 *may seize and detain any commodity (other than*  
10 *arms or munitions of war) or technology which is in-*  
11 *tended to be or is being exported in violation of laws*  
12 *governing such exports and may seize and detain any*  
13 *vessel, vehicle, or aircraft containing the same or*  
14 *which has been used or is being used in exporting or*  
15 *attempting to export such articles.”; and*

16 *(2) in subsection (b), by adding the following*  
17 *after “and not inconsistent with the provisions here-*  
18 *of.”—*

19 *“However, with respect to seizures and forfeit-*  
20 *ures of property under this section by the Secretary*  
21 *of Commerce, such duties as are imposed upon the*  
22 *customs officer or any other person with respect to the*  
23 *seizure and forfeiture of property under the customs*  
24 *law may be performed by such officers as are des-*  
25 *ignated by the Secretary of Commerce or, upon the re-*

1        *quest of the Secretary of Commerce, by any other*  
2        *agency that has authority to manage and dispose of*  
3        *seized property.”*

4        *(b) Section 524(c)(11)(B) of title 28, United States*  
5        *Code, is amended by adding at the end thereof “or pursuant*  
6        *to the authority of the Secretary of Commerce”.*

7        *SEC. 212. Notwithstanding any other provision of law,*  
8        *the Economic Development Administration is directed to*  
9        *transfer funds obligated and awarded to the Butte-Silver*  
10       *Bow Consolidated Local Government as Project Number*  
11       *05–01–02822 to the Butte Local Development Corporation*  
12       *Revolving Loan Fund to be administered by the Butte Local*  
13       *Development Corporation, such funds to remain available*  
14       *until expended, and, in accordance with section 1557 of title*  
15       *31, United States Code, funds obligated and awarded in*  
16       *fiscal year 1994 under the heading “Economic Development*  
17       *Administration-Economic Development Assistance Pro-*  
18       *grams” for Metropolitan Dade County, Florida, and subse-*  
19       *quently transferred to Miami-Dade Community College for*  
20       *Project No. 04–49–04021 shall be exempt from subchapter*  
21       *IV of chapter 15 of such title and shall remain available*  
22       *for expenditure without fiscal year limitation.*

23        *This title may be cited as the “Department of Com-*  
24        *merce and Related Agencies Appropriations Act, 1998”.*

1                    *TITLE III—THE JUDICIARY*  
2                    *SUPREME COURT OF THE UNITED STATES*  
3                    *SALARIES AND EXPENSES*

4            *For expenses necessary for the operation of the Su-*  
5 *preme Court, as required by law, excluding care of the*  
6 *building and grounds, including purchase or hire, driving,*  
7 *maintenance, and operation of an automobile for the Chief*  
8 *Justice, not to exceed \$10,000 for the purpose of transport-*  
9 *ing Associate Justices, and hire of passenger motor vehicles*  
10 *as authorized by 31 U.S.C. 1343 and 1344; not to exceed*  
11 *\$10,000 for official reception and representation expenses;*  
12 *and for miscellaneous expenses, to be expended as the Chief*  
13 *Justice may approve; \$29,245,000.*

14                    *CARE OF THE BUILDING AND GROUNDS*  
15            *For such expenditures as may be necessary to enable*  
16 *the Architect of the Capitol to carry out the duties imposed*  
17 *upon him by the Act approved May 7, 1934 (40 U.S.C.*  
18 *13a–13b), \$3,400,000, of which \$485,000 shall remain*  
19 *available until expended.*

20                    *UNITED STATES COURT OF APPEALS FOR THE FEDERAL*  
21                    *CIRCUIT*

22                    *SALARIES AND EXPENSES*  
23            *For salaries of the chief judge, judges, and other officers*  
24 *and employees, and for necessary expenses of the court, as*  
25 *authorized by law, \$15,575,000.*

1 *UNITED STATES COURT OF INTERNATIONAL TRADE*2 *SALARIES AND EXPENSES*

3 *For salaries of the chief judge and eight judges, salaries*  
4 *of the officers and employees of the court, services as author-*  
5 *ized by 5 U.S.C. 3109, and necessary expenses of the court,*  
6 *as authorized by law, \$11,449,000.*

7 *COURTS OF APPEALS, DISTRICT COURTS, AND OTHER*8 *JUDICIAL SERVICES*9 *SALARIES AND EXPENSES*10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For the salaries of circuit and district judges (includ-*  
12 *ing judges of the territorial courts of the United States),*  
13 *justices and judges retired from office or from regular active*  
14 *service, judges of the United States Court of Federal Claims,*  
15 *bankruptcy judges, magistrate judges, and all other officers*  
16 *and employees of the Federal Judiciary not otherwise spe-*  
17 *cifically provided for, and necessary expenses of the courts,*  
18 *as authorized by law, \$2,682,400,000 (including the pur-*  
19 *chase of firearms and ammunition); of which not to exceed*  
20 *\$13,454,000 shall remain available until expended for space*  
21 *alteration projects; and of which not to exceed \$10,000,000*  
22 *shall remain available until expended for furniture and fur-*  
23 *nishings related to new space alteration and construction*  
24 *projects.*

25 *In addition, for expenses of the United States Court*  
26 *of Federal Claims associated with processing cases under*

1 *the National Childhood Vaccine Injury Act of 1986, not to*  
2 *exceed \$2,450,000, to be appropriated from the Vaccine In-*  
3 *jury Compensation Trust Fund.*

4 *VIOLENT CRIME REDUCTION PROGRAMS*

5 *For activities of the Federal Judiciary as authorized*  
6 *by law, \$40,000,000, to remain available until expended,*  
7 *which shall be derived from the Violent Crime Reduction*  
8 *Trust Fund, as authorized by section 190001(a) of Public*  
9 *Law 103–322, and sections 818 and 823 of Public Law*  
10 *104–132.*

11 *DEFENDER SERVICES*

12 *For the operation of Federal Public Defender and*  
13 *Community Defender organizations; the compensation and*  
14 *reimbursement of expenses of attorneys appointed to rep-*  
15 *resent persons under the Criminal Justice Act of 1964, as*  
16 *amended; the compensation and reimbursement of expenses*  
17 *of persons furnishing investigative, expert and other services*  
18 *under the Criminal Justice Act (18 U.S.C. 3006A(e)); the*  
19 *compensation (in accordance with Criminal Justice Act*  
20 *maximums) and reimbursement of expenses of attorneys ap-*  
21 *pointed to assist the court in criminal cases where the de-*  
22 *fendant has waived representation by counsel; the com-*  
23 *ensation and reimbursement of travel expenses of guard-*  
24 *ians ad litem acting on behalf of financially eligible minor*  
25 *or incompetent offenders in connection with transfers from*  
26 *the United States to foreign countries with which the Unit-*



1 *ed States has a treaty for the execution of penal sentences;*  
2 *and the compensation of attorneys appointed to represent*  
3 *jurors in civil actions for the protection of their employ-*  
4 *ment, as authorized by 28 U.S.C. 1875(d); \$329,529,000,*  
5 *to remain available until expended as authorized by 18*  
6 *U.S.C. 3006A(i).*

7 *FEES OF JURORS AND COMMISSIONERS*

8 *For fees and expenses of jurors as authorized by 28*  
9 *U.S.C. 1871 and 1876; compensation of jury commissioners*  
10 *as authorized by 28 U.S.C. 1863; and compensation of com-*  
11 *missioners appointed in condemnation cases pursuant to*  
12 *rule 71A(h) of the Federal Rules of Civil Procedure (28*  
13 *U.S.C. Appendix Rule 71A(h)); \$64,438,000, to remain*  
14 *available until expended: Provided, That the compensation*  
15 *of land commissioners shall not exceed the daily equivalent*  
16 *of the highest rate payable under section 5332 of title 5,*  
17 *United States Code.*

18 *COURT SECURITY*

19 *For necessary expenses, not otherwise provided for, in-*  
20 *cident to the procurement, installation, and maintenance*  
21 *of security equipment and protective services for the United*  
22 *States Courts in courtrooms and adjacent areas, including*  
23 *building ingress-egress control, inspection of packages, di-*  
24 *rected security patrols, and other similar activities as au-*  
25 *thorized by section 1010 of the Judicial Improvement and*  
26 *Access to Justice Act (Public Law 100–702); \$167,214,000,*

1 *of which not to exceed \$10,000,000 shall remain available*  
2 *until expended for security systems, to be expended directly*  
3 *or transferred to the United States Marshals Service which*  
4 *shall be responsible for administering elements of the Judi-*  
5 *cial Security Program consistent with standards or guide-*  
6 *lines agreed to by the Director of the Administrative Office*  
7 *of the United States Courts and the Attorney General.*

8           *ADMINISTRATIVE OFFICE OF THE UNITED STATES*

9                           *COURTS*

10                                   *SALARIES AND EXPENSES*

11           *For necessary expenses of the Administrative Office of*  
12 *the United States Courts as authorized by law, including*  
13 *travel as authorized by 31 U.S.C. 1345, hire of a passenger*  
14 *motor vehicle as authorized by 31 U.S.C. 1343(b), advertis-*  
15 *ing and rent in the District of Columbia and elsewhere,*  
16 *\$52,000,000, of which not to exceed \$7,500 is authorized*  
17 *for official reception and representation expenses.*

18                                   *FEDERAL JUDICIAL CENTER*

19                                   *SALARIES AND EXPENSES*

20           *For necessary expenses of the Federal Judicial Center,*  
21 *as authorized by Public Law 90-219, \$17,495,000; of which*  
22 *\$1,800,000 shall remain available through September 30,*  
23 *1999, to provide education and training to Federal court*  
24 *personnel; and of which not to exceed \$1,000 is authorized*  
25 *for official reception and representation expenses.*

1                    *JUDICIAL RETIREMENT FUNDS*2                    *PAYMENT TO JUDICIARY TRUST FUNDS*

3            *For payment to the Judicial Officers' Retirement*  
4 *Fund, as authorized by 28 U.S.C. 377(o), \$25,000,000; to*  
5 *the Judicial Survivors' Annuities Fund, as authorized by*  
6 *28 U.S.C. 376(c), \$7,400,000; and to the United States*  
7 *Court of Federal Claims Judges' Retirement Fund, as au-*  
8 *thorized by 28 U.S.C. 178(l), \$1,800,000.*

9                    *UNITED STATES SENTENCING COMMISSION*10                   *SALARIES AND EXPENSES*

11           *For the salaries and expenses necessary to carry out*  
12 *the provisions of chapter 58 of title 28, United States Code,*  
13 *\$9,240,000, of which not to exceed \$1,000 is authorized for*  
14 *official reception and representation expenses.*

15                   *GENERAL PROVISIONS—THE JUDICIARY*

16           *SEC. 301. Appropriations and authorizations made in*  
17 *this title which are available for salaries and expenses shall*  
18 *be available for services as authorized by 5 U.S.C. 3109.*

19           *SEC. 302. Not to exceed 5 percent of any appropriation*  
20 *made available for the current fiscal year for the Judiciary*  
21 *in this Act may be transferred between such appropriations,*  
22 *but no such appropriation, except "Courts of Appeals, Dis-*  
23 *trict Courts, and Other Judicial Services, Defender Serv-*  
24 *ices" and "Courts of Appeals, District Courts, and Other*  
25 *Judicial Services, Fees of Jurors and Commissioners", shall*

1 *be increased by more than 10 percent by any such transfers:*  
2 *Provided, That any transfer pursuant to this section shall*  
3 *be treated as a reprogramming of funds under section 605*  
4 *of this Act and shall not be available for obligation or ex-*  
5 *penditure except in compliance with the procedures set forth*  
6 *in that section.*

7       *SEC. 303. Notwithstanding any other provision of law,*  
8 *the salaries and expenses appropriation for district courts,*  
9 *courts of appeals, and other judicial services shall be avail-*  
10 *able for official reception and representation expenses of the*  
11 *Judicial Conference of the United States: Provided, That*  
12 *such available funds shall not exceed \$10,000 and shall be*  
13 *administered by the Director of the Administrative Office*  
14 *of the United States Courts in his capacity as Secretary*  
15 *of the Judicial Conference.*

16       *SEC. 304. Section 612 of title 28, United States Code,*  
17 *shall be amended by striking out subsection (l).*

18       *SEC. 305. (a) COMMISSION ON STRUCTURAL ALTER-*  
19 *NATIVES FOR THE FEDERAL COURTS OF APPEALS.—*

20               *(1) ESTABLISHMENT AND FUNCTIONS OF COM-*  
21 *MISSION.—*

22                       *(A) ESTABLISHMENT.—There is established*  
23 *a Commission on Structural Alternatives for the*  
24 *Federal Courts of Appeals (hereinafter referred to*  
25 *as the “Commission”).*

1           (B) *FUNCTIONS.*—*The functions of the Com-*  
2           *mission shall be to—*

3                   (i) *study the present division of the*  
4                   *United States into the several judicial cir-*  
5                   *cuits;*

6                   (ii) *study the structure and alignment*  
7                   *of the Federal Court of Appeals system,*  
8                   *with particular reference to the Ninth Cir-*  
9                   *cuit; and*

10                  (iii) *report to the President and the*  
11                  *Congress its recommendations for such*  
12                  *changes in circuit boundaries or structure*  
13                  *as may be appropriate for the expeditious*  
14                  *and effective disposition of the caseload of*  
15                  *the Federal Courts of Appeals, consistent*  
16                  *with fundamental concepts of fairness and*  
17                  *due process.*

18           (2) *MEMBERSHIP.*—

19                   (A) *COMPOSITION.*—*The Commission shall*  
20                   *be composed of 5 members who shall be ap-*  
21                   *pointed by the Chief Justice of the United States.*

22                   (B) *APPOINTMENT.*—*The members of the*  
23                   *Commission shall be appointed within 30 days*  
24                   *after the date of enactment of this Act.*

1           (C) *VACANCY.*—*Any vacancy in the Com-*  
2           *mission shall be filled in the same manner as the*  
3           *original appointment.*

4           (D) *CHAIR.*—*The Commission shall elect a*  
5           *Chair and Vice Chair from among its members.*

6           (E) *QUORUM.*—*Three members of the Com-*  
7           *mission shall constitute a quorum, but two may*  
8           *conduct hearings.*

9           (3) *COMPENSATION.*—

10           (A) *IN GENERAL.*—*Members of the Commis-*  
11           *sion who are officers, or full-time employees, of*  
12           *the United States shall receive no additional*  
13           *compensation for their services, but shall be re-*  
14           *imbursed for travel, subsistence, and other nec-*  
15           *essary expenses incurred in the performance of*  
16           *duties vested in the Commission, but not in ex-*  
17           *cess of the maximum amounts authorized under*  
18           *section 456 of title 28, United States Code.*

19           (B) *PRIVATE MEMBERS.*—*Members of the*  
20           *Commission from private life shall receive \$200*  
21           *for each day (including travel time) during*  
22           *which the member is engaged in the actual per-*  
23           *formance of duties, but not in excess of the maxi-*  
24           *imum amounts authorized under section 456 of*  
25           *title 28, United States Code.*

1 (4) *PERSONNEL.*—

2 (A) *EXECUTIVE DIRECTOR.*—*The Commission may appoint an Executive Director who*  
3 *shall receive compensation at a rate not exceed-*  
4 *ing the rate prescribed for level V of the Execu-*  
5 *tive Schedule under section 5316 of title 5, Unit-*  
6 *ed States Code.*

7  
8 (B) *STAFF.*—*The Executive Director, with*  
9 *the approval of the Commission, may appoint*  
10 *and fix the compensation of such additional per-*  
11 *sonnel as the Executive Director determines nec-*  
12 *essary, without regard to the provisions of title*  
13 *5, United States Code, governing appointments*  
14 *in the competitive service or the provisions of*  
15 *chapter 51 and subchapter III of chapter 53 of*  
16 *such title relating to classification and General*  
17 *Schedule pay rates. Compensation under this*  
18 *paragraph shall not exceed the annual maximum*  
19 *rate of basic pay for a position above GS–15 of*  
20 *the General Schedule under section 5108 of title*  
21 *5, United States Code.*

22 (C) *EXPERTS AND CONSULTANTS.*—*The Ex-*  
23 *ecutive Director may procure personal services of*  
24 *experts and consultants as authorized by section*  
25 *3109 of title 5, United States Code, at rates not*

1           to exceed the highest level payable under the Gen-  
2           eral Schedule pay rates under section 5332 of  
3           title 5, United States Code.

4           (D) *SERVICES.*—*The Administrative Office*  
5           *of the United States Courts shall provide admin-*  
6           *istrative services, including financial and budg-*  
7           *eting services, to the Commission on a reimburs-*  
8           *able basis. The Federal Judicial Center shall*  
9           *provide necessary research services to the Com-*  
10          *mission on a reimbursable basis.*

11          (5) *INFORMATION.*—*The Commission is author-*  
12          *ized to request from any department, agency, or inde-*  
13          *pendent instrumentality of the Government any infor-*  
14          *mation and assistance the Commission determines*  
15          *necessary to carry out its functions under this section.*  
16          *Each such department, agency, and independent in-*  
17          *strumentality is authorized to provide such informa-*  
18          *tion and assistance to the extent permitted by law*  
19          *when requested by the Chair of the Commission.*

20          (6) *REPORT.*—*The Commission shall conduct the*  
21          *studies required in this section during the 10-month*  
22          *period beginning on the date on which a quorum of*  
23          *the Commission has been appointed. Not later than 2*  
24          *months following the completion of such 10-month pe-*  
25          *riod, the Commission shall submit its report to the*



1        *President and the Congress. The Commission shall*  
2        *terminate 90 days after the date of the submission of*  
3        *its report.*

4        *(b) AUTHORIZATION OF APPROPRIATIONS.—There are*  
5        *authorized to be appropriated to the Commission such sums,*  
6        *not to exceed \$900,000, as may be necessary to carry out*  
7        *the purposes of this section. Such sums as are appropriated*  
8        *shall remain available until expended.*

9        *SEC. 306. Pursuant to section 140 of Public Law 97–*  
10       *92, justices and judges of the United States are authorized*  
11       *during fiscal year 1998, to receive a salary adjustment in*  
12       *accordance with 28 U.S.C. 461: Provided, That \$5,000,000*  
13       *is available for salary adjustments pursuant to this section*  
14       *and such funds shall be transferred to and merged with ap-*  
15       *propriations in Title III of this Act.*

16       *SEC. 307. Section 44(c) of title 28, United States Code,*  
17       *is amended by adding at the end thereof the following sen-*  
18       *tence: “In each circuit (other than the Federal judicial cir-*  
19       *cuit) there shall be at least one circuit judge in regular ac-*  
20       *tive service appointed from the residents of each state in*  
21       *that circuit.”.*

22       *SEC. 308. Section 3006A(d) of title 18, United States*  
23       *Code, is amended by striking paragraph (4) and inserting*  
24       *the following:*

25                    *“(4) DISCLOSURE OF FEES.—*

1           “(A) *IN GENERAL.*—Subject to subpara-  
2           graphs (B) through (E), the amounts paid under  
3           this subsection for services in any case shall be  
4           made available to the public by the court upon  
5           the court’s approval of the payment.

6           “(B) *PRE-TRIAL OR TRIAL IN PROGRESS.*—  
7           If a trial is in pre-trial status or still in  
8           progress and after considering the defendant’s  
9           interests as set forth in subparagraph (D), the  
10          court shall—

11                 “(i) redact any detailed information  
12                 on the payment voucher provided by defense  
13                 counsel to justify the expenses to the court;  
14                 and

15                 “(ii) make public only the amounts ap-  
16                 proved for payment to defense counsel by di-  
17                 viding those amounts into the following cat-  
18                 egories:

19                         “(I) Arraignment and or plea.

20                         “(II) Bail and detention hearings.

21                         “(III) Motions.

22                         “(IV) Hearings.

23                         “(V) Interviews and conferences.

24                         “(VI) Obtaining and reviewing  
25                         records.

1                   “(VII) *Legal research and brief*  
2                   *writing.*

3                   “(VIII) *Travel time.*

4                   “(IX) *Investigative work.*

5                   “(X) *Experts.*

6                   “(XI) *Trial and appeals.*

7                   “(XII) *Other.*

8                   “(C) *TRIAL COMPLETED.—*

9                   “(i) *IN GENERAL.—If a request for*  
10                   *payment is not submitted until after the*  
11                   *completion of the trial and subject to con-*  
12                   *sideration of the defendant’s interests as set*  
13                   *forth in subparagraph (D), the court shall*  
14                   *make available to the public an unredacted*  
15                   *copy of the expense voucher.*

16                   “(ii) *PROTECTION OF THE RIGHTS OF*  
17                   *THE DEFENDANT.—If the court determines*  
18                   *that defendant’s interests as set forth in sub-*  
19                   *paragraph (D) require a limited disclosure,*  
20                   *the court shall disclose amounts as provided*  
21                   *in subparagraph (B).*

22                   “(D) *CONSIDERATIONS.—The interests re-*  
23                   *ferred to in subparagraphs (B) and (C) are—*

24                   “(i) *to protect any person’s 5th amend-*  
25                   *ment right against self-incrimination;*

1           “(ii) to protect the defendant’s 6th  
2           amendment rights to effective assistance of  
3           counsel;

4           “(iii) the defendant’s attorney-client  
5           privilege;

6           “(iv) the work product privilege of the  
7           defendant’s counsel;

8           “(v) the safety of any person; and

9           “(vi) any other interest that justice  
10          may require.

11          “(E) NOTICE.—The court shall provide rea-  
12          sonable notice of disclosure to the counsel of the  
13          defendant prior to the approval of the payments  
14          in order to allow the counsel to request redaction  
15          based on the considerations set forth in subpara-  
16          graph (D). Upon completion of the trial, the  
17          court shall release unredacted copies of the  
18          vouchers provided by defense counsel to justify  
19          the expenses to the court. If there is an appeal,  
20          the court shall not release unredacted copies of  
21          the vouchers provided by defense counsel to jus-  
22          tify the expenses to the court until such time as  
23          the appeals process is completed, unless the court  
24          determines that none of the defendant’s interests

1           *set forth in subparagraph (D) will be com-*  
2           *promised.*

3           “(F) *EFFECTIVE DATE.*—*The amendment*  
4           *made by paragraph (4) shall become effective 60*  
5           *days after enactment of this Act, will apply only*  
6           *to cases filed on or after the effective date, and*  
7           *shall be in effect for no longer than twenty-four*  
8           *months after the effective date.”.*

9           *This title may be cited as “The Judiciary Appropria-*  
10          *tions Act, 1998”.*

11           *TITLE IV—DEPARTMENT OF STATE AND*

12                           *RELATED AGENCIES*

13                                   *DEPARTMENT OF STATE*

14   *ADMINISTRATION OF FOREIGN AFFAIRS*

15   *DIPLOMATIC AND CONSULAR PROGRAMS*

16           *For necessary expenses of the Department of State and*  
17          *the Foreign Service not otherwise provided for, including*  
18          *expenses authorized by the State Department Basic Au-*  
19          *thorities Act of 1956, as amended; representation to certain*  
20          *international organizations in which the United States*  
21          *participates pursuant to treaties, ratified pursuant to the*  
22          *advice and consent of the Senate, or specific Acts of Con-*  
23          *gress; acquisition by exchange or purchase of passenger*  
24          *motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C.*  
25          *481(c), and 22 U.S.C. 2674; and for expenses of general*

1 administration; \$1,705,600,000: Provided, That of the  
2 amount made available under this heading, not to exceed  
3 \$4,000,000 may be transferred to, and merged with, funds  
4 in the “Emergencies in the Diplomatic and Consular Serv-  
5 ice” appropriations account, to be available only for emer-  
6 gency evacuations and terrorism rewards: Provided further,  
7 That notwithstanding section 140(a)(5), and the second sen-  
8 tence of section 140(a)(3), of the Foreign Relations Author-  
9 ization Act, Fiscal Years 1994 and 1995 (Public Law 103-  
10 236), fees may be collected during fiscal years 1998 and  
11 1999 under the authority of section 140(a)(1) of that Act:  
12 Provided further, That all fees collected under the preceding  
13 proviso shall be deposited in fiscal years 1998 and 1999  
14 as an offsetting collection to appropriations made under  
15 this heading to recover the costs as set forth under section  
16 140(a)(2) of that Act and shall remain available until ex-  
17 pended.

18       In addition to funds otherwise available, of the funds  
19 provided under this heading, \$24,856,000 shall be available  
20 only for the Diplomatic Telecommunications Service for op-  
21 eration of existing base services and \$17,312,000 shall be  
22 available only for the enhancement of the Diplomatic Tele-  
23 communications Service and shall remain available until  
24 expended.

1        *In addition, not to exceed \$700,000 in registration fees*  
2 *collected pursuant to section 38 of the Arms Export Control*  
3 *Act, as amended, may be used in accordance with section*  
4 *45 of the State Department Basic Authorities Act of 1956*  
5 *(22 U.S.C. 2717); in addition not to exceed \$1,252,000 shall*  
6 *be derived from fees collected from other executive agencies*  
7 *for lease or use of facilities located at the International Cen-*  
8 *ter in accordance with section 4 of the International Center*  
9 *Act (Public Law 90–553), as amended, and in addition,*  
10 *as authorized by section 5 of such Act \$490,000, to be de-*  
11 *rived from the reserve authorized by that section, to be used*  
12 *for the purposes set out in that section; and in addition*  
13 *not to exceed \$15,000 which shall be derived from reim-*  
14 *bursements, surcharges, and fees for use of Blair House fa-*  
15 *cilities in accordance with section 46 of the State Depart-*  
16 *ment Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).*

17        *Notwithstanding section 402 of this Act, not to exceed*  
18 *20 percent of the amounts made available in this Act in*  
19 *the appropriation accounts “Diplomatic and Consular Pro-*  
20 *grams” and “Salaries and Expenses” under the heading*  
21 *“Administration of Foreign Affairs” may be transferred be-*  
22 *tween such appropriation accounts: Provided, That any*  
23 *transfer pursuant to this sentence shall be treated as a re-*  
24 *programming of funds under section 605 of this Act and*

1 *shall not be available for obligation or expenditure except*  
2 *in compliance with the procedures set forth in that section.*

3 *In addition, for counterterrorism requirements over-*  
4 *seas, including security guards and equipment,*  
5 *\$23,700,000, to remain available until expended.*

6 *SALARIES AND EXPENSES*

7 *For expenses necessary for the general administration*  
8 *of the Department of State and the Foreign Service, pro-*  
9 *vided for by law, including expenses authorized by section*  
10 *9 of the Act of August 31, 1964, as amended (31 U.S.C.*  
11 *3721), and the State Department Basic Authorities Act of*  
12 *1956, as amended, \$363,513,000.*

13 *CAPITAL INVESTMENT FUND*

14 *For necessary expenses of the Capital Investment*  
15 *Fund, \$86,000,000, to remain available until expended, as*  
16 *authorized in Public Law 103-236: Provided, That section*  
17 *135(e) of Public Law 103-236 shall not apply to funds*  
18 *available under this heading.*

19 *OFFICE OF INSPECTOR GENERAL*

20 *For necessary expenses of the Office of Inspector Gen-*  
21 *eral in carrying out the provisions of the Inspector General*  
22 *Act of 1978, as amended (5 U.S.C. App.), \$27,495,000, not-*  
23 *withstanding section 209(a)(1) of the Foreign Service Act*  
24 *of 1980, as amended (Public Law 96-465), as it relates to*  
25 *post inspections.*



1                                    *REPRESENTATION ALLOWANCES*

2            *For representation allowances as authorized by section*  
3 *905 of the Foreign Service Act of 1980, as amended (22*  
4 *U.S.C. 4085), \$4,200,000.*

5                                    *PROTECTION OF FOREIGN MISSIONS AND OFFICIALS*

6            *For expenses, not otherwise provided, to enable the Sec-*  
7 *retary of State to provide for extraordinary protective serv-*  
8 *ices in accordance with the provisions of section 214 of the*  
9 *State Department Basic Authorities Act of 1956 (22 U.S.C.*  
10 *4314) and 3 U.S.C. 208, \$7,900,000, to remain available*  
11 *until September 30, 1999.*

12                                    *SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS*

13            *For necessary expenses for carrying out the Foreign*  
14 *Service Buildings Act of 1926, as amended (22 U.S.C. 292-*  
15 *300), preserving, maintaining, repairing, and planning for,*  
16 *buildings that are owned or directly leased by the Depart-*  
17 *ment of State, and the Diplomatic Security Construction*  
18 *Program as authorized by title IV of the Omnibus Diplo-*  
19 *matic Security and Antiterrorism Act of 1986 (22 U.S.C.*  
20 *4851), \$404,000,000, to remain available until expended as*  
21 *authorized by section 24(c) of the State Department Basic*  
22 *Authorities Act of 1956 (22 U.S.C. 2696(c)): Provided, That*  
23 *none of the funds appropriated in this paragraph shall be*  
24 *available for acquisition of furniture and furnishings and*  
25 *generators for other departments and agencies.*



1     *PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND*  
2                                     *DISABILITY FUND*

3         *For payment to the Foreign Service Retirement and*  
4 *Disability Fund, as authorized by law, \$129,935,000.*

5     *INTERNATIONAL ORGANIZATIONS AND CONFERENCES*  
6     *CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS*

7         *For expenses, not otherwise provided for, necessary to*  
8 *meet annual obligations of membership in international*  
9 *multilateral organizations, pursuant to treaties ratified*  
10 *pursuant to the advice and consent of the Senate, conven-*  
11 *tions or specific Acts of Congress, \$955,515,000, of which*  
12 *not to exceed \$54,000,000 shall remain available until ex-*  
13 *pended for payment of arrearages: Provided, That none of*  
14 *the funds appropriated or otherwise made available by this*  
15 *Act for payment of arrearages may be obligated or expended*  
16 *unless such obligation or expenditure is expressly author-*  
17 *ized by the enactment of a subsequent Act that makes pay-*  
18 *ment of arrearages contingent upon reforms that should in-*  
19 *clude the following: a reduction in the United States as-*  
20 *essed share of the United Nations regular budget to 20 per-*  
21 *cent and of peacekeeping operations to 25 percent; reim-*  
22 *bursement for goods and services provided by the United*  
23 *States to the United Nations; certification that the United*  
24 *Nations and its specialized or affiliated agencies have not*  
25 *taken any action to infringe on the sovereignty of the Unit-*

1 *ed States; a ceiling on United States contributions to inter-*  
2 *national organizations after fiscal year 1998 of*  
3 *\$900,000,000; establishment of a merit-based personnel sys-*  
4 *tem at the United Nations that includes a code of conduct*  
5 *and a personnel evaluation system; United States member-*  
6 *ship on the Advisory Committee on Administrative and*  
7 *Budgetary Questions that oversees the United Nations budg-*  
8 *et; access to United Nations financial data by the General*  
9 *Accounting Office; and achievement of a negative growth*  
10 *budget and the establishment of independent inspectors gen-*  
11 *eral for affiliated organizations; and improved consultation*  
12 *procedures with the Congress: Provided further, That any*  
13 *payment of arrearages shall be directed toward special ac-*  
14 *tivities that are mutually agreed upon by the United States*  
15 *and the respective international organization: Provided fur-*  
16 *ther, That 20 percent of the funds appropriated in this*  
17 *paragraph for the assessed contribution of the United States*  
18 *to the United Nations shall be withheld from obligation and*  
19 *expenditure until a certification is made under section*  
20 *401(b) of Public Law 103–236 and under such other re-*  
21 *quirements related to the Office of Internal Oversight Serv-*  
22 *ices of the United Nations as may be enacted into law for*  
23 *fiscal year 1998: Provided further, That certification under*  
24 *section 401(b) of Public Law 103–236 for fiscal year 1998*  
25 *may only be made if the Committees on Appropriations and*

1 *Foreign Relations of the Senate and the Committees on Ap-*  
2 *propriations and International Relations of the House of*  
3 *Representatives are notified of the steps taken, and antici-*  
4 *pated, to meet the requirements of section 401(b) of Public*  
5 *Law 103–236 at least 15 days in advance of the proposed*  
6 *certification: Provided further, That none of the funds ap-*  
7 *propriated in this paragraph shall be available for a United*  
8 *States contribution to an international organization for the*  
9 *United States share of interest costs made known to the*  
10 *United States Government by such organization for loans*  
11 *incurred on or after October 1, 1984, through external bor-*  
12 *rowings: Provided further, That of the funds appropriated*  
13 *in this paragraph, \$100,000,000 may be made available*  
14 *only on a semi-annual basis pursuant to a certification by*  
15 *the Secretary of State on a semi-annual basis, that the*  
16 *United Nations has taken no action during the preceding*  
17 *six months to increase funding for any United Nations pro-*  
18 *gram without identifying an offsetting decrease during that*  
19 *six-month period elsewhere in the United Nations budget*  
20 *and cause the United Nations to exceed the expected reform*  
21 *budget for the biennium 1998–1999 of \$2,533,000,000: Pro-*  
22 *vided further, That not to exceed \$12,000,000 shall be trans-*  
23 *ferred from funds made available under this heading to the*  
24 *“International Conferences and Contingencies” account for*  
25 *U.S. contributions to the Comprehensive Nuclear Test Ban*

1 *Treaty Preparatory Commission, provided that such trans-*  
2 *ferred funds are obligated or expended only for Commission*  
3 *meetings and sessions, provisional technical secretariat sal-*  
4 *aries and expenses, other Commission administrative and*  
5 *training activities, including purchase of training equip-*  
6 *ment, and upgrades to existing internationally-based mon-*  
7 *itoring systems involved in cooperative data sharing agree-*  
8 *ments with the United States as of date of enactment of*  
9 *this Act, until the U.S. Senate ratifies the Comprehensive*  
10 *Nuclear Test Ban Treaty.*

11 *CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING*

12 *ACTIVITIES*

13 *For necessary expenses to pay assessed and other ex-*  
14 *penses of international peacekeeping activities directed to*  
15 *the maintenance or restoration of international peace and*  
16 *security \$256,000,000, of which not to exceed \$46,000,000*  
17 *shall remain available until expended for payment of ar-*  
18 *rearages: Provided, That none of the funds appropriated or*  
19 *otherwise made available by this Act for payment of arrear-*  
20 *ages may be obligated or expended unless such obligation*  
21 *or expenditure is expressly authorized by the enactment of*  
22 *a subsequent Act described in the first proviso under the*  
23 *heading "Contributions to International Organizations" in*  
24 *this title: Provided further, That none of the funds made*  
25 *available under this Act shall be obligated or expended for*  
26 *any new or expanded United Nations peacekeeping mission*

1 *unless, at least fifteen days in advance of voting for the*  
2 *new or expanded mission in the United Nations Security*  
3 *Council (or in an emergency, as far in advance as is prac-*  
4 *ticable), (1) the Committees on Appropriations of the House*  
5 *of Representatives and the Senate and other appropriate*  
6 *Committees of the Congress are notified of the estimated cost*  
7 *and length of the mission, the vital national interest that*  
8 *will be served, and the planned exit strategy; and (2) a re-*  
9 *programming of funds pursuant to section 605 of this Act*  
10 *is submitted, and the procedures therein followed, setting*  
11 *forth the source of funds that will be used to pay for the*  
12 *cost of the new or expanded mission: Provided further, That*  
13 *funds shall be available for peacekeeping expenses only upon*  
14 *a certification by the Secretary of State to the appropriate*  
15 *committees of the Congress that American manufacturers*  
16 *and suppliers are being given opportunities to provide*  
17 *equipment, services, and material for United Nations peace-*  
18 *keeping activities equal to those being given to foreign man-*  
19 *ufacturers and suppliers.*

20 *INTERNATIONAL COMMISSIONS*

21 *For necessary expenses, not otherwise provided for, to*  
22 *meet obligations of the United States arising under treaties,*  
23 *or specific Acts of Congress, as follows:*

1     *INTERNATIONAL BOUNDARY AND WATER COMMISSION,*  
2                     *UNITED STATES AND MEXICO*

3         *For necessary expenses for the United States Section*  
4 *of the International Boundary and Water Commission,*  
5 *United States and Mexico, and to comply with laws appli-*  
6 *cable to the United States Section, including not to exceed*  
7 *\$6,000 for representation; as follows:*

8                     *SALARIES AND EXPENSES*

9         *For salaries and expenses, not otherwise provided for,*  
10 *\$17,490,000.*

11                     *CONSTRUCTION*

12         *For detailed plan preparation and construction of au-*  
13 *thorized projects, \$6,463,000, to remain available until ex-*  
14 *pended, as authorized by section 24(c) of the State Depart-*  
15 *ment Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).*

16                     *AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS*

17         *For necessary expenses, not otherwise provided for the*  
18 *International Joint Commission and the International*  
19 *Boundary Commission, United States and Canada, as au-*  
20 *thorized by treaties between the United States and Canada*  
21 *or Great Britain, and for the Border Environment Coopera-*  
22 *tion Commission as authorized by Public Law 103-182;*  
23 *\$5,490,000, of which not to exceed \$9,000 shall be available*  
24 *for representation expenses incurred by the International*  
25 *Joint Commission.*



1            *INTERNATIONAL FISHERIES COMMISSIONS*

2            *For necessary expenses for international fisheries com-*  
3 *missions, not otherwise provided for, as authorized by law,*  
4 *\$14,549,000: Provided, That the United States' share of*  
5 *such expenses may be advanced to the respective commis-*  
6 *sions, pursuant to 31 U.S.C. 3324.*

7    *OTHER*8    *PAYMENT TO THE ASIA FOUNDATION*

9            *For a grant to the Asia Foundation, as authorized by*  
10 *section 501 of Public Law 101–246, \$8,000,000, to remain*  
11 *available until expended, as authorized by section 24(c) of*  
12 *the State Department Basic Authorities Act of 1956 (22*  
13 *U.S.C. 2696(c)).*

14    *RELATED AGENCIES*15    *ARMS CONTROL AND DISARMAMENT AGENCY*16    *ARMS CONTROL AND DISARMAMENT ACTIVITIES*

17            *For necessary expenses not otherwise provided, for*  
18 *arms control, nonproliferation, and disarmament activities,*  
19 *\$41,500,000, of which not to exceed \$50,000 shall be for offi-*  
20 *cial reception and representation expenses as authorized by*  
21 *the Act of September 26, 1961, as amended (22 U.S.C. 2551*  
22 *et seq.).*

1           *ARMS CONTROL AND DISARMAMENT AGENCY*

2           *ARMS CONTROL AND DISARMAMENT ACTIVITIES*

3                           *(RESCISSION)*

4           *Of the unexpended balances previously appropriated*  
5 *under this heading, \$700,000 are rescinded.*

6           *UNITED STATES INFORMATION AGENCY*

7           *INTERNATIONAL INFORMATION PROGRAMS*

8           *For expenses, not otherwise provided for, necessary to*  
9 *enable the United States Information Agency, as authorized*  
10 *by the Mutual Educational and Cultural Exchange Act of*  
11 *1961, as amended (22 U.S.C. 2451 et seq.), the United*  
12 *States Information and Educational Exchange Act of 1948,*  
13 *as amended (22 U.S.C. 1431 et seq.), and Reorganization*  
14 *Plan No. 2 of 1977 (91 Stat. 1636), to carry out inter-*  
15 *national communication, educational and cultural activi-*  
16 *ties; and to carry out related activities authorized by law,*  
17 *including employment, without regard to civil service and*  
18 *classification laws, of persons on a temporary basis (not*  
19 *to exceed \$700,000 of this appropriation), as authorized by*  
20 *section 801 of such Act of 1948 (22 U.S.C. 1471), and enter-*  
21 *tainment, including official receptions, within the United*  
22 *States, not to exceed \$25,000 as authorized by section*  
23 *804(3) of such Act of 1948 (22 U.S.C. 1474(3));*  
24 *\$427,097,000: Provided, That not to exceed \$1,400,000 may*  
25 *be used for representation abroad as authorized by section*  
26 *302 of such Act of 1948 (22 U.S.C. 1452) and section 905*

1 of the Foreign Service Act of 1980 (22 U.S.C. 4085): Pro-  
2 vided further, That not to exceed \$6,000,000, to remain  
3 available until expended, may be credited to this appropria-  
4 tion from fees or other payments received from or in connec-  
5 tion with English teaching, library, motion pictures, and  
6 publication programs as authorized by section 810 of such  
7 Act of 1948 (22 U.S.C. 1475e) and, notwithstanding any  
8 other law, fees from educational advising and counseling,  
9 and exchange visitor program services: Provided further,  
10 That not to exceed \$920,000 to remain available until ex-  
11 pended may be used to carry out projects involving security  
12 construction and related improvements for agency facilities  
13 not physically located together with Department of State  
14 facilities abroad.

15 *TECHNOLOGY FUND*

16 *For expenses necessary to enable the United States In-*  
17 *formation Agency to provide for the procurement of infor-*  
18 *mation technology improvements, as authorized by the*  
19 *United States Information and Educational Exchange Act*  
20 *of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual*  
21 *Educational and Cultural Exchange Act of 1961, as amend-*  
22 *ed (22 U.S.C. 2451 et seq.), and Reorganization Plan No.*  
23 *2 of 1977 (91 Stat. 1636), \$5,050,000, to remain available*  
24 *until expended.*



1 *ment thereof, in excess of the rate authorized by 5 U.S.C.*  
2 *5376; or for purposes which are not in accordance with*  
3 *OMB Circulars A-110 (Uniform Administrative Require-*  
4 *ments) and A-122 (Cost Principles for Non-profit Organi-*  
5 *zations), including the restrictions on compensation for per-*  
6 *sonal services.*

7 *ISRAELI ARAB SCHOLARSHIP PROGRAM*

8 *For necessary expenses of the Israeli Arab Scholarship*  
9 *Program as authorized by section 214 of the Foreign Rela-*  
10 *tions Authorization Act, Fiscal Years 1992 and 1993 (22*  
11 *U.S.C. 2452), all interest and earnings accruing to the Is-*  
12 *raeli Arab Scholarship Fund on or before September 30,*  
13 *1998, to remain available until expended.*

14 *INTERNATIONAL BROADCASTING OPERATIONS*

15 *For expenses necessary to enable the United States In-*  
16 *formation Agency, as authorized by the United States Infor-*  
17 *mation and Educational Exchange Act of 1948, as amend-*  
18 *ed, the United States International Broadcasting Act of*  
19 *1994, as amended, and Reorganization Plan No. 2 of 1977,*  
20 *to carry out international communication activities,*  
21 *\$364,415,000, of which \$12,100,000 shall remain available*  
22 *until expended, not to exceed \$16,000 may be used for offi-*  
23 *cial receptions within the United States as authorized by*  
24 *section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not*  
25 *to exceed \$35,000 may be used for representation abroad*  
26 *as authorized by section 302 of such Act of 1948 (22 U.S.C.*

1 1452) and section 905 of the Foreign Service Act of 1980  
2 (22 U.S.C. 4085), and not to exceed \$39,000 may be used  
3 for official reception and representation expenses of Radio  
4 Free Europe/Radio Liberty; and in addition, notwithstand-  
5 ing any other provision of law, not to exceed \$2,000,000  
6 in receipts from advertising and revenue from business ven-  
7 tures, not to exceed \$500,000 in receipts from cooperating  
8 international organizations, and not to exceed \$1,000,000  
9 in receipts from privatization efforts of the Voice of America  
10 and the International Broadcasting Bureau, as authorized  
11 by section 810 of such Act of 1948 (22 U.S.C. 1475e), to  
12 remain available until expended for carrying out author-  
13 ized purposes.

14 *BROADCASTING TO CUBA*

15 *For expenses necessary to enable the United States In-*  
16 *formation Agency to carry out the Radio Broadcasting to*  
17 *Cuba Act, as amended, the Television Broadcasting to Cuba*  
18 *Act, and the International Broadcasting Act of 1994, in-*  
19 *cluding the purchase, rent, construction, and improvement*  
20 *of facilities for radio and television transmission and recep-*  
21 *tion, and purchase and installation of necessary equipment*  
22 *for radio and television transmission and reception,*  
23 *\$22,095,000, to remain available until expended.*

24 *RADIO CONSTRUCTION*

25 *For the purchase, rent, construction, and improvement*  
26 *of facilities for radio transmission and reception, and pur-*

1 *chase and installation of necessary equipment for radio and*  
2 *television transmission and reception as authorized by sec-*  
3 *tion 801 of the United States Information and Educational*  
4 *Exchange Act of 1948 (22 U.S.C. 1471), \$40,000,000, to*  
5 *remain available until expended, as authorized by section*  
6 *704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).*

7 *EAST-WEST CENTER*

8 *To enable the Director of the United States Informa-*  
9 *tion Agency to provide for carrying out the provisions of*  
10 *the Center for Cultural and Technical Interchange Between*  
11 *East and West Act of 1960 (22 U.S.C. 2054–2057), by grant*  
12 *to the Center for Cultural and Technical Interchange Be-*  
13 *tween East and West in the State of Hawaii, \$12,000,000:*  
14 *Provided, That none of the funds appropriated herein shall*  
15 *be used to pay any salary, or enter into any contract pro-*  
16 *viding for the payment thereof, in excess of the rate author-*  
17 *ized by 5 U.S.C. 5376.*

18 *NORTH/SOUTH CENTER*

19 *To enable the Director of the United States Informa-*  
20 *tion Agency to provide for carrying out the provisions of*  
21 *the North/South Center Act of 1991 (22 U.S.C. 2075), by*  
22 *grant to an educational institution in Florida known as*  
23 *the North/South Center, \$1,500,000, to remain available*  
24 *until expended.*





1 *transfer pursuant to this section shall be treated as a re-*  
2 *programming of funds under section 605 of this Act and*  
3 *shall not be available for obligation or expenditure except*  
4 *in compliance with the procedures set forth in that section.*

5       *SEC. 403. Funds appropriated by this Act for the*  
6 *United States Information Agency, the Arms Control and*  
7 *Disarmament Agency, and the Department of State may*  
8 *be obligated and expended notwithstanding section 701 of*  
9 *the United States Information and Educational Exchange*  
10 *Act of 1948 and section 313 of the Foreign Relations Au-*  
11 *thorization Act, Fiscal Years 1994 and 1995, section 53 of*  
12 *the Arms Control and Disarmament Act, and section 15*  
13 *of the State Department Basic Authorities Act of 1956.*

14       *SEC. 404. (a)(1) For purposes of implementing the*  
15 *International Cooperative Administrative Support Services*  
16 *program in fiscal year 1998, the amounts referred to in*  
17 *paragraph (2) shall be transferred in accordance with the*  
18 *provisions of subsection (b).*

19       *(2) Paragraph (1) applies to amounts made available*  
20 *by title IV of this Act under the heading “ADMINISTRATION*  
21 *OF FOREIGN AFFAIRS” as follows:*

22               *(A) \$108,932,000 of the amount made available*  
23       *under the paragraph “DIPLOMATIC AND CONSULAR*  
24       *PROGRAMS”.*

1           (B) \$3,530,000 of the amount made available  
2           under the paragraph “SECURITY AND MAINTENANCE  
3           OF UNITED STATES MISSIONS”.

4           (b) Funds transferred pursuant to subsection (a) shall  
5           be transferred to the specified appropriation, allocated to  
6           the specified account or accounts in the specified amount,  
7           be merged with funds in such account or accounts that are  
8           available for administrative support expenses of overseas  
9           activities, and be available for the same purposes, and sub-  
10          ject to the same terms and conditions, as the funds with  
11          which merged, as follows:

12           (1) Appropriations for the Legislative Branch—

13                   (A) for the Library of Congress, for salaries  
14                   and expenses, \$500,000; and

15                   (B) for the General Accounting Office, for  
16                   salaries and expenses, \$12,000.

17           (2) Appropriations for the Office of the United  
18           States Trade Representative, for salaries and ex-  
19           penses, \$302,000.

20           (3) Appropriations for the Department of Com-  
21           merce, for the International Trade Administration,  
22           for operations and administration, \$7,055,000.

23           (4) Appropriations for the Department of Jus-  
24           tice—

25                   (A) for legal activities—

1                   (i) for general legal activities, for sala-  
2                   ries and expenses, \$194,000; and

3                   (ii) for the United States Marshals  
4                   Service, for salaries and expenses, \$2,000;

5                   (B) for the Federal Bureau of Investigation,  
6                   for salaries and expenses, \$2,477,000;

7                   (C) for the Drug Enforcement Administra-  
8                   tion, for salaries and expenses, \$6,356,000; and

9                   (D) for the Immigration and Naturaliza-  
10                  tion Service, for salaries and expenses,  
11                  \$1,313,000.

12                 (5) Appropriations for the United States Infor-  
13                 mation Agency, for international information pro-  
14                 grams, \$25,047,000.

15                 (6) Appropriations for the Arms Control and  
16                 Disarmament Agency, for arms control and disar-  
17                 mament activities, \$1,247,000.

18                 (7) Appropriations to the President—

19                         (A) for the Foreign Military Financing  
20                         Program, for administrative costs, \$6,660,000;

21                         (B) for the Economic Support Fund,  
22                         \$336,000;

23                         (C) for the Agency for International Devel-  
24                         opment—

25                                 (i) for operating expenses, \$6,008,000;

1                   (ii) for the Urban and Environmental  
2                   Credit Program, \$54,000;

3                   (iii) for the Development Assistance  
4                   Fund, \$124,000;

5                   (iv) for the Development Fund for Af-  
6                   rica, \$526,000;

7                   (v) for assistance for the new independ-  
8                   ent states of the former Soviet Union,  
9                   \$818,000;

10                  (vi) for assistance for Eastern Europe  
11                  and the Baltic States, \$283,000; and

12                  (vii) for international disaster assist-  
13                  ance, \$306,000;

14                  (D) for the Peace Corps, \$3,672,000; and

15                  (E) for the Department of State—

16                   (i) for international narcotics control,  
17                   \$1,117,000; and,

18                   (ii) for migration and refugee assist-  
19                   ance, \$394,000.

20                  (8) Appropriations for the Department of De-  
21                  fense—

22                   (A) for operation and maintenance—

23                   (i) for operation and maintenance,  
24                   Army, \$4,394,000;

1                   (ii) for operation and maintenance,  
2                   Navy, \$1,824,000;

3                   (iii) for operation and maintenance,  
4                   Air Force, \$1,603,000; and

5                   (iv) for operation and maintenance,  
6                   Defense-Wide, \$21,993,000; and

7                   (B) for procurement, for other procurement,  
8                   Air Force, \$4,211,000.

9                   (9) Appropriations for the American Battle  
10                  Monuments Commission, for salaries and expenses,  
11                  \$210,000.

12                  (10) Appropriations for the Department of Agri-  
13                  culture—

14                       (A) for the Animal and Plant Health In-  
15                       spection Service, for salaries and expenses,  
16                       \$932,000;

17                       (B) for the Foreign Agricultural Service  
18                       and General Sales Manager, \$4,521,000; and

19                       (C) for the Agricultural Research Service,  
20                       \$16,000.

21                  (11) Appropriations for the Department of  
22                  Treasury—

23                       (A) for the United States Customs Service,  
24                       for salaries and expenses, \$2,002,000;

1           (B) for departmental offices, for salaries  
2 and expenses, \$804,000;

3           (C) for the Internal Revenue Service, for tax  
4 law enforcement, \$662,000;

5           (D) for the Bureau of Alcohol, Tobacco, and  
6 Firearms, for salaries and expenses, \$17,000;

7           (E) for the United States Secret Service, for  
8 salaries and expenses, \$617,000; and

9           (F) for the Comptroller of the Currency, for  
10 assessment funds, \$29,000.

11           (12) Appropriations for the Department of  
12 Transportation—

13           (A) for the Federal Aviation Administra-  
14 tion, for operations, \$1,594,000; and

15           (B) for the Coast Guard, for operating ex-  
16 penses, \$65,000.

17           (13) Appropriations for the Department of  
18 Labor, for departmental management, for salaries  
19 and expenses, \$58,000.

20           (14) Appropriations for the Department of  
21 Health and Human Services—

22           (A) for the National Institutes of Health, for  
23 the National Cancer Institute, \$42,000;

24           (B) for the Office of the Secretary, for gen-  
25 eral departmental management, \$71,000; and

1           (C) for the Centers for Disease Control and  
2           Prevention, for disease control, research, and  
3           training, \$522,000.

4           (15) Appropriations for the Social Security Ad-  
5           ministration, for administrative expenses, \$370,000.

6           (16) Appropriations for the Department of the  
7           Interior—

8           (A) for the United States Fish and Wildlife  
9           Service, for resource management, \$12,000;

10          (B) for the United States Geological Survey,  
11          for surveys, investigations, and research,  
12          \$80,000; and

13          (C) for the Bureau of Reclamation, for  
14          water and related resources, \$101,000.

15          (17) Appropriations for the Department of Veter-  
16          ans Affairs, for departmental administration, for gen-  
17          eral operating expenses, \$453,000.

18          (18) Appropriations for the National Aero-  
19          nautics and Space Administration, for mission sup-  
20          port, \$183,000.

21          (19) Appropriations for the National Science  
22          Foundation, for research and related activities,  
23          \$39,000.

1           (20) *Appropriations for the Federal Emergency*  
2           *Management Agency, for salaries and expenses,*  
3           *\$4,000.*

4           (21) *Appropriations for the Department of En-*  
5           *ergy—*

6                   (A) *for departmental administration,*  
7                   *\$150,000; and*

8                   (B) *for atomic energy defense activities, for*  
9                   *other defense activities, \$54,000.*

10           (22) *Appropriations for the Nuclear Regulatory*  
11           *Commission, for salaries and expenses, \$26,000.*

12           (c)(1) *The amount in subsection (a)(2)(A) is reduced*  
13 *by \$2,800,000.*

14           (2) *Each amount in subsection (b) is reduced on a pro*  
15 *rata basis in the same proportion as \$2,800,000 bears to*  
16 *\$112,462,000, rounded to the nearest thousand.*

17           SEC. 405. (a) *An employee who regularly commutes*  
18 *from his or her place of residence in the continental United*  
19 *States to an official duty station in Canada or Mexico shall*  
20 *receive a border equalization adjustment equal to the*  
21 *amount of comparability payments under section 5304 of*  
22 *title V, United States Code, that he or she would receive*  
23 *if assigned to an official duty station within the United*  
24 *States locality pay area closest to the employee's official*  
25 *duty station.*



1       (b) *For purposes of this section, the term “employee”*  
2 *shall mean a person who—*

3           (1) *is an “employee” as defined under section*  
4 *2105 of title V, United States Code, and*

5           (2) *is employed by the United States Department*  
6 *of State, the United States Information Agency, the*  
7 *United States Agency for International Development,*  
8 *or the International Joint Commission, except that*  
9 *the term shall not include members of the Foreign*  
10 *Service as defined by section 103 of the Foreign Serv-*  
11 *ice Act of 1980 (P.L. 96–465), section 3903 of title 22*  
12 *of the United States Code.*

13       (c) *An equalization adjustment payable under this sec-*  
14 *tion shall be considered basic pay for the same purposes*  
15 *as are comparability payments under section 5304 of title*  
16 *V, United States Code, and its implementing regulations.*

17       (d) *The agencies referenced in subsection (c)(2) are au-*  
18 *thorized to promulgate regulations to carry out the purposes*  
19 *of this section.*

20       *This title may be cited as the “Department of State*  
21 *and Related Agencies Appropriations Act, 1998”.*

1                    *TITLE V—RELATED AGENCIES*  
2                    *DEPARTMENT OF TRANSPORTATION*  
3                    *MARITIME ADMINISTRATION*  
4                    *OPERATING-DIFFERENTIAL SUBSIDIES*  
5                    *(LIQUIDATION OF CONTRACT AUTHORITY)*

6            *For the payment of obligations incurred for operating-*  
7 *differential subsidies, as authorized by the Merchant Marine*  
8 *Act, 1936, as amended, \$51,030,000, to remain available*  
9 *until expended.*

10                    *MARITIME SECURITY PROGRAM*

11            *For necessary expenses to maintain and preserve a*  
12 *U.S.-flag merchant fleet to serve the national security needs*  
13 *of the United States, \$35,500,000, to remain available until*  
14 *expended.*

15                    *OPERATIONS AND TRAINING*

16            *For necessary expenses of operations and training ac-*  
17 *tivities authorized by law, \$67,600,000: Provided, That re-*  
18 *imbursements may be made to this appropriation from re-*  
19 *ceipts to the “Federal Ship Financing Fund” for adminis-*  
20 *trative expenses in support of that program in addition to*  
21 *any amount heretofore appropriated.*

22                    *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*

23                    *ACCOUNT*

24            *For the cost of guaranteed loans, as authorized by the*  
25 *Merchant Marine Act, 1936, \$32,000,000, to remain avail-*  
26 *able until expended: Provided, That such costs, including*

1 *the cost of modifying such loans, shall be as defined in sec-*  
2 *tion 502 of the Congressional Budget Act of 1974, as*  
3 *amended: Provided further, That these funds are available*  
4 *to subsidize total loan principal, any part of which is to*  
5 *be guaranteed, not to exceed \$1,000,000,000.*

6 *In addition, for administrative expenses to carry out*  
7 *the guaranteed loan program, not to exceed \$3,725,000,*  
8 *which shall be transferred to and merged with the appro-*  
9 *priation for Operations and Training.*

10 *ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION*

11 *Notwithstanding any other provision of this Act, the*  
12 *Maritime Administration is authorized to furnish utilities*  
13 *and services and make necessary repairs in connection with*  
14 *any lease, contract, or occupancy involving Government*  
15 *property under control of the Maritime Administration,*  
16 *and payments received therefor shall be credited to the ap-*  
17 *propriation charged with the cost thereof: Provided, That*  
18 *rental payments under any such lease, contract, or occu-*  
19 *pancy for items other than such utilities, services, or repairs*  
20 *shall be covered into the Treasury as miscellaneous receipts.*

21 *No obligations shall be incurred during the current fis-*  
22 *cal year from the construction fund established by the Mer-*  
23 *chant Marine Act, 1936, or otherwise, in excess of the ap-*  
24 *propriations and limitations contained in this Act or in*  
25 *any prior appropriation Act, and all receipts which other-*

1 *wise would be deposited to the credit of said fund shall be*  
2 *covered into the Treasury as miscellaneous receipts.*

3       *COMMISSION FOR THE PRESERVATION OF AMERICA'S*  
4                       *HERITAGE ABROAD*  
5                       *SALARIES AND EXPENSES*

6       *For expenses for the Commission for the Preservation*  
7 *of America's Heritage Abroad, \$250,000, as authorized by*  
8 *Public Law 99-83, section 1303.*

9                       *COMMISSION ON CIVIL RIGHTS*  
10                      *SALARIES AND EXPENSES*

11       *For necessary expenses of the Commission on Civil*  
12 *Rights, including hire of passenger motor vehicles,*  
13 *\$8,740,000: Provided, That not to exceed \$50,000 may be*  
14 *used to employ consultants: Provided further, That none of*  
15 *the funds appropriated in this paragraph shall be used to*  
16 *employ in excess of four full-time individuals under Sched-*  
17 *ule C of the Excepted Service exclusive of one special assist-*  
18 *ant for each Commissioner: Provided further, That none of*  
19 *the funds appropriated in this paragraph shall be used to*  
20 *reimburse Commissioners for more than 75 billable days,*  
21 *with the exception of the Chairperson who is permitted 125*  
22 *billable days.*

1                    *COMMISSION ON IMMIGRATION REFORM*2                                    *SALARIES AND EXPENSES*

3            *For necessary expenses of the Commission on Immi-*  
4 *gration Reform pursuant to section 141(f) of the Immigra-*  
5 *tion Act of 1990, \$459,000 to remain available until ex-*  
6 *pended.*

7                    *COMMISSION ON SECURITY AND COOPERATION IN EUROPE*8                                    *SALARIES AND EXPENSES*

9            *For necessary expenses of the Commission on Security*  
10 *and Cooperation in Europe, as authorized by Public Law*  
11 *94-304, \$1,090,000, to remain available until expended as*  
12 *authorized by section 3 of Public Law 99-7.*

13                    *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*14                                    *SALARIES AND EXPENSES*

15            *For necessary expenses of the Equal Employment Op-*  
16 *portunity Commission as authorized by title VII of the*  
17 *Civil Rights Act of 1964, as amended (29 U.S.C. 206(d)*  
18 *and 621-634), the Americans with Disabilities Act of 1990,*  
19 *and the Civil Rights Act of 1991, including services as au-*  
20 *thorized by 5 U.S.C. 3109; hire of passenger motor vehicles*  
21 *as authorized by 31 U.S.C. 1343(b); non-monetary awards*  
22 *to private citizens; and not to exceed \$27,500,000 for pay-*  
23 *ments to State and local enforcement agencies for services*  
24 *to the Commission pursuant to title VII of the Civil Rights*  
25 *Act of 1964, as amended, sections 6 and 14 of the Age Dis-*

1 *crimination in Employment Act, the Americans with Dis-*  
2 *abilities Act of 1990, and the Civil Rights Act of 1991;*  
3 *\$242,000,000: Provided, That the Commission is authorized*  
4 *to make available for official reception and representation*  
5 *expenses not to exceed \$2,500 from available funds.*

6 *FEDERAL COMMUNICATIONS COMMISSION*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Federal Communications*  
9 *Commission, as authorized by law, including uniforms and*  
10 *allowances therefor, as authorized by 5 U.S.C. 5901–02; not*  
11 *to exceed \$600,000 for land and structure; not to exceed*  
12 *\$500,000 for improvement and care of grounds and repair*  
13 *to buildings; not to exceed \$4,000 for official reception and*  
14 *representation expenses; purchase (not to exceed 16) and*  
15 *hire of motor vehicles; special counsel fees; and services as*  
16 *authorized by 5 U.S.C. 3109; \$186,514,000, of which not*  
17 *to exceed \$300,000 shall remain available until September*  
18 *30, 1999, for research and policy studies: Provided, That*  
19 *\$162,523,000 of offsetting collections shall be assessed and*  
20 *collected pursuant to section 9 of title I of the Communica-*  
21 *tions Act of 1934, as amended, and shall be retained and*  
22 *used for necessary expenses in this appropriation, and shall*  
23 *remain available until expended: Provided further, That the*  
24 *sum herein appropriated shall be reduced as such offsetting*  
25 *collections are received during fiscal year 1998 so as to re-*

1 *sult in a final fiscal year 1998 appropriation estimated at*  
2 *\$23,991,000: Provided further, That any offsetting collec-*  
3 *tions received in excess of \$162,523,000 in fiscal year 1998*  
4 *shall remain available until expended, but shall not be*  
5 *available for obligation until October 1, 1998.*

6 *FEDERAL MARITIME COMMISSION*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Federal Maritime Com-*  
9 *mission as authorized by section 201(d) of the Merchant*  
10 *Marine Act of 1936, as amended (46 U.S.C. App. 1111),*  
11 *including services as authorized by 5 U.S.C. 3109; hire of*  
12 *passenger motor vehicles as authorized by 31 U.S.C.*  
13 *1343(b); and uniforms or allowances therefor, as authorized*  
14 *by 5 U.S.C. 5901–02; \$14,000,000: Provided, That not to*  
15 *exceed \$2,000 shall be available for official reception and*  
16 *representation expenses.*

17 *FEDERAL TRADE COMMISSION*

18 *SALARIES AND EXPENSES*

19 *For necessary expenses of the Federal Trade Commis-*  
20 *sion, including uniforms or allowances therefor, as author-*  
21 *ized by 5 U.S.C. 5901–5902; services as authorized by 5*  
22 *U.S.C. 3109; hire of passenger motor vehicles; and not to*  
23 *exceed \$2,000 for official reception and representation ex-*  
24 *penses; \$88,500,000: Provided, That not to exceed \$300,000*  
25 *shall be available for use to contract with a person or per-*

1 *sons for collection services in accordance with the terms of*  
2 *31 U.S.C. 3718, as amended: Provided further, That not-*  
3 *withstanding any other provision of law, not to exceed*  
4 *\$70,000,000 of offsetting collections derived from fees col-*  
5 *lected for premerger notification filings under the Hart-*  
6 *Scott-Rodino Antitrust Improvements Act of 1976 (15*  
7 *U.S.C. 18(a)) shall be retained and used for necessary ex-*  
8 *penses in this appropriation, and shall remain available*  
9 *until expended: Provided further, That the sum herein ap-*  
10 *propriated from the General Fund shall be reduced as such*  
11 *offsetting collections are received during fiscal year 1998,*  
12 *so as to result in a final fiscal year 1998 appropriation*  
13 *from the General Fund estimated at not more than*  
14 *\$18,500,000, to remain available until expended: Provided*  
15 *further, That any fees received in excess of \$70,000,000 in*  
16 *fiscal year 1998 shall remain available until expended, but*  
17 *shall not be available for obligation until October 1, 1998:*  
18 *Provided further, That none of the funds made available*  
19 *to the Federal Trade Commission shall be available for obli-*  
20 *gation for expenses authorized by section 151 of the Federal*  
21 *Deposit Insurance Corporation Improvement Act of 1991*  
22 *(Public Law 102-242, 105 Stat. 2282-2285).*



1                    *LEGAL SERVICES CORPORATION*2                    *PAYMENT TO THE LEGAL SERVICES CORPORATION*

3                    *For payment to the Legal Services Corporation to*  
4 *carry out the purposes of the Legal Services Corporation*  
5 *Act of 1974, as amended, \$283,000,000, of which*  
6 *\$274,400,000 is for basic field programs and required inde-*  
7 *pendent audits; \$1,500,000 is for the Office of Inspector*  
8 *General, of which such amounts as may be necessary may*  
9 *be used to conduct additional audits of recipients; and*  
10 *\$7,100,000 is for management and administration.*

11                    *ADMINISTRATIVE PROVISIONS—LEGAL SERVICES*12                    *CORPORATION*

13                    *SEC. 501. (a) CONTINUATION OF COMPETITIVE SELEC-*  
14 *TION PROCESS.—None of the funds appropriated in this Act*  
15 *to the Legal Services Corporation may be used to provide*  
16 *financial assistance to any person or entity except through*  
17 *a competitive selection process conducted in accordance*  
18 *with regulations promulgated by the Corporation in accord-*  
19 *ance with the criteria set forth in subsections (c), (d), and*  
20 *(e) of section 503 of Public Law 104–134 (110 Stat. 1321–*  
21 *52 et seq.).*

22                    *(b) INAPPLICABILITY OF CERTAIN PROCEDURES.—*  
23 *Sections 1007(a)(9) and 1011 of the Legal Services Cor-*  
24 *poration Act (42 U.S.C. 2996f(a)(9) and 2996j) shall not*  
25 *apply to the provision, denial, suspension, or termination*

1 of any financial assistance using funds appropriated in  
2 this Act.

3 (c) *ADDITIONAL PROCEDURES.*—If, during any term  
4 of a grant or contract awarded to a recipient by the Legal  
5 Services Corporation under the competitive selection process  
6 referred to in subsection (a) and applicable Corporation  
7 regulations, the Corporation finds, after notice and oppor-  
8 tunity for the recipient to be heard, that the recipient has  
9 failed to comply with any requirement of the Legal Services  
10 Corporation Act (42 U.S.C. 2996 et seq.), this Act, or any  
11 other applicable law relating to funding for the Corpora-  
12 tion, the Corporation may terminate the grant or contract  
13 and institute a new competitive selection process for the  
14 area served by the recipient, notwithstanding the terms of  
15 the recipient's grant or contract.

16 *SEC. 502. (a) CONTINUATION OF REQUIREMENTS AND*  
17 *RESTRICTIONS.*—None of the funds appropriated in this  
18 Act to the Legal Services Corporation shall be expended for  
19 any purpose prohibited or limited by, or contrary to any  
20 of the provisions of—

21 (1) sections 501, 502, 505, 506, and 507 of Pub-  
22 lic Law 104–134 (110 Stat. 1321–51 et seq.), and all  
23 funds appropriated in this Act to the Legal Services  
24 Corporation shall be subject to the same terms and  
25 conditions as set forth in such sections, except that all

1        *references in such sections to 1995 and 1996 shall be*  
2        *deemed to refer instead to 1997 and 1998, respec-*  
3        *tively; and*

4            *(2) section 504 of Public Law 104–134 (110*  
5        *Stat. 1321–53 et seq.), and all funds appropriated in*  
6        *this Act to the Legal Services Corporation shall be*  
7        *subject to the same terms and conditions set forth in*  
8        *such section, except that—*

9            *(A) subsection (c) of such section 504 shall*  
10        *not apply;*

11            *(B) paragraph (3) of section 508(b) of Pub-*  
12        *lic Law 104–134 (110 Stat. 1321–58) shall*  
13        *apply with respect to the requirements of sub-*  
14        *section (a)(13) of such section 504, except that*  
15        *all references in such section 508(b) to the date*  
16        *of enactment shall be deemed to refer to April 26,*  
17        *1996; and*

18            *(C) subsection (a)(11) of such section 504*  
19        *shall not be construed to prohibit a recipient*  
20        *from using funds derived from a source other*  
21        *than the Corporation to provide related legal as-*  
22        *sistance to—*

23            *(i) an alien who has been battered or*  
24        *subjected to extreme cruelty in the United*  
25        *States by a spouse or a parent, or by a*

1           *member of the spouse's or parent's family*  
2           *residing in the same household as the alien*  
3           *and the spouse or parent consented or ac-*  
4           *quiesced to such battery or cruelty; or*

5                     *(ii) an alien whose child has been bat-*  
6                     *tered or subjected to extreme cruelty in the*  
7                     *United States by a spouse or parent of the*  
8                     *alien (without the active participation of*  
9                     *the alien in the battery or extreme cruelty),*  
10                    *or by a member of the spouse's or parent's*  
11                    *family residing in the same household as*  
12                    *the alien and the spouse or parent consented*  
13                    *or acquiesced to such battery or cruelty, and*  
14                    *the alien did not actively participate in*  
15                    *such battery or cruelty.*

16           **(b) DEFINITIONS.**—*For purposes of subsection*  
17 *(a)(2)(C):*

18                     *(1) The term “battered or subjected to extreme*  
19                     *cruelty” has the meaning given such term under regu-*  
20                     *lations issued pursuant to subtitle G of the Violence*  
21                     *Against Women Act of 1994 (Public Law 103–322;*  
22                     *108 Stat. 1953).*

23                     *(2) The term “related legal assistance” means*  
24                     *legal assistance directly related to the prevention of,*

1        *or obtaining of relief from, the battery or cruelty de-*  
2        *scribed in such subsection.*

3        *SEC. 503. (a) CONTINUATION OF AUDIT REQUIRE-*  
4        *MENTS.—The requirements of section 509 of Public Law*  
5        *104–134 (110 Stat. 1321–58 et seq.), other than subsection*  
6        *(l) of such section, shall apply during fiscal year 1998.*

7        *(b) REQUIREMENT OF ANNUAL AUDIT.—An annual*  
8        *audit of each person or entity receiving financial assistance*  
9        *from the Legal Services Corporation under this Act shall*  
10       *be conducted during fiscal year 1998 in accordance with*  
11       *the requirements referred to in subsection (a).*

12       *SEC. 504. (a) DEBARMENT.—The Legal Services Cor-*  
13       *poration may debar a recipient, on a showing of good cause,*  
14       *from receiving an additional award of financial assistance*  
15       *from the Corporation. Any such action to debar a recipient*  
16       *shall be instituted after the Corporation provides notice and*  
17       *an opportunity for a hearing to the recipient.*

18       *(b) REGULATIONS.—The Legal Services Corporation*  
19       *shall promulgate regulations to implement this section.*

20       *(c) GOOD CAUSE.—In this section, the term “good*  
21       *cause”, used with respect to debarment, includes—*

22                *(1) prior termination of the financial assistance*  
23                *of the recipient, under part 1640 of title 45, Code of*  
24                *Federal Regulations (or any similar corresponding*  
25                *regulation or ruling);*

1           (2) *prior termination in whole, under part 1606*  
2 *of title 45, Code of Federal Regulations (or any simi-*  
3 *lar corresponding regulation or ruling), of the most*  
4 *recent financial assistance received by the recipient,*  
5 *prior to date of the debarment decision;*

6           (3) *substantial violation by the recipient of the*  
7 *statutory or regulatory restrictions that prohibit re-*  
8 *ipients from using financial assistance made avail-*  
9 *able by the Legal Services Corporation or other finan-*  
10 *cial assistance for purposes prohibited under the*  
11 *Legal Services Corporation Act (42 U.S.C. 2996 et*  
12 *seq.) or for involvement in any activity prohibited by,*  
13 *or inconsistent with, section 504 of Public Law 104-*  
14 *134 (110 Stat. 1321–53 et seq.), section 502(a)(2) of*  
15 *Public Law 104–208 (110 Stat. 3009–59 et seq.), or*  
16 *section 502(a)(2) of this Act;*

17           (4) *knowing entry by the recipient into a*  
18 *subgrant, subcontract, or other agreement with an en-*  
19 *tity that had been debarred by the Corporation; or*

20           (5) *the filing of a lawsuit by the recipient, on be-*  
21 *half of the recipient, as part of any program receiving*  
22 *any Federal funds, naming the Corporation, or any*  
23 *agency or employee of a Federal, State, or local gov-*  
24 *ernment, as a defendant.*

1        *SEC. 505. (a) Not later than January 1, 1998, the*  
2 *Legal Services Corporation shall implement a system of*  
3 *case information disclosure which shall apply to all basic*  
4 *field programs which receive funds from the Legal Services*  
5 *Corporation from funds appropriated in this Act.*

6        *(b) Any basic field program which receives Federal*  
7 *funds from the Legal Services Corporation from funds ap-*  
8 *propriated in this Act must disclose to the public in written*  
9 *form, upon request, and to the Legal Services Corporation*  
10 *in semiannual reports, the following information about*  
11 *each case filed by its attorneys in any court:*

12            *(1) The name and full address of each party to*  
13 *the legal action unless such information is protected*  
14 *by an order or rule of a court or by State or Federal*  
15 *law or revealing such information would put the cli-*  
16 *ent of the recipient of such Federal funds at risk of*  
17 *physical harm.*

18            *(2) The cause of action in the case.*

19            *(3) The name and address of the court in which*  
20 *the case was filed and the case number assigned to the*  
21 *legal action.*

22        *(c) The case information disclosed in semi-annual re-*  
23 *ports to the Legal Services Corporation shall be subject to*  
24 *disclosure under section 552 of title 5, United States Code.*

1        *SEC. 506. In establishing the income or assets of an*  
2 *individual who is a victim of domestic violence, under sec-*  
3 *tion 1007(a)(2) of the Legal Services Corporation Act (42*  
4 *U.S.C. 2996f(a)(2)), to determine if the individual is eligi-*  
5 *ble for legal assistance, a recipient described in such section*  
6 *shall consider only the assets and income of the individual,*  
7 *and shall not include any jointly held assets.*

8                                *MARINE MAMMAL COMMISSION*

9                                *SALARIES AND EXPENSES*

10        *For necessary expenses of the Marine Mammal Com-*  
11 *mission as authorized by title II of Public Law 92-522,*  
12 *as amended, \$1,185,000.*

13                                *SECURITIES AND EXCHANGE COMMISSION*

14                                *SALARIES AND EXPENSES*

15        *For necessary expenses for the Securities and Exchange*  
16 *Commission, including services as authorized by 5 U.S.C.*  
17 *3109, the rental of space (to include multiple year leases)*  
18 *in the District of Columbia and elsewhere, and not to exceed*  
19 *\$3,000 for official reception and representation expenses,*  
20 *\$283,000,000, of which not to exceed \$10,000 may be used*  
21 *toward funding a permanent secretariat for the Inter-*  
22 *national Organization of Securities Commissions, and of*  
23 *which not to exceed \$100,000 shall be available for expenses*  
24 *for consultations and meetings hosted by the Commission*  
25 *with foreign governmental and other regulatory officials,*



1 *members of their delegations, appropriate representatives*  
2 *and staff to exchange views concerning developments relat-*  
3 *ing to securities matters, development and implementation*  
4 *of cooperation agreements concerning securities matters and*  
5 *provision of technical assistance for the development of for-*  
6 *ign securities markets, such expenses to include necessary*  
7 *logistic and administrative expenses and the expenses of*  
8 *Commission staff and foreign invitees in attendance at such*  
9 *consultations and meetings including: (1) such incidental*  
10 *expenses as meals taken in the course of such attendance,*  
11 *(2) any travel and transportation to or from such meetings,*  
12 *and (3) any other related lodging or subsistence: Provided,*  
13 *That fees and charges authorized by sections 6(b)(4) of the*  
14 *Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of*  
15 *the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d))*  
16 *shall be credited to this account as offsetting collections:*  
17 *Provided further, That not to exceed \$249,523,000 of such*  
18 *offsetting collections shall be available until expended for*  
19 *necessary expenses of this account: Provided further, That*  
20 *the total amount appropriated from the General Fund for*  
21 *fiscal year 1998 under this heading shall be reduced as all*  
22 *such offsetting fees are deposited to this appropriation so*  
23 *as to result in a final total fiscal year 1998 appropriation*  
24 *from the General Fund estimated at not more than*  
25 *\$33,477,000.*

1                    *SMALL BUSINESS ADMINISTRATION*2                    *SALARIES AND EXPENSES*

3            *For necessary expenses, not otherwise provided for, of*  
4 *the Small Business Administration as authorized by Public*  
5 *Law 103-403, including hire of passenger motor vehicles*  
6 *as authorized by 31 U.S.C. 1343 and 1344, and not to ex-*  
7 *ceed \$3,500 for official reception and representation ex-*  
8 *penses, \$254,200,000, of which: \$3,000,000 shall be avail-*  
9 *able for a grant to Lackawanna County, Pennsylvania for*  
10 *infrastructure development to assist in small business devel-*  
11 *opment; \$3,000,000 shall be available for a grant to the*  
12 *NTTC at Wheeling Jesuit University to continue the out-*  
13 *reach program to assist small business development;*  
14 *\$2,000,000 shall be for a grant to Western Carolina Univer-*  
15 *sity to develop a facility to assist in small business and*  
16 *rural economic development; \$1,500,000 shall be available*  
17 *for a grant to the State University of New York to develop*  
18 *a facility and operate the Institute of Entrepreneurship for*  
19 *small business and workforce development; \$1,000,000 shall*  
20 *be for a grant for the Genesis Small Business Incubator*  
21 *Facility, Fayetteville, Arkansas; and \$500,000 shall be*  
22 *available for a continuation grant to the Center for Entre-*  
23 *preneurial Opportunity in Greensburg, Pennsylvania, to*  
24 *provide for small business consulting and assistance: Pro-*  
25 *vided, That the Administrator is authorized to charge fees*

1 *to cover the cost of publications developed by the Small*  
2 *Business Administration, and certain loan servicing activi-*  
3 *ties: Provided further, That notwithstanding 31 U.S.C.*  
4 *3302, revenues received from all such activities shall be*  
5 *credited to this account, to be available for carrying out*  
6 *these purposes without further appropriations: Provided*  
7 *further, That \$75,800,000 shall be available to fund grants*  
8 *for performance in fiscal year 1998 or fiscal year 1999 as*  
9 *authorized by section 21 of the Small Business Act, as*  
10 *amended.*

11 *OFFICE OF INSPECTOR GENERAL*

12 *For necessary expenses of the Office of Inspector Gen-*  
13 *eral in carrying out the provisions of the Inspector General*  
14 *Act of 1978, as amended (5 U.S.C. App. 1–11, as amended*  
15 *by Public Law 100–504), \$10,000,000.*

16 *BUSINESS LOANS PROGRAM ACCOUNT*

17 *For the cost of guaranteed loans, \$181,232,000, as au-*  
18 *thorized by 15 U.S.C. 631 note, of which \$45,000,000 shall*  
19 *remain available until September 30, 1999: Provided, That*  
20 *such costs, including the cost of modifying such loans, shall*  
21 *be as defined in section 502 of the Congressional Budget*  
22 *Act of 1974: Provided further, That during fiscal year 1998,*  
23 *commitments to guarantee loans under section 503 of the*  
24 *Small Business Investment Act of 1958, as amended, shall*  
25 *not exceed the amount of financings authorized under sec-*  
26 *tion 20(n)(2)(B) of the Small Business Act, as amended:*

1 *Provided further, That during fiscal year 1998, commit-*  
2 *ments for general business loans authorized under section*  
3 *7(a) of the Small Business Act, as amended, shall not exceed*  
4 *\$10,000,000,000 without prior notification of the Commit-*  
5 *tees on Appropriations of the House of Representatives and*  
6 *Senate in accordance with section 605 of this Act.*

7 *In addition, for administrative expenses to carry out*  
8 *the direct and guaranteed loan programs, \$94,000,000,*  
9 *which may be transferred to and merged with the appro-*  
10 *priations for Salaries and Expenses.*

11 *DISASTER LOANS PROGRAM ACCOUNT*

12 *For the cost of direct loans authorized by section 7(b)*  
13 *of the Small Business Act, as amended, \$23,200,000, to re-*  
14 *main available until expended: Provided, That such costs,*  
15 *including the cost of modifying such loans, shall be as de-*  
16 *finied in section 502 of the Congressional Budget Act of*  
17 *1974.*

18 *In addition, for administrative expenses to carry out*  
19 *the direct loan program, \$150,000,000, including not to ex-*  
20 *ceed \$500,000 for the Office of Inspector General of the*  
21 *Small Business Administration for audits and reviews of*  
22 *disaster loans and the disaster loan program, and said*  
23 *sums shall be transferred to and merged with appropria-*  
24 *tions for the Office of the Inspector General.*

1           *SURETY BOND GUARANTEES REVOLVING FUND*

2           *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*  
3 *without fiscal year limitation as authorized by 15 U.S.C.*  
4 *631 note.*

7           *ADMINISTRATIVE PROVISION—SMALL BUSINESS*8                           *ADMINISTRATION*

9           *Not to exceed 5 percent of any appropriation made*  
10 *available for the current fiscal year for the Small Business*  
11 *Administration in this Act may be transferred between such*  
12 *appropriations, but no such appropriation shall be in-*  
13 *creased by more than 10 percent by any such transfers: Pro-*  
14 *vided, That any transfer pursuant to this paragraph shall*  
15 *be treated as a reprogramming of funds under section 605*  
16 *of this Act and shall not be available for obligation or ex-*  
17 *penditure except in compliance with the procedures set forth*  
18 *in that section.*

19                           *STATE JUSTICE INSTITUTE*20                           *SALARIES AND EXPENSES*

21           *For necessary expenses of the State Justice Institute,*  
22 *as authorized by the State Justice Institute Authorization*  
23 *Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)),*  
24 *\$6,850,000, to remain available until expended: Provided,*  
25 *That not to exceed \$2,500 shall be available for official re-*  
26 *ception and representation expenses.*

1            *TITLE VI—GENERAL PROVISIONS*

2            *SEC. 601. No part of any appropriation contained in*  
3 *this Act shall be used for publicity or propaganda purposes*  
4 *not authorized by the Congress.*

5            *SEC. 602. No part of any appropriation contained in*  
6 *this Act shall remain available for obligation beyond the*  
7 *current fiscal year unless expressly so provided herein.*

8            *SEC. 603. The expenditure of any appropriation under*  
9 *this Act for any consulting service through procurement*  
10 *contract, pursuant to 5 U.S.C. 3109, shall be limited to*  
11 *those contracts where such expenditures are a matter of pub-*  
12 *lic record and available for public inspection, except where*  
13 *otherwise provided under existing law, or under existing*  
14 *Executive order issued pursuant to existing law.*

15            *SEC. 604. If any provision of this Act or the applica-*  
16 *tion of such provision to any person or circumstances shall*  
17 *be held invalid, the remainder of the Act and the applica-*  
18 *tion of each provision to persons or circumstances other*  
19 *than those as to which it is held invalid shall not be affected*  
20 *thereby.*

21            *SEC. 605. (a) None of the funds provided under this*  
22 *Act, or provided under previous appropriations Acts to the*  
23 *agencies funded by this Act that remain available for obli-*  
24 *gation or expenditure in fiscal year 1998, or provided from*  
25 *any accounts in the Treasury of the United States derived*

1 *by the collection of fees available to the agencies funded by*  
2 *this Act, shall be available for obligation or expenditure*  
3 *through a reprogramming of funds which: (1) creates new*  
4 *programs; (2) eliminates a program, project, or activity;*  
5 *(3) increases funds or personnel by any means for any*  
6 *project or activity for which funds have been denied or re-*  
7 *stricted; (4) relocates an office or employees; (5) reorganizes*  
8 *offices, programs, or activities; or (6) contracts out or*  
9 *privatizes any functions, or activities presently performed*  
10 *by Federal employees; unless the Appropriations Commit-*  
11 *tees of both Houses of Congress are notified fifteen days in*  
12 *advance of such reprogramming of funds.*

13 *(b) None of the funds provided under this Act, or pro-*  
14 *vided under previous appropriations Acts to the agencies*  
15 *funded by this Act that remain available for obligation or*  
16 *expenditure in fiscal year 1998, or provided from any ac-*  
17 *counts in the Treasury of the United States derived by the*  
18 *collection of fees available to the agencies funded by this*  
19 *Act, shall be available for obligation or expenditure for ac-*  
20 *tivities, programs, or projects through a reprogramming of*  
21 *funds in excess of \$500,000 or 10 percent, whichever is less,*  
22 *that: (1) augments existing programs, projects, or activities;*  
23 *(2) reduces by 10 percent funding for any existing program,*  
24 *project, or activity, or numbers of personnel by 10 percent*  
25 *as approved by Congress; or (3) results from any general*

1 *savings from a reduction in personnel which would result*  
2 *in a change in existing programs, activities, or projects as*  
3 *approved by Congress; unless the Appropriations Commit-*  
4 *tees of both Houses of Congress are notified fifteen days in*  
5 *advance of such reprogramming of funds.*

6       *SEC. 606. None of the funds made available in this*  
7 *Act may be used for the construction, repair (other than*  
8 *emergency repair), overhaul, conversion, or modernization*  
9 *of vessels for the National Oceanic and Atmospheric Admin-*  
10 *istration in shipyards located outside of the United States.*

11       *SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIP-*  
12 *MENT AND PRODUCTS.—It is the sense of the Congress that,*  
13 *to the greatest extent practicable, all equipment and prod-*  
14 *ucts purchased with funds made available in this Act should*  
15 *be American-made.*

16       *(b) NOTICE REQUIREMENT.—In providing financial*  
17 *assistance to, or entering into any contract with, any entity*  
18 *using funds made available in this Act, the head of each*  
19 *Federal agency, to the greatest extent practicable, shall pro-*  
20 *vide to such entity a notice describing the statement made*  
21 *in subsection (a) by the Congress.*

22       *(c) PROHIBITION OF CONTRACTS WITH PERSONS*  
23 *FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—*  
24 *If it has been finally determined by a court or Federal agen-*  
25 *cy that any person intentionally affixed a label bearing a*



1 *“Made in America” inscription, or any inscription with*  
2 *the same meaning, to any product sold in or shipped to*  
3 *the United States that is not made in the United States,*  
4 *the person shall be ineligible to receive any contract or sub-*  
5 *contract made with funds made available in this Act, pur-*  
6 *suant to the debarment, suspension, and ineligibility proce-*  
7 *dures described in sections 9.400 through 9.409 of title 48,*  
8 *Code of Federal Regulations.*

9       *SEC. 608. None of the funds made available in this*  
10 *Act may be used to implement, administer, or enforce any*  
11 *guidelines of the Equal Employment Opportunity Commis-*  
12 *sion covering harassment based on religion, when it is made*  
13 *known to the Federal entity or official to which such funds*  
14 *are made available that such guidelines do not differ in any*  
15 *respect from the proposed guidelines published by the Com-*  
16 *mission on October 1, 1993 (58 Fed. Reg. 51266).*

17       *SEC. 609. None of the funds appropriated or otherwise*  
18 *made available by this Act may be obligated or expended*  
19 *to pay for any cost incurred for: (1) opening or operating*  
20 *any United States diplomatic or consular post in the So-*  
21 *cialist Republic of Vietnam that was not operating on July*  
22 *11, 1995; (2) expanding any United States diplomatic or*  
23 *consular post in the Socialist Republic of Vietnam that was*  
24 *operating on July 11, 1995; or (3) increasing the total*  
25 *number of personnel assigned to United States diplomatic*

1 *or consular posts in the Socialist Republic of Vietnam above*  
2 *the levels existing on July 11, 1995, unless the President*  
3 *certifies within 60 days the following:*

4 *(A) Based upon all information available to the*  
5 *United States Government, the Government of the So-*  
6 *cialist Republic of Vietnam is fully cooperating in*  
7 *good faith with the United States in the following:*

8 *(i) Resolving discrepancy cases, live*  
9 *sightings, and field activities.*

10 *(ii) Recovering and repatriating American*  
11 *remains.*

12 *(iii) Accelerating efforts to provide docu-*  
13 *ments that will help lead to fullest possible ac-*  
14 *counting of prisoners of war and missing in ac-*  
15 *tion.*

16 *(iv) Providing further assistance in imple-*  
17 *menting trilateral investigations with Laos.*

18 *(B) The remains, artifacts, eyewitness accounts,*  
19 *archival material, and other evidence associated with*  
20 *prisoners of war and missing in action recovered*  
21 *from crash sites, military actions, and other locations*  
22 *in Southeast Asia are being thoroughly analyzed by*  
23 *the appropriate laboratories with the intent of provid-*  
24 *ing surviving relatives with scientifically defensible,*  
25 *legal determinations of death or other accountability*

1        *that are fully documented and available in unclassi-*  
2        *fied and unredacted form to immediate family mem-*  
3        *bers.*

4        *SEC. 610. None of the funds made available by this*  
5        *Act may be used for any United Nations undertaking when*  
6        *it is made known to the Federal official having authority*  
7        *to obligate or expend such funds: (1) that the United Na-*  
8        *tions undertaking is a peacekeeping mission; (2) that such*  
9        *undertaking will involve United States Armed Forces under*  
10       *the command or operational control of a foreign national;*  
11       *and (3) that the President's military advisors have not sub-*  
12       *mitted to the President a recommendation that such in-*  
13       *volvement is in the national security interests of the United*  
14       *States and the President has not submitted to the Congress*  
15       *such a recommendation.*

16       *SEC. 611. None of the funds made available in this*  
17       *Act shall be used to provide the following amenities or per-*  
18       *sonal comforts in the Federal prison system—*

19                *(1) in-cell television viewing except for prisoners*  
20        *who are segregated from the general prison popu-*  
21        *lation for their own safety;*

22                *(2) the viewing of R, X, and NC-17 rated mov-*  
23        *ies, through whatever medium presented;*

24                *(3) any instruction (live or through broadcasts)*  
25        *or training equipment for boxing, wrestling, judo, ka-*

1        *rate, or other martial art, or any bodybuilding or*  
2        *weightlifting equipment of any sort;*

3            *(4) possession of in-cell coffee pots, hot plates or*  
4        *heating elements; or*

5            *(5) the use or possession of any electric or elec-*  
6        *tronic musical instrument.*

7        *SEC. 612. None of the funds made available in title*  
8        *II for the National Oceanic and Atmospheric Administra-*  
9        *tion (NOAA) under the headings “Operations, Research,*  
10       *and Facilities” and “Procurement, Acquisition and Con-*  
11       *struction” may be used to implement sections 603, 604, and*  
12       *605 of Public Law 102–567: Provided, That NOAA may*  
13       *develop a modernization plan for its fisheries research ves-*  
14       *sels that takes fully into account opportunities for contract-*  
15       *ing for fisheries surveys.*

16       *SEC. 613. Any costs incurred by a Department or*  
17       *agency funded under this Act resulting from personnel ac-*  
18       *tions taken in response to funding reductions included in*  
19       *this Act shall be absorbed within the total budgetary re-*  
20       *sources available to such Department or agency: Provided,*  
21       *That the authority to transfer funds between appropriations*  
22       *accounts as may be necessary to carry out this section is*  
23       *provided in addition to authorities included elsewhere in*  
24       *this Act: Provided further, That use of funds to carry out*  
25       *this section shall be treated as a reprogramming of funds*

1 *under section 605 of this Act and shall not be available for*  
2 *obligation or expenditure except in compliance with the*  
3 *procedures set forth in that section.*

4       *SEC. 614. None of the funds made available in this*  
5 *Act to the Federal Bureau of Prisons may be used to distrib-*  
6 *ute or make available any commercially published informa-*  
7 *tion or material to a prisoner when it is made known to*  
8 *the Federal official having authority to obligate or expend*  
9 *such funds that such information or material is sexually*  
10 *explicit or features nudity.*

11       *SEC. 615. Of the funds appropriated in this Act under*  
12 *the heading “OFFICE OF JUSTICE PROGRAMS—STATE AND*  
13 *LOCAL LAW ENFORCEMENT ASSISTANCE”, not more than 90*  
14 *percent of the amount to be awarded to an entity under*  
15 *the Local Law Enforcement Block Grant shall be made*  
16 *available to such an entity when it is made known to the*  
17 *Federal official having authority to obligate or expend such*  
18 *funds that the entity that employs a public safety officer*  
19 *(as such term is defined in section 1204 of title I of the*  
20 *Omnibus Crime Control and Safe Streets Act of 1968) does*  
21 *not provide such a public safety officer who retires or is*  
22 *separated from service due to injury suffered as the direct*  
23 *and proximate result of a personal injury sustained in the*  
24 *line of duty while responding to an emergency situation*  
25 *or a hot pursuit (as such terms are defined by State law)*

1 *with the same or better level of health insurance benefits*  
2 *that are paid by the entity at the time of retirement or*  
3 *separation.*

4 *SEC. 616. (a) None of the funds made available in this*  
5 *Act may be used to issue or renew a fishing permit or au-*  
6 *thorization for any fishing vessel of the United States great-*  
7 *er than 165 feet in registered length or of more than 750*  
8 *gross registered tons, and that has an engine or engines ca-*  
9 *pable of producing a total of more than 3,000 shaft horse-*  
10 *power—*

11 *(1) as specified in the permit application re-*  
12 *quired under part 648.4(a)(5) of title 50, Code of*  
13 *Federal Regulations, part 648.12 of title 50, Code of*  
14 *Federal Regulations, and the authorization required*  
15 *under part 648.80(d)(2) of title 50, Code of Federal*  
16 *Regulations, to engage in fishing for Atlantic mack-*  
17 *erel or herring (or both) under the Magnuson-Stevens*  
18 *Fishery Conservation and Management Act (16*  
19 *U.S.C. 1801 et seq.); or*

20 *(2) that would allow such a vessel to engage in*  
21 *the catching, taking, or harvesting of fish in any*  
22 *other fishery within the exclusive economic zone of the*  
23 *United States (except territories), unless a certificate*  
24 *of documentation had been issued for the vessel and*  
25 *endorsed with a fishery endorsement that was effective*

1        *on September 25, 1997 and such fishery endorsement*  
2        *was not surrendered at any time thereafter.*

3        *(b) Any fishing permit or authorization issued or re-*  
4        *newed prior to the date of the enactment of this Act for*  
5        *a fishing vessel to which the prohibition in subsection (a)(1)*  
6        *applies that would allow such vessel to engage in fishing*  
7        *for Atlantic mackerel or herring (or both) during fiscal year*  
8        *1998 shall be null and void, and none of the funds made*  
9        *available in this Act may be used to issue a fishing permit*  
10       *or authorization that would allow a vessel whose permit or*  
11       *authorization was made null and void pursuant to this sub-*  
12       *section to engage in the catching, taking, or harvesting of*  
13       *fish in any other fishery within the exclusive economic zone*  
14       *of the United States.*

15       *SEC. 617. During fiscal year 1998 and in any fiscal*  
16       *year thereafter, the court, in any criminal case (other than*  
17       *a case in which the defendant is represented by assigned*  
18       *counsel paid for by the public) pending on or after the date*  
19       *of the enactment of this Act, may award to a prevailing*  
20       *party, other than the United States, a reasonable attorney's*  
21       *fee and other litigation expenses, where the court finds that*  
22       *the position of the United States was vexatious, frivolous,*  
23       *or in bad faith, unless the court finds that special cir-*  
24       *cumstances make such an award unjust. Such awards shall*  
25       *be granted pursuant to the procedures and limitations (but*

1 *not the burden of proof) provided for an award under sec-*  
2 *tion 2412 of title 28, United States Code. To determine*  
3 *whether or not to award fees and costs under this section,*  
4 *the court, for good cause shown, may receive evidence ex*  
5 *parte and in camera (which shall include the submission*  
6 *of classified evidence or evidence that reveals or might reveal*  
7 *the identity of an informant or undercover agent or matters*  
8 *occurring before a grand jury) and evidence or testimony*  
9 *so received shall be kept under seal. Fees and other expenses*  
10 *awarded under this provision to a party shall be paid by*  
11 *the agency over which the party prevails from any funds*  
12 *made available to the agency by appropriation. No new ap-*  
13 *propriations shall be made as a result of this provision.*

14       *SEC. 618. None of the funds provided by this Act shall*  
15 *be available to promote the sale or export of tobacco or to-*  
16 *bacco products, or to seek the reduction or removal by any*  
17 *foreign country of restrictions on the marketing of tobacco*  
18 *or tobacco products, except for restrictions which are not*  
19 *applied equally to all tobacco or tobacco products of the*  
20 *same type.*

21       *SEC. 619. None of the funds made available in this*  
22 *Act may be used to pay the expenses of an election officer*  
23 *appointed by a court to oversee an election of any officer*  
24 *or trustee for the International Brotherhood of Teamsters.*



1        *SEC. 620. The second proviso of the second paragraph*  
2 *under the heading “OFFICE OF THE CHIEF SIGNAL OFFI-*  
3 *CER.” in the Act entitled “An Act Making appropriations*  
4 *for the support of the Regular and Volunteer Army for the*  
5 *fiscal year ending June thirtieth, nineteen hundred and*  
6 *one”, approved May 26, 1900 (31 Stat. 206; chapter 586;*  
7 *47 U.S.C. 17), is repealed.*

8        *SEC. 621. None of the funds appropriated or otherwise*  
9 *made available in this Act shall be used to issue visas to*  
10 *any person who—*

11            *(1) has been credibly alleged to have ordered,*  
12 *carried out, or materially assisted in the extrajudicial*  
13 *and political killings of Antoine Izmery, Guy Malary,*  
14 *Father Jean-Marie Vincent, Pastor Antoine Leroy,*  
15 *Jacques Fleurival, Mireille Durocher Bertin, Eugene*  
16 *Baillergeau, Michelange Hermann, Max Mayard,*  
17 *Romulus Dumarsais, Claude Yves Marie, Mario*  
18 *Beaubrun, Leslie Grimar, Joseph Chilove, Michel*  
19 *Gonzalez, and Jean-Hubert Feuille;*

20            *(2) has been included in the list presented to*  
21 *former President Jean-Bertrand Aristide by former*  
22 *National Security Council Advisor Anthony Lake in*  
23 *December 1995, and acted upon by President Rene*  
24 *Preval;*

1           (3) was sought for an interview by the Federal  
2 Bureau of Investigation as part of its inquiry into  
3 the March 28, 1995, murder of Mireille Durocher  
4 Bertin and Eugene Baillergeau, Jr., and was credibly  
5 alleged to have ordered, carried out, or materially as-  
6 sisted in those murders, per a June 28, 1995, letter  
7 to the then Minister of Justice of the Government of  
8 Haiti, Jean-Joseph Exume;

9           (4) was a member of the Haitian High Com-  
10 mand during the period 1991 through 1994, and has  
11 been credibly alleged to have planned, ordered, or par-  
12 ticipated with members of the Haitian Armed Forces  
13 in—

14           (A) the September 1991 coup against any  
15 person who was a duly elected government offi-  
16 cial of Haiti (or a member of the family of such  
17 official), or

18           (B) the murders of thousands of Haitians  
19 during the period 1991 through 1994; or

20           (5) has been credibly alleged to have been a  
21 member of the paramilitary organization known as  
22 FRAPH who planned, ordered, or participated in  
23 acts of violence against the Haitian people.

24           (b) EXEMPTION.—Subsection (a) shall not apply if the  
25 Secretary of State finds, on a case-by-case basis, that the

1 *entry into the United States of a person who would other-*  
2 *wise be excluded under this section is necessary for medical*  
3 *reasons or such person has cooperated fully with the inves-*  
4 *tigation of these political murders. If the Secretary of State*  
5 *exempts any such person, the Secretary shall notify the ap-*  
6 *propriate congressional committees in writing.*

7       (c) *REPORTING REQUIREMENT.—(1) The United*  
8 *States chief of mission in Haiti shall provide the Secretary*  
9 *of State a list of those who have been credibly alleged to*  
10 *have ordered or carried out the extrajudicial and political*  
11 *killings mentioned in paragraph (1) of subsection (a).*

12       (2) *The Secretary of State shall submit the list pro-*  
13 *vided under paragraph (1) to the appropriate congressional*  
14 *committees not later than 3 months after the date of enact-*  
15 *ment of this Act.*

16       (3) *The Secretary of State shall submit to the appro-*  
17 *priate congressional committees a list of aliens denied visas,*  
18 *and the Attorney General shall submit to the appropriate*  
19 *congressional committees a list of aliens refused entry to*  
20 *the United States as a result of this provision.*

21       (4) *The Secretary of State shall submit a report under*  
22 *this subsection not later than 6 months after the date of*  
23 *enactment of this Act and not later than March 1 of each*  
24 *year thereafter as long as the Government of Haiti has not*  
25 *completed the investigation of the extrajudicial and politi-*

1 *cal killings and has not prosecuted those implicated for the*  
2 *killings specified in paragraph (1) of subsection (a).*

3 (d) *DEFINITION.—In this section, the term “appro-*  
4 *priate congressional committees” means the Committee on*  
5 *International Relations and the Committee on Appropria-*  
6 *tions of the House of Representatives and the Committee*  
7 *on Foreign Relations and the Committee on Appropriations*  
8 *of the Senate.*

9 *SEC. 622. Section 3006 of the Balanced Budget Act*  
10 *of 1997 (Public Law 105–33; 111 Stat. 251, 269) is hereby*  
11 *repealed. This section shall be deemed a section of the Bal-*  
12 *anced Budget Act of 1997 for the purposes of section 10213*  
13 *of that Act (111 Stat. 712), and shall be scored pursuant*  
14 *to paragraph (2) of such section.*

15 *SEC. 623. (a) REPORT ON UNIVERSAL SERVICE UNDER*  
16 *THE TELECOMMUNICATIONS ACT OF 1996.—The Federal*  
17 *Communications Commission shall undertake a review of*  
18 *the implementation by the Commission of the provisions of*  
19 *the Telecommunications Act of 1996 (Public Law 104–104)*  
20 *relating to universal service. Such review shall be completed*  
21 *and submitted to the Congress no later than April 10, 1998.*

22 (b) *The report required under subsection (a) shall pro-*  
23 *vide a detailed description of the extent to which the Com-*  
24 *mission interpretations reviewed under paragraphs (1)*  
25 *through (5) are consistent with the plain language of the*

1 *Communications Act of 1934 (47 U.S.C. 151 et seq.), as*  
2 *amended by the Telecommunications Act of 1996, and shall*  
3 *include a review of—*

4           (1) *the definitions of “information service,”*  
5 *“local exchange carrier,” “telecommunications,” “tele-*  
6 *communications service,” “telecommunications car-*  
7 *rier,” and “telephone exchange service” that were*  
8 *added to section 3 of the Communications Act of 1934*  
9 *(47 U.S.C. 153) by the Telecommunications Act of*  
10 *1996 and the impact of the Commission’s interpreta-*  
11 *tion of those definitions on the current and future*  
12 *provision of universal service to consumers in all*  
13 *areas of the nation, including high cost and rural*  
14 *areas;*

15           (2) *the application of those definitions to mixed*  
16 *or hybrid services and the impact of such application*  
17 *on universal service definitions and support, and the*  
18 *consistency of the Commission’s application of those*  
19 *definitions, including with respect to Internet access*  
20 *under section 254(h) of the Communications Act of*  
21 *1934 (47 U.S.C. 254(h));*

22           (3) *who is required to contribute to universal*  
23 *service under section 254(d) of the Communications*  
24 *Act of 1934 (47 U.S.C. 254(d)) and related existing*  
25 *federal universal service support mechanisms, and of*

1        *any exemption of providers or exclusion of any service*  
2        *that includes telecommunications from such require-*  
3        *ment or support mechanisms;*

4            (4) *who is eligible under sections 254(e),*  
5        *254(h)(1), and 254(h)(2) of the Communications Act*  
6        *of 1934 (47 U.S.C. 254(e), 254(h)(1), and 254(h)(2))*  
7        *to receive specific federal universal service support for*  
8        *the provision of universal service, and the consistency*  
9        *with which the Commission has interpreted each of*  
10       *those provisions of section 254; and*

11           (5) *the Commission's decisions regarding the*  
12        *percentage of universal service support provided by*  
13        *federal mechanisms and the revenue base from which*  
14        *such support is derived.*

15        *SEC. 624. Section 6(d)(1) of the National Foundation*  
16        *on the Arts and the Humanities Act of 1965 (20 U.S.C.*  
17        *955(d)(1)) is amended by striking the word "fourteen" and*  
18        *inserting in lieu thereof "eight".*

19        *SEC. 625. (a) Section 814(g)(1) of the Foreign Rela-*  
20        *tions Authorization Act, Fiscal Years 1986 and 1987 (22*  
21        *U.S.C. 2291 note) is amended by striking "\$325,000" and*  
22        *inserting "\$370,000".*

23           (b) *Section 814(i) of such section is amended by strik-*  
24        *ing "September 30, 1997" and inserting "September 30,*  
25        *1999".*

1       *SEC. 626. In addition to amounts otherwise made*  
2 *available for payment of obligations in carrying out 49*  
3 *U.S.C. 5338(a), \$50,000,000 shall remain available until*  
4 *expended and to be derived from the Highway Trust Fund:*  
5 *Provided, That \$50,000,000 shall be paid from the Mass*  
6 *Transit Account of the Highway Trust Fund to the Federal*  
7 *Transit Administration's formula grants account: Provided*  
8 *further, That subsection (c) of section 337 of the Department*  
9 *of Transportation and Related Agencies Appropriations*  
10 *Act, 1998 is amended by inserting after "House and Senate*  
11 *Committees on Appropriations", the following: "and the*  
12 *Senate Committee on Commerce, Science, and Transpor-*  
13 *tation".*

14       *SEC. 627. (a) Section 501(c)(4) of the District of Co-*  
15 *lumbia Police and Firemen's Act of 1958, (District of Co-*  
16 *lumbia Code, section 4-416(c)(4)), is amended by striking*  
17 *"locality pay" and inserting "longevity pay".*

18       *(b) The amendment made by section (a) is effective on*  
19 *the date of enactment of Public Law 105-61.*

20       *SEC. 628. Section 19(a) of the Indian Gaming Regu-*  
21 *latory Act (25 U.S.C. 2718(a)) is amended to read as fol-*  
22 *lows:*

23       *"(a) Subject to section 18, there are authorized to be*  
24 *appropriated, for fiscal year 1998, and for each fiscal year*

1 *thereafter, an amount equal to the amount of funds derived*  
2 *from the assessments authorized by section 18(a).”.*

3 *SEC. 629. (a) IN GENERAL.—The Secretary of Energy*  
4 *shall—*

5 *(1) convey, without consideration, to the Incorporated*  
6 *County of Los Alamos, New Mexico (in this*  
7 *section referred to as the “County”), or to the designee*  
8 *of the County, fee title to the parcels of land that are*  
9 *allocated for conveyance to the County in the agree-*  
10 *ment under subsection (e); and*

11 *(2) transfer to the Secretary of the Interior, in*  
12 *trust for the Pueblo of San Ildefonso (in this section*  
13 *referred to as the “Pueblo”), administrative jurisdic-*  
14 *tion over the parcels that are allocated for transfer to*  
15 *the Secretary of the Interior in such agreement.*

16 *(b) PRELIMINARY IDENTIFICATION OF PARCELS OF*  
17 *LAND FOR CONVEYANCE OR TRANSFER.—(1) Not later than*  
18 *90 days after the date of enactment of this Act, the Sec-*  
19 *retary of Energy shall submit to the congressional defense*  
20 *committees a report identifying the parcels of land under*  
21 *the jurisdiction or administrative control of the Secretary*  
22 *at or in the vicinity of Los Alamos National Laboratory*  
23 *that are suitable for conveyance or transfer under this sec-*  
24 *tion.*



1       (2) *A parcel is suitable for conveyance or transfer for*  
2 *purposes of paragraph (1) if the parcel—*

3           (A) *is not required to meet the national security*  
4 *mission of the Department of Energy or will not be*  
5 *required for that purpose before the end of the 10-year*  
6 *period beginning on the date of enactment of this Act;*

7           (B) *is likely to be conveyable or transferable, as*  
8 *the case may be, under this section not later than the*  
9 *end of such period; and*

10          (C) *is suitable for use for a purpose specified in*  
11 *subsection (h).*

12       (c) *REVIEW OF TITLE.—(1) Not later than one year*  
13 *after the date of enactment of this Act, the Secretary shall*  
14 *submit to the congressional defense committees a report set-*  
15 *ting forth the results of a title search on each parcel of land*  
16 *identified as suitable for conveyance or transfer under sub-*  
17 *section (b), including an analysis of any claims against or*  
18 *other impairments to the fee title to each such parcel.*

19       (2) *In the period beginning on the date of the comple-*  
20 *tion of the title search with respect to a parcel under para-*  
21 *graph (1) and ending on the date of the submittal of the*  
22 *report under that paragraph, the Secretary shall take ap-*  
23 *propriate actions to resolve the claims against or other im-*  
24 *pairments, if any, to fee title that are identified with respect*  
25 *to the parcel in the title search.*

1       (d) *ENVIRONMENTAL RESTORATION.*—(1) *Not later*  
2 *than 21 months after the date of enactment of this Act, the*  
3 *Secretary shall—*

4           (A) *identify the environmental restoration or re-*  
5 *mediation, if any, that is required with respect to*  
6 *each parcel of land identified under subsection (b) to*  
7 *which the United States has fee title;*

8           (B) *carry out any review of the environmental*  
9 *impact of the conveyance or transfer of each such par-*  
10 *cel that is required under the provisions of the Na-*  
11 *tional Environmental Policy Act of 1969 (42 U.S.C.*  
12 *4321 et seq.); and*

13           (C) *submit to Congress a report setting forth the*  
14 *results of the activities under subparagraphs (A) and*  
15 *(B).*

16       (2) *If the Secretary determines under paragraph (1)*  
17 *that a parcel described in paragraph (1)(A) requires envi-*  
18 *ronmental restoration or remediation, the Secretary shall,*  
19 *to the maximum extent practicable, complete the environ-*  
20 *mental restoration or remediation of the parcel not later*  
21 *than 10 years after the date of enactment of this Act.*

22       (e) *AGREEMENT FOR ALLOCATION OF PARCELS.*—*As*  
23 *soon as practicable after completing the review of titles to*  
24 *parcels of land under subsection (c), but not later than 90*  
25 *days after the submittal of the report under subsection*

1 *(d)(1)(C), the County and the Pueblo shall submit to the*  
2 *Secretary an agreement between the County and the Pueblo*  
3 *which allocates between the County and the Pueblo the par-*  
4 *cels identified for conveyance or transfer under subsection*  
5 *(b).*

6 *(f) PLAN FOR CONVEYANCE AND TRANSFER.—(1) Not*  
7 *later than 90 days after the date of the submittal to the*  
8 *Secretary of Energy of the agreement under subsection (e),*  
9 *the Secretary shall submit to the congressional defense com-*  
10 *mittees a plan for conveying or transferring parcels of land*  
11 *under this section in accordance with the allocation speci-*  
12 *fied in the agreement.*

13 *(2) The plan under paragraph (1) shall provide for*  
14 *the completion of the conveyance or transfer of parcels*  
15 *under this section not later than 9 months after the date*  
16 *of the submittal of the plan under that paragraph.*

17 *(g) CONVEYANCE OR TRANSFER.—(1) Subject to para-*  
18 *graphs (2) and (3), the Secretary shall convey or transfer*  
19 *parcels of land in accordance with the allocation specified*  
20 *in the agreement submitted to the Secretary under sub-*  
21 *section (e).*

22 *(2) In the case of a parcel allocated under the agree-*  
23 *ment that is not available for conveyance or transfer in ac-*  
24 *cordance with the requirement in subsection (f)(2) by reason*  
25 *of its requirement to meet the national security mission of*

1 *the Department, the Secretary shall convey or transfer the*  
2 *parcel, as the case may be, when the parcel is no longer*  
3 *required for that purpose.*

4       (3)(A) *In the case of a parcel allocated under the agree-*  
5 *ment that is not available for conveyance or transfer in ac-*  
6 *cordance with such requirement by reason of requirements*  
7 *for environmental restoration or remediation, the Secretary*  
8 *shall convey or transfer the parcel, as the case may be, upon*  
9 *the completion of the environmental restoration or remedi-*  
10 *ation that is required with respect to the parcel.*

11       (B) *If the Secretary determines that environmental*  
12 *restoration or remediation cannot reasonably be expected*  
13 *to be completed with respect to a parcel by the end of the*  
14 *10-year period beginning on the date of enactment of this*  
15 *Act, the Secretary shall not convey or transfer the parcel*  
16 *under this section.*

17       (h) *USE OF CONVEYED OR TRANSFERRED LAND.—The*  
18 *parcels of land conveyed or transferred under this section*  
19 *shall be used for historic, cultural, or environmental preser-*  
20 *vation purposes, economic diversification purposes, or com-*  
21 *munity self-sufficiency purposes.*

22       (i) *TREATMENT OF CONVEYANCES AND TRANSFERS.—*  
23 *(1) The purpose of the conveyances and transfers under this*  
24 *section is to fulfill the obligations of the United States with*  
25 *respect to Los Alamos National Laboratory, New Mexico,*

1 *under sections 91 and 94 of the Atomic Energy Community*  
2 *Act of 1955 (42 U.S.C. 2391, 2394).*

3       (2) *Upon the completion of the conveyance or transfer*  
4 *of the parcels of land available for conveyance or transfer*  
5 *under this section, the Secretary shall make no further pay-*  
6 *ments with respect to Los Alamos National Laboratory*  
7 *under section 91 or section 94 of the Atomic Energy Com-*  
8 *munity Act of 1955.*

9       (j) *REPEAL OF SUPERSEDED PROVISION.—In the*  
10 *event of the enactment of the National Defense Authoriza-*  
11 *tion Act for Fiscal Year 1998 by reason of the approval*  
12 *of the President of the conference report to accompany the*  
13 *bill (H.R.1119) of the 105th Congress, section 3165 of such*  
14 *Act is repealed.*

15       SEC. 630. (a) *Section 6906 of title 31, United States*  
16 *Code, is amended—*

17               (1) *by inserting “(a) IN GENERAL.—” before*  
18 *“Necessary”; and*

19               (2) *by adding at the end the following:*

20       “(b) *LOCAL EXEMPTIONS FROM USER FEES DUE TO*  
21 *INSUFFICIENT APPROPRIATIONS.—*

22               “(1) *IN GENERAL.—Unless sufficient funds are*  
23 *appropriated for a fiscal year to provide full pay-*  
24 *ments under this chapter to each unit of general local*  
25 *government that lies in whole or in part within the*

1        *White Mountain National Forest and is eligible for*  
2        *the payments, persons residing within the boundaries*  
3        *of that unit of general local government shall be ex-*  
4        *empt during that fiscal year from any requirement to*  
5        *pay a Demonstration Program Fee (parking permit*  
6        *or passport) imposed by the Secretary of Agriculture*  
7        *for access to the Forest.*

8                *“(2) ADMINISTRATION.—The Secretary of Agri-*  
9        *culture shall establish a method of identifying persons*  
10        *who are exempt from requirements to pay user fees*  
11        *under paragraph (1).”.*

12        *SEC. 631. Section 512(b) of Public Law 105–61 is*  
13        *amended by adding before the period: “unless the President*  
14        *announced his intent to nominate the individual prior to*  
15        *November 30, 1997”.*

16        *SEC. 632. Transfers of Unobligated Highway Appor-*  
17        *tionments. (a) IN GENERAL.—Notwithstanding any other*  
18        *provision of law, for fiscal year 1998, a State may transfer*  
19        *any funds apportioned to the State for any program under*  
20        *section 104 (including amounts apportioned under section*  
21        *104(b)(3) or set aside or suballocated under section 133(d)),*  
22        *144, or 402 of title 23, United States Code, granted to the*  
23        *State for any program under section 410 of that title, or*  
24        *allocated to the State for any program under chapter 311*  
25        *of title 49, United States Code, that are subject to any limi-*

1 *tation on obligations, and that are not obligated, to any*  
2 *other of those programs.*

3       **(b) TREATMENT OF TRANSFERRED FUNDS.**—*Any*  
4 *funds transferred to another program under subsection (a)*  
5 *shall be subject to the provisions of the program to which*  
6 *the funds are transferred, except that funds transferred to*  
7 *the surface transportation program under section 133 of*  
8 *title 23, United States Code, other than paragraphs (1) and*  
9 *(2) of section 133(d) of that title, shall not be subject to*  
10 *section 133(d) of that title.*

11       **(c) RESTORATION OF APPORTIONMENTS.**—

12           **(1) IN GENERAL.**—*As soon as practicable after*  
13 *the date of enactment of a law reauthorizing the Fed-*  
14 *eral-aid highway program enacted after the date of*  
15 *enactment of this Act, the Secretary of Transportation*  
16 *(referred to in this section as the “Secretary”) shall*  
17 *restore any funds that a State transferred under sub-*  
18 *section (a) for any project not eligible for the funds*  
19 *but for this section to the program category from*  
20 *which the funds were transferred.*

21           **(2) PROGRAM CATEGORY RECONCILIATION.**—*The*  
22 *Secretary may establish procedures under which*  
23 *funds transferred under subsection (a) from a pro-*  
24 *gram category for which funds are no longer author-*

1        *ized may be restored to the Federal-aid highway pro-*  
2        *gram.*

3        *(d) LIMITATION ON OBLIGATIONS.—*

4            *(1) IN GENERAL.—The Secretary shall allocate to*  
5        *a State an amount of obligation authority made*  
6        *available under the Department of Transportation*  
7        *and Related Agencies Appropriations Act, 1998 (Pub-*  
8        *lic Law 105–66; 111 Stat. 1425), that is not greater*  
9        *than 75 percent of the State’s total fiscal year 1997*  
10       *obligation authority for funds apportioned for the*  
11       *Federal-aid highway program until the earlier of—*

12            *(A) such time as a multiyear law reauthor-*  
13        *izing the Federal-aid highway program has been*  
14        *enacted; or*

15            *(B) July 1, 1998.*

16        *(2) CONTRACT AUTHORITY.—No contract author-*  
17        *ity made available to the States before July 1, 1998,*  
18        *shall be obligated after that date until such time as*  
19        *a multiyear law reauthorizing the Federal-aid high-*  
20        *way program has been enacted.*

21        *(e) GUIDANCE.—The Secretary may issue guidance for*  
22        *use in carrying out this section.*

23        *SEC. 633. ADMINISTRATIVE EXPENSES FOR FEDERAL-*  
24        *AID HIGHWAY PROGRAM AND BUREAU OF TRANSPOR-*  
25        *TATION STATISTICS. (a) AUTHORITY TO BORROW.—*



1           (1) *FROM UNOBLIGATED FUNDS AVAILABLE FOR*  
2           *DISCRETIONARY ALLOCATIONS.*—*If unobligated bal-*  
3           *ances of funds deducted by the Secretary of Transpor-*  
4           *tation (referred to in this section as the “Secretary”)*  
5           *under section 104(a) of title 23, United States Code,*  
6           *for administrative and research expenses of the Fed-*  
7           *eral-aid highway program are insufficient to pay*  
8           *those expenses and the amounts necessary for oper-*  
9           *ation of the Bureau of Transportation Statistics for*  
10          *fiscal year 1998, the Secretary may borrow to pay*  
11          *those expenses and amounts not to exceed*  
12          *\$211,000,000 from unobligated funds available to the*  
13          *Secretary for discretionary allocations.*

14          (2) *FROM CERTAIN UNOBLIGATED BALANCES.*—*If*  
15          *unobligated funds available to the Secretary for dis-*  
16          *cretionary allocations are insufficient for the purposes*  
17          *described in paragraph (1), the Secretary may borrow*  
18          *for those purposes not to exceed \$211,000,000 from the*  
19          *unobligated balances of funds apportioned or allo-*  
20          *cated to the States for the Federal-aid highway pro-*  
21          *gram.*

22          (b) *REQUIREMENT TO REIMBURSE.*—*Funds borrowed*  
23          *under subsection (a) shall be reimbursed from amounts*  
24          *made available to the Secretary under section 104(a) of title*  
25          *23, United States Code, as soon as practicable after the date*

1 *of enactment of a law reauthorizing the Federal-aid high-*  
 2 *way program enacted after the date of enactment of this*  
 3 *Act.*

4       *SEC. 634. EXTENSION OF FEDERAL TRANSIT PRO-*  
 5 *GRAMS. (a) Title III of the Intermodal Surface Transpor-*  
 6 *tation Efficiency Act of 1991 (105 Stat. 2087–2140) is*  
 7 *amended by adding at the end the following:*

8       **“SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS**  
 9                   **FOR THE PERIOD OF OCTOBER 1, 1997,**  
 10                   **THROUGH MARCH 31, 1998.**

11       “(a) *ALLOCATING AMOUNTS.*—*Section 5309(m)(1) of*  
 12 *title 49, United States Code, is amended by inserting ‘, and*  
 13 *for the period of October 1, 1997, through March 31, 1998’*  
 14 *after ‘1997’.*

15       “(b) *APPORTIONMENT OF APPROPRIATIONS FOR FIXED*  
 16 *GUIDEWAY MODERNIZATION.*—*Section 5337 of title 49,*  
 17 *United States Code, is amended—*

18               “(1) *in subsection (a), by inserting ‘and for the*  
 19 *period of October 1, 1997, through March 31, 1998,’*  
 20 *after ‘1997,’; and*

21               “(2) *by adding at the end the following:*

22       “(e) *SPECIAL RULE FOR OCTOBER 1, 1997, THROUGH*  
 23 *MARCH 31, 1998.*—*The Secretary shall determine the*  
 24 *amount that each urbanized area is to be apportioned for*  
 25 *fixed guideway modernization under this section on a pro*

1 *rata basis to reflect the partial fiscal year 1998 funding*  
2 *made available by section 5338(b)(1)(F).’.*

3 “(c) *AUTHORIZATIONS.—Section 5338 of title 49,*  
4 *United States Code, is amended—*

5 “(1) *in subsection (a)—*

6 “(A) *in paragraph (1), by adding at the*  
7 *end the following:*

8 “‘(F) *\$1,349,395,000 for the period of October 1,*  
9 *1997, through March 31, 1998.’; and*

10 “(B) *in paragraph (2), by adding at the*  
11 *end the following:*

12 “‘(F) *\$369,000,000 for the period of October 1,*  
13 *1997, through March 31, 1998.’;*

14 “(2) *in subsection (b)(1), by adding at the end*  
15 *the following:*

16 “‘(F) *\$1,110,605,000 for the period of October 1,*  
17 *1997, through March 31, 1998.’;*

18 “(3) *in subsection (c), by inserting ‘and not*  
19 *more than \$1,500,000 for the period of October 1,*  
20 *1997, through March 31, 1998,’ after ‘1997.’;*

21 “(4) *in subsection (e), by inserting ‘and not*  
22 *more than \$3,000,000 is available from the Fund (ex-*  
23 *cept the Account) for the Secretary for the period of*  
24 *October 1, 1997, through March 31, 1998,’ after*  
25 *‘1997.’;*

1           “(5) in subsection (h)(3), by inserting ‘and  
2           \$3,000,000 is available for section 5317 for the period  
3           of October 1, 1997, through March 31, 1998’ after  
4           ‘1997’;

5           “(6) in subsection (j)(5)—

6           “(A) in subparagraph (B), by striking ‘and’  
7           at the end;

8           “(B) in subparagraph (C), by striking the  
9           period at the end and inserting ‘; and’; and

10          “(C) by adding at the end the following:

11          “‘(D) the lesser of \$1,500,000 or an amount  
12          that the Secretary determines is necessary is  
13          available to carry out section 5318 for the period  
14          of October 1, 1997, through March 31, 1998.’;

15          “(7) in subsection (k), by striking ‘or (e)’ and  
16          inserting ‘(e), or (m)’; and

17          “(8) by adding at the end the following:

18          “‘(m) SECTION 5316 FOR THE PERIOD OF OCTOBER  
19          1, 1997, THROUGH MARCH 31, 1998.—Not more than the  
20          following amounts may be appropriated to the Secretary  
21          from the Fund (except the Account) for the period of October  
22          1, 1997, through March 31, 1998:

23                 “‘(1) \$125,000 to carry out section 5316(a).

24                 “‘(2) \$1,500,000 to carry out section 5316(b).

25                 “‘(3) \$500,000 to carry out section 5316(c).

1           “(4) \$500,000 to carry out section 5316(d).

2           “(5) \$500,000 to carry out section 5316(e).’”.

3           (b) *BUDGET SCOREKEEPING.*—For purposes of the  
4 *Congressional Budget Act of 1974, as amended, the Bal-*  
5 *anced Budget and Emergency Deficit Control Act, as*  
6 *amended, and the Budget Enforcement Act of 1997, as*  
7 *amounts provided or otherwise made available in this sec-*  
8 *tion shall be treated as “direct spending” in an authoriza-*  
9 *tion Act.*

10                                   *TITLE VII—RESCISSIONS*

11                                   *DEPARTMENT OF JUSTICE*

12                                   *GENERAL ADMINISTRATION*

13                                   *WORKING CAPITAL FUND*

14                                   *(RESCISSION)*

15           *Of the unobligated balances available under this head-*  
16 *ing on September 30, 1997, \$100,000,000 are rescinded.*

17                                   *TITLE VIII—EMERGENCY SUPPLEMENTAL*

18                                   *APPROPRIATIONS*

19                                   *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*

20                                   *OPERATIONS, RESEARCH, AND FACILITIES*

21           *For an additional amount for “Operations, Research,*  
22 *and Facilities”; for emergency expenses to provide disaster*  
23 *assistance pursuant to section 312(a) of the Magnuson-Ste-*  
24 *vens Fishery Conservation and Management Act for the*  
25 *Bristol Bay and Kuskokwim areas of Alaska, \$7,000,000*  
26 *to remain available until expended: Provided, That the en-*

1 *tire amount is designated by Congress as an emergency re-*  
2 *quirement pursuant to section 251(b)(2)(D)(i) of the Bal-*  
3 *anced Budget and Emergency Deficit Control Act of 1985,*  
4 *as amended: Provided further, That the entire amount shall*  
5 *be available only to the extent that the Secretary of Com-*  
6 *merce transmits a determination that there is a commercial*  
7 *fishery failure.*

8 *This division may be cited as the “Departments of*  
9 *Commerce, Justice, and State, the Judiciary, and Related*  
10 *Agencies Appropriations Act, 1998”.*

11 *DIVISION C—FOREIGN OPERATIONS, EXPORT FI-*  
12 *NANCING, AND RELATED PROGRAMS APPRO-*  
13 *PRIATIONS ACT, 1998*

14 *The following sums are appropriated, out of any*  
15 *money in the Treasury not otherwise appropriated, for for-*  
16 *ign operations, export financing, and related programs for*  
17 *the fiscal year ending September 30, 1998, and for other*  
18 *purposes, to be effective as if it had been enacted into law*  
19 *as the regular appropriations Act, namely:*

20 *TITLE I—EXPORT AND INVESTMENT ASSISTANCE*  
21 *EXPORT-IMPORT BANK OF THE UNITED STATES*

22 *The Export-Import Bank of the United States is au-*  
23 *thorized to make such expenditures within the limits of*  
24 *funds and borrowing authority available to such corpora-*  
25 *tion, and in accordance with law, and to make such con-*

1 *tracts and commitments without regard to fiscal year limi-*  
2 *tations, as provided by section 104 of the Government Cor-*  
3 *poration Control Act, as may be necessary in carrying out*  
4 *the program for the current fiscal year for such corporation:*  
5 *Provided, That none of the funds available during the cur-*  
6 *rent fiscal year may be used to make expenditures, con-*  
7 *tracts, or commitments for the export of nuclear equipment,*  
8 *fuel, or technology to any country other than a nuclear-*  
9 *weapon State as defined in Article IX of the Treaty on the*  
10 *Non-Proliferation of Nuclear Weapons eligible to receive*  
11 *economic or military assistance under this Act that has det-*  
12 *onated a nuclear explosive after the date of enactment of*  
13 *this Act.*

14 *SUBSIDY APPROPRIATION*

15 *For the cost of direct loans, loan guarantees, insurance,*  
16 *and tied-aid grants as authorized by section 10 of the Ex-*  
17 *port-Import Bank Act of 1945, as amended, \$683,000,000*  
18 *to remain available until September 30, 2001: Provided,*  
19 *That such costs, including the cost of modifying such loans,*  
20 *shall be as defined in section 502 of the Congressional Budg-*  
21 *et Act of 1974: Provided further, That such sums shall re-*  
22 *main available until 2013 for the disbursement of direct*  
23 *loans, loan guarantees, insurance and tied-aid grants obli-*  
24 *gated in fiscal years 1998 and 1999: Provided further, That*  
25 *up to \$50,000,000 of funds appropriated by this paragraph*  
26 *shall remain available until expended and may be used for*

1 *tied-aid grant purposes: Provided further, That none of the*  
2 *funds appropriated by this Act or any prior Act appro-*  
3 *priating funds for foreign operations, export financing, or*  
4 *related programs for tied-aid credits or grants may be used*  
5 *for any other purpose except through the regular notifica-*  
6 *tion procedures of the Committees on Appropriations: Pro-*  
7 *vided further, That funds appropriated by this paragraph*  
8 *are made available notwithstanding section 2(b)(2) of the*  
9 *Export-Import Bank Act of 1945, in connection with the*  
10 *purchase or lease of any product by any East European*  
11 *country, any Baltic State, or any agency or national there-*  
12 *of.*

13 *ADMINISTRATIVE EXPENSES*

14 *For administrative expenses to carry out the direct*  
15 *and guaranteed loan and insurance programs (to be com-*  
16 *puted on an accrual basis), including hire of passenger*  
17 *motor vehicles and services as authorized by 5 U.S.C. 3109,*  
18 *and not to exceed \$20,000 for official reception and rep-*  
19 *resentation expenses for members of the Board of Directors,*  
20 *\$48,614,000: Provided, That necessary expenses (including*  
21 *special services performed on a contract or fee basis, but*  
22 *not including other personal services) in connection with*  
23 *the collection of moneys owed the Export-Import Bank, re-*  
24 *possession or sale of pledged collateral or other assets ac-*  
25 *quired by the Export-Import Bank in satisfaction of mon-*  
26 *eys owed the Export-Import Bank, or the investigation or*



1 *appraisal of any property, or the evaluation of the legal*  
2 *or technical aspects of any transaction for which an appli-*  
3 *cation for a loan, guarantee or insurance commitment has*  
4 *been made, shall be considered nonadministrative expenses*  
5 *for the purposes of this heading: Provided further, That,*  
6 *notwithstanding subsection (b) of section 117 of the Export*  
7 *Enhancement Act of 1992, subsection (a) thereof shall re-*  
8 *main in effect until October 1, 1998.*

9 *OVERSEAS PRIVATE INVESTMENT CORPORATION*

10 *NONCREDIT ACCOUNT*

11 *The Overseas Private Investment Corporation is au-*  
12 *thorized to make, without regard to fiscal year limitations,*  
13 *as provided by 31 U.S.C. 9104, such expenditures and com-*  
14 *mitments within the limits of funds available to it and in*  
15 *accordance with law as may be necessary: Provided, That*  
16 *the amount available for administrative expenses to carry*  
17 *out the credit and insurance programs (including an*  
18 *amount for official reception and representation expenses*  
19 *which shall not exceed \$35,000) shall not exceed*  
20 *\$32,000,000: Provided further, That project-specific trans-*  
21 *action costs, including direct and indirect costs incurred*  
22 *in claims settlements, and other direct costs associated with*  
23 *services provided to specific investors or potential investors*  
24 *pursuant to section 234 of the Foreign Assistance Act of*  
25 *1961, shall not be considered administrative expenses for*  
26 *the purposes of this heading.*

1 *PROGRAM ACCOUNT*

2 *For the cost of direct and guaranteed loans,*  
3 *\$60,000,000, as authorized by section 234 of the Foreign*  
4 *Assistance Act of 1961 to be derived by transfer from the*  
5 *Overseas Private Investment Corporation noncredit ac-*  
6 *count: Provided, That such costs, including the cost of modi-*  
7 *fying such loans, shall be as defined in section 502 of the*  
8 *Congressional Budget Act of 1974: Provided further, That*  
9 *such sums shall be available for direct loan obligations and*  
10 *loan guaranty commitments incurred or made during fiscal*  
11 *years 1998 and 1999: Provided further, That such sums*  
12 *shall remain available through fiscal year 2006 for the dis-*  
13 *bursement of direct and guaranteed loans obligated in fiscal*  
14 *year 1998, and through fiscal year 2007 for the disburse-*  
15 *ment of direct and guaranteed loans obligated in fiscal year*  
16 *1999: Provided further, That in addition, such sums as may*  
17 *be necessary for administrative expenses to carry out the*  
18 *credit program may be derived from amounts available for*  
19 *administrative expenses to carry out the credit and insur-*  
20 *ance programs in the Overseas Private Investment Corpora-*  
21 *tion Noncredit Account and merged with said account.*

22 *FUNDS APPROPRIATED TO THE PRESIDENT*23 *TRADE AND DEVELOPMENT AGENCY*

24 *For necessary expenses to carry out the provisions of*  
25 *section 661 of the Foreign Assistance Act of 1961,*

1 \$41,500,000, to remain available until September 30, 1999:  
2 Provided, That the Trade and Development Agency may re-  
3 ceive reimbursements from corporations and other entities  
4 for the costs of grants for feasibility studies and other  
5 project planning services, to be deposited as an offsetting  
6 collection to this account and to be available for obligation  
7 until September 30, 1999, for necessary expenses under this  
8 paragraph: Provided further, That such reimbursements  
9 shall not cover, or be allocated against, direct or indirect  
10 administrative costs of the agency.

11 *TITLE II—BILATERAL ECONOMIC ASSISTANCE*

12 *FUNDS APPROPRIATED TO THE PRESIDENT*

13 *For expenses necessary to enable the President to carry*  
14 *out the provisions of the Foreign Assistance Act of 1961,*  
15 *and for other purposes, to remain available until September*  
16 *30, 1998, unless otherwise specified herein, as follows:*

17 *AGENCY FOR INTERNATIONAL DEVELOPMENT*

18 *CHILD SURVIVAL AND DISEASE PROGRAMS FUND*

19 *For necessary expenses to carry out the provisions of*  
20 *chapters 1 and 10 of part I of the Foreign Assistance Act*  
21 *of 1961, for child survival, basic education, assistance to*  
22 *combat tropical and other diseases, and related activities,*  
23 *in addition to funds otherwise available for such purposes,*  
24 *\$650,000,000, to remain available until expended: Pro-*  
25 *vided, That this amount shall be made available for such*  
26 *activities as: (1) immunization programs; (2) oral rehydra-*

1 *tion programs; (3) health and nutrition programs, and re-*  
2 *lated education programs, which address the needs of moth-*  
3 *ers and children; (4) water and sanitation programs; (5)*  
4 *assistance for displaced and orphaned children; (6) pro-*  
5 *grams for the prevention, treatment, and control of, and*  
6 *research on, tuberculosis, HIV/AIDS, polio, malaria and*  
7 *other diseases; (7) up to \$98,000,000 for basic education*  
8 *programs for children; and (8) a contribution on a grant*  
9 *basis to the United Nations Children's Fund (UNICEF)*  
10 *pursuant to section 301 of the Foreign Assistance Act of*  
11 *1961.*

12 *AGENCY FOR INTERNATIONAL DEVELOPMENT*

13 *DEVELOPMENT ASSISTANCE*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For necessary expenses to carry out the provisions of*  
16 *sections 103 through 106 and chapter 10 of part I of the*  
17 *Foreign Assistance Act of 1961, title V of the International*  
18 *Security and Development Cooperation Act of 1980 (Public*  
19 *Law 96-533) and the provisions of section 401 of the For-*  
20 *ign Assistance Act of 1969, \$1,210,000,000, to remain*  
21 *available until September 30, 1999: Provided, That of the*  
22 *amount appropriated under this heading, up to*  
23 *\$22,000,000 may be made available for the Inter-American*  
24 *Foundation and shall be apportioned directly to that Agen-*  
25 *cy: Provided further, That of the amount appropriated*  
26 *under this heading, up to \$14,000,000 may be made avail-*

1 *able for the African Development Foundation and shall be*  
2 *apportioned directly to that agency: Provided further, That*  
3 *none of the funds made available in this Act nor any unob-*  
4 *ligated balances from prior appropriations may be made*  
5 *available to any organization or program which, as deter-*  
6 *mined by the President of the United States, supports or*  
7 *participates in the management of a program of coercive*  
8 *abortion or involuntary sterilization: Provided further,*  
9 *That none of the funds made available under this heading*  
10 *may be used to pay for the performance of abortion as a*  
11 *method of family planning or to motivate or coerce any per-*  
12 *son to practice abortions; and that in order to reduce reli-*  
13 *ance on abortion in developing nations, funds shall be*  
14 *available only to voluntary family planning projects which*  
15 *offer, either directly or through referral to, or information*  
16 *about access to, a broad range of family planning methods*  
17 *and services: Provided further, That in awarding grants for*  
18 *natural family planning under section 104 of the Foreign*  
19 *Assistance Act of 1961 no applicant shall be discriminated*  
20 *against because of such applicant's religious or conscien-*  
21 *tious commitment to offer only natural family planning;*  
22 *and, additionally, all such applicants shall comply with the*  
23 *requirements of the previous proviso: Provided further, That*  
24 *for purposes of this or any other Act authorizing or appro-*  
25 *priating funds for foreign operations, export financing, and*

1 *related programs, the term “motivate”, as it relates to fam-*  
2 *ily planning assistance, shall not be construed to prohibit*  
3 *the provision, consistent with local law, of information or*  
4 *counseling about all pregnancy options: Provided further,*  
5 *That nothing in this paragraph shall be construed to alter*  
6 *any existing statutory prohibitions against abortion under*  
7 *section 104 of the Foreign Assistance Act of 1961: Provided*  
8 *further, That notwithstanding section 109 of the Foreign*  
9 *Assistance Act of 1961, of the funds appropriated under this*  
10 *heading in this Act, and of the unobligated balances of*  
11 *funds previously appropriated under this heading, not to*  
12 *exceed \$2,500,000 shall be transferred to “International Or-*  
13 *ganizations and Programs” for a contribution to the Inter-*  
14 *national Fund for Agricultural Development (IFAD), and*  
15 *that any such transfer of funds shall be subject to the regu-*  
16 *lar notification procedures of the Committees on Appropria-*  
17 *tions: Provided further, That of the funds appropriated*  
18 *under this heading that are made available for assistance*  
19 *programs for displaced and orphaned children and victims*  
20 *of war, not to exceed \$25,000, in addition to funds otherwise*  
21 *available for such purposes, may be used to monitor and*  
22 *provide oversight of such programs: Provided further, That*  
23 *none of the funds made available under this heading may*  
24 *be used for any activity which is in contravention to the*

1 *Convention on International Trade in Endangered Species*  
2 *of Flora and Fauna (CITES).*

3 *PRIVATE AND VOLUNTARY ORGANIZATIONS*

4 *None of the funds appropriated or otherwise made*  
5 *available by this Act for development assistance may be*  
6 *made available to any United States private and voluntary*  
7 *organization, except any cooperative development organiza-*  
8 *tion, which obtains less than 20 per centum of its total an-*  
9 *nual funding for international activities from sources other*  
10 *than the United States Government: Provided, That the re-*  
11 *quirements of the provisions of section 123(g) of the Foreign*  
12 *Assistance Act of 1961 and the provisions on private and*  
13 *voluntary organizations in title II of the “Foreign Assist-*  
14 *ance and Related Programs Appropriations Act, 1985” (as*  
15 *enacted in Public Law 98–473) shall be superseded by the*  
16 *provisions of this section, except that the authority con-*  
17 *tained in the last sentence of section 123(g) may be exer-*  
18 *cised by the Administrator with regard to the requirements*  
19 *of this paragraph.*

20 *Funds appropriated or otherwise made available*  
21 *under title II of this Act should be made available to private*  
22 *and voluntary organizations at a level which is at least*  
23 *equivalent to the level provided in fiscal year 1995. Such*  
24 *private and voluntary organizations shall include those*  
25 *which operate on a not-for-profit basis, receive contribu-*  
26 *tions from private sources, receive voluntary support from*

1 *the public and are deemed to be among the most cost-effec-*  
2 *tive and successful providers of development assistance.*

3 *CYPRUS*

4 *Of the funds appropriated under the headings “Devel-*  
5 *opment Assistance” and “Economic Support Fund”, not*  
6 *less than \$15,000,000 shall be made available for Cyprus*  
7 *to be used only for scholarships, administrative support of*  
8 *the scholarship program, bicommunal projects, and meas-*  
9 *ures aimed at reunification of the island and designed to*  
10 *reduce tensions and promote peace and cooperation between*  
11 *the two communities on Cyprus.*

12 *BURMA*

13 *Of the funds appropriated under the headings “Devel-*  
14 *opment Assistance” and “Economic Support Fund”, not*  
15 *less than \$5,000,000 shall be made available to support ac-*  
16 *tivities in Burma, along the Burma-Thailand border, and*  
17 *for activities of Burmese student groups and other organiza-*  
18 *tions located outside Burma: Provided, That funds made*  
19 *available for Burma related activities under this heading*  
20 *may be made available notwithstanding any other provi-*  
21 *sion of law: Provided further, That provision of such funds*  
22 *shall be made available subject to the regular notification*  
23 *procedures of the Committees on Appropriations.*

24 *CAMBODIA*

25 *None of the funds appropriated in this Act may be*  
26 *made available for the Government of Cambodia: Provided,*



1 *That the restrictions under this heading shall not apply to*  
2 *humanitarian, demining or election-related programs or*  
3 *activities: Provided further, That such funds shall be subject*  
4 *to the regular notification procedures of the Committees on*  
5 *Appropriations: Provided further, That 30 days after enact-*  
6 *ment of this Act, the President shall report to the Commit-*  
7 *tees on Appropriations on the results of the FBI investiga-*  
8 *tion into the bombing attack in Phnom Penh on March 30,*  
9 *1997.*

10 *INTERNATIONAL DISASTER ASSISTANCE*

11 *For necessary expenses for international disaster relief,*  
12 *rehabilitation, and reconstruction assistance pursuant to*  
13 *section 491 of the Foreign Assistance Act of 1961, as amend-*  
14 *ed, \$190,000,000, to remain available until expended.*

15 *DEBT RESTRUCTURING*

16 *For the cost, as defined in section 502 of the Congres-*  
17 *sional Budget Act of 1974, of modifying direct loans and*  
18 *loan guarantees, as the President may determine, for which*  
19 *funds have been appropriated or otherwise made available*  
20 *for programs within the International Affairs Budget Func-*  
21 *tion 150, including the cost of selling, reducing, or canceling*  
22 *amounts, through debt buybacks and swaps, owed to the*  
23 *United States as a result of concessional loans made to eli-*  
24 *gible Latin American and Caribbean countries, pursuant*  
25 *to part IV of the Foreign Assistance Act of 1961; of modify-*  
26 *ing concessional loans extended to least developed countries,*

1 *as authorized under section 411 of the Agricultural Trade*  
2 *Development and Assistance Act of 1954, as amended; and*  
3 *of modifying any obligation, or portion of such obligation*  
4 *for Latin American countries to pay for purchases of Unit-*  
5 *ed States agricultural commodities guaranteed by the Com-*  
6 *modity Credit Corporation under export credit guarantee*  
7 *programs authorized pursuant to section 5(f) of the Com-*  
8 *modity Credit Corporation Charter Act of June 29, 1948,*  
9 *as amended, section 4(b) of the Food for Peace Act of 1966,*  
10 *as amended (Public Law 89–808), or section 202 of the Ag-*  
11 *ricultural Trade Act of 1978, as amended (Public Law 95–*  
12 *501); \$27,000,000, to remain available until expended: Pro-*  
13 *vided, That not to exceed \$1,500,000 of such funds may be*  
14 *used for implementation of improvements in the foreign*  
15 *credit reporting system of the United States government.*

16 *MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM*

17 *ACCOUNT*

18 *For the cost of direct loans and loan guarantees,*  
19 *\$1,500,000, as authorized by section 108 of the Foreign As-*  
20 *sistance Act of 1961, as amended: Provided, That such costs*  
21 *shall be as defined in section 502 of the Congressional Budg-*  
22 *et Act of 1974: Provided further, That guarantees of loans*  
23 *made under this heading in support of microenterprise ac-*  
24 *tivities may guarantee up to 70 percent of the principal*  
25 *amount of any such loans notwithstanding section 108 of*  
26 *the Foreign Assistance Act of 1961. In addition, for admin-*

1 *istrative expenses to carry out programs under this head-*  
2 *ing, \$500,000, all of which may be transferred to and*  
3 *merged with the appropriation for Operating Expenses of*  
4 *the Agency for International Development: Provided fur-*  
5 *ther, That funds made available under this heading shall*  
6 *remain available until September 30, 1999.*

7 *URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT*

8 *For the cost, as defined in section 502 of the Congres-*  
9 *sional Budget Act of 1974, of guaranteed loans authorized*  
10 *by sections 221 and 222 of the Foreign Assistance Act of*  
11 *1961, including the cost of guaranteed loans designed to*  
12 *promote the urban and environmental policies and objec-*  
13 *tives of part I of such Act, \$3,000,000, to remain available*  
14 *until September 30, 1999: Provided, That these funds are*  
15 *available to subsidize loan principal, 100 percent of which*  
16 *shall be guaranteed, pursuant to the authority of such sec-*  
17 *tions. In addition, for administrative expenses to carry out*  
18 *guaranteed loan programs, \$6,000,000, all of which may*  
19 *be transferred to and merged with the appropriation for*  
20 *Operating Expenses of the Agency for International Devel-*  
21 *opment: Provided further, That commitments to guarantee*  
22 *loans under this heading may be entered into notwithstand-*  
23 *ing the second and third sentences of section 222(a) and,*  
24 *with regard to programs for Central and Eastern Europe*  
25 *and programs for the benefit of South Africans disadvan-*

1 *taged by apartheid, section 223(j) of the Foreign Assistance*  
2 *Act of 1961.*

3 *PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND*  
4 *DISABILITY FUND*

5 *For payment to the “Foreign Service Retirement and*  
6 *Disability Fund”, as authorized by the Foreign Service Act*  
7 *of 1980, \$44,208,000.*

8 *OPERATING EXPENSES OF THE AGENCY FOR*  
9 *INTERNATIONAL DEVELOPMENT*

10 *For necessary expenses to carry out the provisions of*  
11 *section 667, \$473,000,000: Provided, That none of the funds*  
12 *appropriated by this Act for programs administered by the*  
13 *Agency for International Development may be used to fi-*  
14 *nance printing costs of any report or study (except feasibil-*  
15 *ity, design, or evaluation reports or studies) in excess of*  
16 *\$25,000 without the approval of the Administrator of the*  
17 *Agency or the Administrator’s designee.*

18 *OPERATING EXPENSES OF THE AGENCY FOR INTER-*  
19 *NATIONAL DEVELOPMENT OFFICE OF INSPECTOR GEN-*  
20 *ERAL*

21 *For necessary expenses to carry out the provisions of*  
22 *section 667, \$29,047,000, to remain available until Septem-*  
23 *ber 30, 1999, which sum shall be available for the Office*  
24 *of the Inspector General of the Agency for International De-*  
25 *velopment.*

1            *OTHER BILATERAL ECONOMIC ASSISTANCE*2                            *ECONOMIC SUPPORT FUND*

3            *For necessary expenses to carry out the provisions of*  
4 *chapter 4 of part II, \$2,400,000,000, to remain available*  
5 *until September 30, 1999: Provided, That of the funds ap-*  
6 *propriated under this heading, not less than \$1,200,000,000*  
7 *shall be available only for Israel, which sum shall be avail-*  
8 *able on a grant basis as a cash transfer and shall be dis-*  
9 *bursed within thirty days of enactment of this Act or by*  
10 *October 31, 1997, whichever is later: Provided further, That*  
11 *not less than \$815,000,000 shall be available only for*  
12 *Egypt, which sum shall be provided on a grant basis, and*  
13 *of which sum cash transfer assistance may be provided,*  
14 *with the understanding that Egypt will undertake signifi-*  
15 *cant economic reforms which are additional to those which*  
16 *were undertaken in previous fiscal years: Provided further,*  
17 *That in exercising the authority to provide cash transfer*  
18 *assistance for Israel, the President shall ensure that the level*  
19 *of such assistance does not cause an adverse impact on the*  
20 *total level of nonmilitary exports from the United States*  
21 *to such country: Provided further, That of the funds appro-*  
22 *propriated under this heading, not less than \$150,000,000 shall*  
23 *be made available for Jordan: Provided further, That of the*  
24 *funds made available under this heading in previous Acts*  
25 *making appropriations for foreign operations, export fi-*

1 nancing, and related programs, notwithstanding any provi-  
2 sion in any such heading in such previous Acts, up to  
3 \$116,000,000 may be allocated or made available for pro-  
4 grams and activities under this heading including the Mid-  
5 dle East Peace and Stability Fund: Provided further, That  
6 in carrying out the previous proviso, the President should  
7 seek to ensure to the extent feasible that not more than 1  
8 percent of the amount specified in section 586 of this Act  
9 should be derived from funds that would otherwise be made  
10 available for any single country: Provided further, That  
11 funds provided for the Middle East Peace and Stability  
12 Fund by a country in the region under the authority of  
13 section 635(d) of the Foreign Assistance Act of 1961, and  
14 funds made available for Jordan following the date of enact-  
15 ment of this Act from previous Acts making appropriations  
16 for foreign operations, export financing, and related pro-  
17 grams, shall count toward meeting the earmark contained  
18 in the fourth proviso under this heading: Provided further,  
19 That up to \$10,000,000 of funds under this heading in pre-  
20 vious foreign operations, export financing, and related pro-  
21 grams appropriations Acts that were reprogrammed for  
22 Jordan during fiscal year 1997 shall also count toward such  
23 earmark: Provided further, That, in order to facilitate the  
24 implementation of the fourth proviso under this heading,  
25 the requirement of section 515 of this Act or any similar

1 *provision of law shall not apply to the making available*  
2 *of funds appropriated for a fiscal year for programs,*  
3 *projects, or activities that were justified for another fiscal*  
4 *year: Provided further, That for fiscal year 1998 such por-*  
5 *tions of the notification required under section 653 of the*  
6 *Foreign Assistance Act of 1961 that relate to the Middle*  
7 *East may be submitted to the Congress as soon as prac-*  
8 *ticable, but no later than March 1, 1998: Provided further,*  
9 *That during fiscal year 1998, of the local currencies gen-*  
10 *erated from funds made available under this heading for*  
11 *Guatemala by this Act and prior Appropriations Acts, the*  
12 *United States and Guatemala may jointly program the*  
13 *Guatemala quetzales equivalent of a total of up to*  
14 *\$10,000,000 for the purpose of retiring the debt owed by*  
15 *universities in Guatemala to the Inter-American Develop-*  
16 *ment Bank.*

17 *INTERNATIONAL FUND FOR IRELAND*

18 *For necessary expenses to carry out the provisions of*  
19 *chapter 4 of part II of the Foreign Assistance Act of 1961,*  
20 *\$19,600,000, which shall be available for the United States*  
21 *contribution to the International Fund for Ireland and*  
22 *shall be made available in accordance with the provisions*  
23 *of the Anglo-Irish Agreement Support Act of 1986 (Public*  
24 *Law 99-415): Provided, That such amount shall be ex-*  
25 *pended at the minimum rate necessary to make timely pay-*  
26 *ment for projects and activities: Provided further, That*

1 *funds made available under this heading shall remain*  
2 *available until September 30, 1999.*

3 *ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC*  
4 *STATES*

5 *(a) For necessary expenses to carry out the provisions*  
6 *of the Foreign Assistance Act of 1961 and the Support for*  
7 *East European Democracy (SEED) Act of 1989,*  
8 *\$485,000,000, to remain available until September 30,*  
9 *1999, which shall be available, notwithstanding any other*  
10 *provision of law, for economic assistance and for related*  
11 *programs for Eastern Europe and the Baltic States.*

12 *(b) Funds appropriated under this heading or in prior*  
13 *appropriations Acts that are or have been made available*  
14 *for an Enterprise Fund may be deposited by such Fund*  
15 *in interest-bearing accounts prior to the Fund's disburse-*  
16 *ment of such funds for program purposes. The Fund may*  
17 *retain for such program purposes any interest earned on*  
18 *such deposits without returning such interest to the Treas-*  
19 *ury of the United States and without further appropriation*  
20 *by the Congress. Funds made available for Enterprise*  
21 *Funds shall be expended at the minimum rate necessary*  
22 *to make timely payment for projects and activities.*

23 *(c) Funds appropriated under this heading shall be*  
24 *considered to be economic assistance under the Foreign As-*  
25 *sistance Act of 1961 for purposes of making available the*



1 *administrative authorities contained in that Act for the use*  
2 *of economic assistance.*

3 *(d) None of the funds appropriated under this heading*  
4 *may be made available for new housing construction or re-*  
5 *pair or reconstruction of existing housing in Bosnia and*  
6 *Herzegovina unless directly related to the efforts of United*  
7 *States troops to promote peace in said country.*

8 *(e) With regard to funds appropriated or otherwise*  
9 *made available under this heading for the economic revital-*  
10 *ization program in Bosnia and Herzegovina, and local cur-*  
11 *rencies generated by such funds (including the conversion*  
12 *of funds appropriated under this heading into currency*  
13 *used by Bosnia and Herzegovina as local currency and local*  
14 *currency returned or repaid under such program)—*

15 *(1) the Administrator of the Agency for Inter-*  
16 *national Development shall provide written approval*  
17 *for grants and loans prior to the obligation and ex-*  
18 *penditure of funds for such purposes, and prior to the*  
19 *use of funds that have been returned or repaid to any*  
20 *lending facility or grantee; and*

21 *(2) the provisions of section 532 of this Act shall*  
22 *apply.*

23 *(f) The President is authorized to withhold funds ap-*  
24 *propriated under this heading made available for economic*  
25 *revitalization programs in Bosnia and Herzegovina, if he*

1 *determines and certifies to the Committees on Appropria-*  
2 *tions that the Federation of Bosnia and Herzegovina has*  
3 *not complied with article III of annex 1–A of the General*  
4 *Framework Agreement for Peace in Bosnia and*  
5 *Herzegovina concerning the withdrawal of foreign forces,*  
6 *and that intelligence cooperation on training, investiga-*  
7 *tions, and related activities between Iranian officials and*  
8 *Bosnian officials has not been terminated.*

9       *(g) Not to exceed \$200,000,000 of the funds appro-*  
10 *priated under this heading may be made available for*  
11 *Bosnia and Herzegovina exclusive of assistance for police*  
12 *training.*

13       *(h) Not to exceed \$7,000,000 of the funds made avail-*  
14 *able for Bosnia and Herzegovina may be made available*  
15 *for the cost, as defined in section 502 of the Congressional*  
16 *Budget Act of 1974, of modifying direct loans and loan*  
17 *guarantees for said country.*

18 *ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE*  
19 *FORMER SOVIET UNION*

20       *(a) For necessary expenses to carry out the provisions*  
21 *of chapter 11 of part I of the Foreign Assistance Act of 1961*  
22 *and the FREEDOM Support Act, for assistance for the new*  
23 *independent states of the former Soviet Union and for relat-*  
24 *ed programs, \$770,000,000, to remain available until Sep-*  
25 *tember 30, 1999: Provided, That the provisions of such*

1 *chapter shall apply to funds appropriated by this para-*  
2 *graph.*

3 *(b) None of the funds appropriated under this heading*  
4 *shall be made available to the Government of Russia—*

5 *(1) unless that Government is making progress*  
6 *in implementing comprehensive economic reforms*  
7 *based on market principles, private ownership, nego-*  
8 *tiating repayment of commercial debt, respect for*  
9 *commercial contracts, and equitable treatment of for-*  
10 *ign private investment;*

11 *(2) if that Government applies or transfers Unit-*  
12 *ed States assistance to any entity for the purpose of*  
13 *expropriating or seizing ownership or control of as-*  
14 *sets, investments, or ventures; and*

15 *(3) funds may be furnished without regard to*  
16 *this subsection if the President determines that to do*  
17 *so is in the national interest.*

18 *(c) None of the funds appropriated under this heading*  
19 *shall be made available to any government of the new inde-*  
20 *pendent states of the former Soviet Union if that govern-*  
21 *ment directs any action in violation of the territorial integ-*  
22 *riety or national sovereignty of any other new independent*  
23 *state, such as those violations included in the Helsinki*  
24 *Final Act: Provided, That such funds may be made avail-*  
25 *able without regard to the restriction in this subsection if*

1 *the President determines that to do so is in the national*  
2 *security interest of the United States: Provided further,*  
3 *That the restriction of this subsection shall not apply to*  
4 *the use of such funds for the provision of assistance for pur-*  
5 *poses of humanitarian and refugee relief.*

6 *(d) None of the funds appropriated under this heading*  
7 *for the new independent states of the former Soviet Union*  
8 *shall be made available for any state to enhance its military*  
9 *capability: Provided, That this restriction does not apply*  
10 *to demilitarization, demining, or nonproliferation pro-*  
11 *grams.*

12 *(e) Funds appropriated under this heading shall be*  
13 *subject to the regular notification procedures of the Commit-*  
14 *tees on Appropriations.*

15 *(f) Funds made available in this Act for assistance to*  
16 *the new independent states of the former Soviet Union shall*  
17 *be subject to the provisions of section 117 (relating to envi-*  
18 *ronment and natural resources) of the Foreign Assistance*  
19 *Act of 1961.*

20 *(g) Funds appropriated under title II of this Act, in-*  
21 *cluding funds appropriated under this heading, may be*  
22 *made available for assistance for Mongolia: Provided, That*  
23 *funds made available for assistance for Mongolia may be*  
24 *made available in accordance with the purposes and utiliz-*

1 *ing the authorities provided in chapter 11 of part I of the*  
2 *Foreign Assistance Act of 1961.*

3 *(h) In issuing new task orders, entering into contracts,*  
4 *or making grants, with funds appropriated under this*  
5 *heading or in prior appropriations Acts, for projects or ac-*  
6 *tivities that have as one of their primary purposes the fos-*  
7 *tering of private sector development, the Coordinator for*  
8 *United States Assistance to the New Independent States*  
9 *and the implementing agency shall encourage the participa-*  
10 *tion of and give significant weight to contractors and grant-*  
11 *ees who propose investing a significant amount of their own*  
12 *resources (including volunteer services and in-kind con-*  
13 *tributions) in such projects and activities.*

14 *(i) Funds appropriated under this heading or in prior*  
15 *appropriations Acts that are or have been made available*  
16 *for an Enterprise Fund may be deposited by such Fund*  
17 *in interest-bearing accounts prior to the disbursement of*  
18 *such funds by the Fund for program purposes. The Fund*  
19 *may retain for such program purposes any interest earned*  
20 *on such deposits without returning such interest to the*  
21 *Treasury of the United States and without further appro-*  
22 *priation by the Congress. Funds made available for Enter-*  
23 *prise Funds shall be expended at the minimum rate nec-*  
24 *essary to make timely payment for projects and activities.*

1           (j)(1) *Of the funds appropriated under this heading*  
2 *that are allocated for assistance for the Government of Rus-*  
3 *sia, 50 percent shall be withheld from obligation until the*  
4 *President determines and certifies in writing to the Com-*  
5 *mittees on Appropriations that the Government of Russia*  
6 *has terminated implementation of arrangements to provide*  
7 *Iran with technical expertise, training, technology, or*  
8 *equipment necessary to develop a nuclear reactor, related*  
9 *nuclear research facilities or programs, or ballistic missile*  
10 *capability.*

11           (2) *Notwithstanding paragraph (1) assistance may be*  
12 *provided for the Government of Russia if the President de-*  
13 *termines and certifies to the Committees on Appropriations*  
14 *that making such funds available (A) is vital to the na-*  
15 *tional security interest of the United States, and (B) that*  
16 *the Government of Russia is taking meaningful steps to*  
17 *limit major supply contracts and to curtail the transfer of*  
18 *technology and technological expertise related to activities*  
19 *referred to in paragraph (1).*

20           (k) *Of the funds appropriated under this heading, not*  
21 *less than \$225,000,000 shall be made available for Ukraine,*  
22 *which sum shall be provided with the understanding that*  
23 *Ukraine will undertake significant economic reforms which*  
24 *are additional to those which were undertaken in the pre-*  
25 *vious fiscal year: Provided, That 50 percent of the amount*

1 *made available in this subsection, exclusive of funds made*  
2 *available for election related initiatives and nuclear reactor*  
3 *safety activities, shall be withheld from obligation and ex-*  
4 *penditure until the Secretary of State determines and cer-*  
5 *tifies no later than April 30, 1998, that the Government*  
6 *of Ukraine has made significant progress toward resolving*  
7 *complaints made by United States investors to the United*  
8 *States embassy prior to April 30, 1997: Provided further,*  
9 *That funds made available under this subsection, and funds*  
10 *appropriated for Ukraine in the Foreign Operations, Ex-*  
11 *port Financing, and Related Programs Appropriations Act,*  
12 *1997 as contained in Public Law 104–208 shall be made*  
13 *available to complete the preparation of safety analysis re-*  
14 *ports at each nuclear reactor in Ukraine over the next three*  
15 *years.*

16 *(l) Of the funds appropriated under this heading, not*  
17 *less than \$250,000,000 shall be made available for assist-*  
18 *ance for the Southern Caucasus region: Provided, That of*  
19 *the funds provided under this subsection 37 percent shall*  
20 *be made available for Georgia and 35 percent shall be made*  
21 *available for Armenia: Provided further, That of the funds*  
22 *made available for the Southern Caucasus region, 28 per-*  
23 *cent should be used for reconstruction and remedial activi-*  
24 *ties relating to the consequences of conflicts within the re-*  
25 *gion, especially those in the vicinity of Abkhazia and*

1 *Nagorno-Karabakh: Provided further, That if the Secretary*  
2 *of State after May 30, 1998, determines and reports to the*  
3 *relevant Committees of Congress that the full amount of re-*  
4 *construction and remedial funds that may be made avail-*  
5 *able under the previous proviso cannot be effectively uti-*  
6 *lized, up to 62.5 percent of the amount provided under the*  
7 *previous proviso for reconstruction and remediation may*  
8 *be used for other purposes under this heading.*

9       *(m) Funds provided under the previous subsection*  
10 *shall be made available for humanitarian assistance for ref-*  
11 *ugees, displaced persons, and needy civilians affected by the*  
12 *conflicts in the Southern Caucasus region, including those*  
13 *in the vicinity of Abkhazia and Nagorno-Karabakh, not-*  
14 *withstanding any other provision of this or any other Act.*

15       *(n) Funds made available under this Act or any other*  
16 *Act may not be provided for assistance to the Government*  
17 *of Azerbaijan until the President determines, and so reports*  
18 *to the Congress, that the Government of Azerbaijan is taking*  
19 *demonstrable steps to cease all blockades against Armenia*  
20 *and Nagorno-Karabakh: Provided, That the restriction of*  
21 *this subsection and section 907 of the FREEDOM Support*  
22 *Act shall not apply to—*

23               *(1) activities to support democracy or assistance*  
24               *under title V of the FREEDOM Support Act and sec-*  
25               *tion 1424 of Public Law 104–201;*



1           (2) any assistance provided by the Trade and  
2           Development Agency under section 661 of the Foreign  
3           Assistance Act of 1961 (22 U.S.C. 2421); and

4           (3) any activity carried out by a member of the  
5           United States and Foreign Commercial Service while  
6           acting within his or her official capacity.

7           (o) None of the funds appropriated under this heading  
8           or in prior appropriations legislation may be made avail-  
9           able to establish a joint public-private entity or organiza-  
10          tion engaged in the management of activities or projects  
11          supported by the Defense Enterprise Fund.

12                                    INDEPENDENT AGENCY

13                                    PEACE CORPS

14          For expenses necessary to carry out the provisions of  
15          the Peace Corps Act (75 Stat. 612), \$222,000,000, including  
16          the purchase of not to exceed five passenger motor vehicles  
17          for administrative purposes for use outside of the United  
18          States: Provided, That none of the funds appropriated  
19          under this heading shall be used to pay for abortions: Pro-  
20          vided further, That funds appropriated under this heading  
21          shall remain available until September 30, 1999.

22                                    DEPARTMENT OF STATE

23                                    INTERNATIONAL NARCOTICS CONTROL

24          For necessary expenses to carry out section 481 of the  
25          Foreign Assistance Act of 1961, \$215,000,000: Provided,

1 *That during fiscal year 1998, the Department of State may*  
2 *also use the authority of section 608 of the Act, without*  
3 *regard to its restrictions, to receive non-lethal excess prop-*  
4 *erty from an agency of the United States Government for*  
5 *the purpose of providing it to a foreign country under chap-*  
6 *ter 8 of part I of that Act subject to the regular notification*  
7 *procedures of the Committees on Appropriations: Provided*  
8 *further, That not later than sixty days after the date of*  
9 *enactment of this Act, the Secretary of State in consultation*  
10 *with the Director of the Office of National Drug Control*  
11 *Policy shall submit a report to the Committees on Appro-*  
12 *priations containing: (1) a list of all countries in which*  
13 *the United States carries out international counter-narcot-*  
14 *ics activities; (2) the number, mission and agency affili-*  
15 *ation of United States personnel assigned to each such coun-*  
16 *try; and (3) all costs and expenses obligated for each pro-*  
17 *gram, project or activity by each United States agency in*  
18 *each country: Provided further, That of the amount made*  
19 *available under this heading not to exceed \$5,000,000 shall*  
20 *be allocated to operate the Western Hemisphere Inter-*  
21 *national Law Enforcement Academy: Provided further,*  
22 *That 10 percent of the funds appropriated under this head-*  
23 *ing shall not be available for obligation until the Secretary*  
24 *of State submits a report to the Committees on Appropria-*  
25 *tions providing a financial plan for the funds appropriated*

1 *under this heading and under the heading “Narcotics Inter-*  
2 *diction”.*

3 *NARCOTICS INTERDICTION*

4 *For necessary expenses to carry out the provisions of*  
5 *section 481 of the Foreign Assistance Act of 1961,*  
6 *\$15,000,000, to remain available until expended, in addi-*  
7 *tion to amounts otherwise available for such purposes,*  
8 *which shall be available for assistance, including procure-*  
9 *ment, for support of air drug interdiction and eradication*  
10 *and other related purposes: Provided, That funds appro-*  
11 *priated under this heading shall be made available subject*  
12 *to the regular notification procedures of the Committees on*  
13 *Appropriations.*

14 *MIGRATION AND REFUGEE ASSISTANCE*

15 *For expenses, not otherwise provided for, necessary to*  
16 *enable the Secretary of State to provide, as authorized by*  
17 *law, a contribution to the International Committee of the*  
18 *Red Cross, assistance to refugees, including contributions*  
19 *to the International Organization for Migration and the*  
20 *United Nations High Commissioner for Refugees, and other*  
21 *activities to meet refugee and migration needs; salaries and*  
22 *expenses of personnel and dependents as authorized by the*  
23 *Foreign Service Act of 1980; allowances as authorized by*  
24 *sections 5921 through 5925 of title 5, United States Code;*  
25 *purchase and hire of passenger motor vehicles; and services*  
26 *as authorized by section 3109 of title 5, United States Code,*

1 \$650,000,000: *Provided, That not more than \$12,000,000*  
2 *shall be available for administrative expenses: Provided fur-*  
3 *ther, That not less than \$80,000,000 shall be made available*  
4 *for refugees from the former Soviet Union and Eastern Eu-*  
5 *rope and other refugees resettling in Israel.*

6 *REFUGEE RESETTLEMENT ASSISTANCE*

7 *For necessary expenses for the targeted assistance pro-*  
8 *gram authorized by title IV of the Immigration and Nation-*  
9 *ality Act and section 501 of the Refugee Education Assist-*  
10 *ance Act of 1980 and administered by the Office of Refugee*  
11 *Resettlement of the Department of Health and Human*  
12 *Services, in addition to amounts otherwise available for*  
13 *such purposes, \$5,000,000.*

14 *UNITED STATES EMERGENCY REFUGEE AND MIGRATION*  
15 *ASSISTANCE FUND*

16 *For necessary expenses to carry out the provisions of*  
17 *section 2(c) of the Migration and Refugee Assistance Act*  
18 *of 1962, as amended (22 U.S.C. 260(c)), \$50,000,000, to*  
19 *remain available until expended: Provided, That the funds*  
20 *made available under this heading are appropriated not-*  
21 *withstanding the provisions contained in section 2(c)(2) of*  
22 *the Migration and Refugee Assistance Act of 1962 which*  
23 *would limit the amount of funds which could be appro-*  
24 *priated for this purpose.*



1 zations when it is in the national security interest of the  
2 United States to do so: Provided further, That such funds  
3 shall be subject to the regular notification procedures of the  
4 Committees on Appropriations: Provided further, That  
5 funds appropriated under this heading may be made avail-  
6 able for the International Atomic Energy Agency only if  
7 the Secretary of State determines (and so reports to the  
8 Congress) that Israel is not being denied its right to partici-  
9 pate in the activities of that Agency: Provided further, That  
10 not to exceed \$30,000,000 may be made available to the Ko-  
11 rean Peninsula Energy Development Organization  
12 (KEDO) only for the administrative expenses and heavy  
13 fuel oil costs associated with the Agreed Framework: Pro-  
14 vided further, That such funds may be obligated to KEDO  
15 only if, thirty days prior to such obligation of funds, the  
16 President certifies and so reports to Congress that: (1)(A)  
17 the parties to the Agreed Framework are taking steps to  
18 assure that progress is made on the implementation of the  
19 January 1, 1992, Joint Declaration on the  
20 Denuclearization of the Korean Peninsula and the imple-  
21 mentation of the North-South dialogue, and (B) North  
22 Korea is complying with the other provisions of the Agreed  
23 Framework between North Korea and the United States and  
24 with the Confidential Minute; (2) North Korea is cooperat-  
25 ing fully in the canning and safe storage of all spent fuel

1 *from its graphite-moderated nuclear reactors and that such*  
2 *canning and safe storage is scheduled to be completed by*  
3 *April 1, 1998; and (3) North Korea has not significantly*  
4 *diverted assistance provided by the United States for pur-*  
5 *poses for which it was not intended: Provided further, That*  
6 *the President may waive the certification requirements of*  
7 *the preceding proviso if the President determines that it is*  
8 *vital to the national security interests of the United States:*  
9 *Provided further, That no funds may be obligated for*  
10 *KEDO until thirty calendar days after submission to Con-*  
11 *gress of the waiver permitted under the preceding proviso:*  
12 *Provided further, That the obligation of any funds for*  
13 *KEDO shall be subject to the regular notification procedures*  
14 *of the Committees on Appropriations: Provided further,*  
15 *That the Secretary of State shall submit to the appropriate*  
16 *congressional committees an annual report (to be submitted*  
17 *with the annual presentation for appropriations) providing*  
18 *a full and detailed accounting of the fiscal year request for*  
19 *the United States contribution to KEDO, the expected oper-*  
20 *ating budget of the Korean Peninsula Energy Development*  
21 *Organization, to include unpaid debt, proposed annual*  
22 *costs associated with heavy fuel oil purchases, and the*  
23 *amount of funds pledged by other donor nations and orga-*  
24 *nizations to support KEDO activities on a per country*  
25 *basis, and other related activities: Provided further, That*

1 of the funds made available under this heading, up to  
2 \$10,000,000 may be made available to the Korean Penin-  
3 sula Energy Development Organization (KEDO), in addi-  
4 tion to funds otherwise made available under this heading  
5 for KEDO, if the Secretary of State certifies and reports  
6 to the Committees on Appropriations that, except for the  
7 funds made available under this proviso, funds sufficient  
8 to cover all outstanding debts owed by KEDO for heavy  
9 fuel oil have been provided to KEDO by donors other than  
10 the United States.

11 *TITLE III—MILITARY ASSISTANCE*

12 *FUNDS APPROPRIATED TO THE PRESIDENT*

13 *INTERNATIONAL MILITARY EDUCATION AND TRAINING*

14 *For necessary expenses to carry out the provisions of*  
15 *section 541 of the Foreign Assistance Act of 1961,*  
16 *\$50,000,000: Provided, That the civilian personnel for*  
17 *whom military education and training may be provided*  
18 *under this heading may include civilians who are not mem-*  
19 *bers of a government whose participation would contribute*  
20 *to improved civil-military relations, civilian control of the*  
21 *military, or respect for human rights: Provided further,*  
22 *That funds appropriated under this heading for grant fi-*  
23 *nanced military education and training for Indonesia and*  
24 *Guatemala may only be available for expanded inter-*  
25 *national military education and training and funds made*



1 available for Guatemala may only be provided through the  
2 regular notification procedures of the Committees on Appro-  
3 priations: Provided further, That none of the funds appro-  
4 priated under this heading may be made available to sup-  
5 port grant financed military education and training at the  
6 School of the Americas unless: (1) the Secretary of Defense  
7 certifies that the instruction and training provided by the  
8 School of the Americas is fully consistent with training and  
9 doctrine, particularly with respect to the observance of  
10 human rights, provided by the Department of Defense to  
11 United States military students at Department of Defense  
12 institutions whose primary purpose is to train United  
13 States military personnel; (2) the Secretary of Defense cer-  
14 tifies that the Secretary of State, in consultation with the  
15 Secretary of Defense, has developed and issued specific  
16 guidelines governing the selection and screening of can-  
17 didates for instruction at the School of the Americas; and  
18 (3) the Secretary of Defense submits to the Committees on  
19 Appropriations a report detailing the training activities of  
20 the School of the Americas and a general assessment regard-  
21 ing the performance of its graduates during 1996.

22 *FOREIGN MILITARY FINANCING PROGRAM*

23 *For expenses necessary for grants to enable the Presi-*  
24 *dent to carry out the provisions of section 23 of the Arms*  
25 *Export Control Act, \$3,296,550,000: Provided, That of the*  
26 *funds appropriated under this heading, not less than*

1 \$1,800,000,000 shall be available for grants only for Israel,  
2 and not less than \$1,300,000,000 shall be made available  
3 for grants only for Egypt: Provided further, That the funds  
4 appropriated by this paragraph for Israel shall be disbursed  
5 within thirty days of enactment of this Act or by October  
6 31, 1997, whichever is later: Provided further, That to the  
7 extent that the Government of Israel requests that funds be  
8 used for such purposes, grants made available for Israel by  
9 this paragraph shall, as agreed by Israel and the United  
10 States, be available for advanced weapons systems, of which  
11 not less than \$475,000,000 shall be available for the pro-  
12 curement in Israel of defense articles and defense services,  
13 including research and development: Provided further, That  
14 of the funds appropriated by this paragraph, not less than  
15 \$75,000,000 shall be available for assistance for Jordan:  
16 Provided further, That during fiscal year 1998 the Presi-  
17 dent is authorized to, and shall, direct drawdowns of defense  
18 articles from the stocks of the Department of Defense, de-  
19 fense services of the Department of Defense, and military  
20 education and training of an aggregate value of not less  
21 than \$25,000,000 under the authority of this proviso for  
22 Jordan for the purposes of part II of the Foreign Assistance  
23 Act of 1961, and any amount so directed shall count toward  
24 meeting the earmark in the previous proviso: Provided fur-  
25 ther, That section 506(c) of the Foreign Assistance Act of

1 1961 shall apply, and section 632(d) of the Foreign Assist-  
2 ance Act of 1961 shall not apply, to any such drawdown:  
3 Provided further, That of the funds appropriated by this  
4 paragraph, a total of \$18,300,000 should be available for  
5 assistance for Estonia, Latvia, and Lithuania: Provided  
6 further, That none of the funds made available under this  
7 heading shall be available for any non-NATO country par-  
8 ticipating in the Partnership for Peace Program except  
9 through the regular notification procedures of the Commit-  
10 tees on Appropriations: Provided further, That funds ap-  
11 propriated by this paragraph shall be nonrepayable not-  
12 withstanding any requirement in section 23 of the Arms  
13 Export Control Act: Provided further, That funds made  
14 available under this paragraph shall be obligated upon ap-  
15 portionment in accordance with paragraph (5)(C) of title  
16 31, United States Code, section 1501(a): Provided further,  
17 That \$50,000,000 of the funds appropriated or otherwise  
18 made available under this heading should be made available  
19 for the purpose of facilitating the integration of Poland,  
20 Hungary, and the Czech Republic into the North Atlantic  
21 Treaty Organization.

22       For the cost, as defined in section 502 of the Congres-  
23 sional Budget Act of 1974, of direct loans authorized by  
24 section 23 of the Arms Export Control Act as follows: cost  
25 of direct loans, \$60,000,000: Provided, That these funds are

1 *available to subsidize gross obligations for the principal*  
2 *amount of direct loans of not to exceed \$657,000,000: Pro-*  
3 *vided further, That the rate of interest charged on such*  
4 *loans shall be not less than the current average market yield*  
5 *on outstanding marketable obligations of the United States*  
6 *of comparable maturities: Provided further, That funds ap-*  
7 *propriated under this paragraph shall be made available*  
8 *for Greece and Turkey only on a loan basis, and the prin-*  
9 *cipal amount of direct loans for each country shall not ex-*  
10 *ceed the following: \$105,000,000 only for Greece and*  
11 *\$150,000,000 only for Turkey.*

12 *None of the funds made available under this heading*  
13 *shall be available to finance the procurement of defense arti-*  
14 *cles, defense services, or design and construction services*  
15 *that are not sold by the United States Government under*  
16 *the Arms Export Control Act unless the foreign country pro-*  
17 *posing to make such procurements has first signed an agree-*  
18 *ment with the United States Government specifying the*  
19 *conditions under which such procurements may be financed*  
20 *with such funds: Provided, That all country and funding*  
21 *level increases in allocations shall be submitted through the*  
22 *regular notification procedures of section 515 of this Act:*  
23 *Provided further, That none of the funds appropriated*  
24 *under this heading shall be available for Sudan and Libe-*  
25 *ria: Provided further, That funds made available under this*

1 heading may be used, notwithstanding any other provision  
2 of law, for demining, the clearance of unexploded ordnance,  
3 and related activities and may include activities imple-  
4 mented through nongovernmental and international organi-  
5 zations: Provided further, That only those countries for  
6 which assistance was justified for the “Foreign Military  
7 Sales Financing Program” in the fiscal year 1989 congres-  
8 sional presentation for security assistance programs may  
9 utilize funds made available under this heading for procure-  
10 ment of defense articles, defense services or design and con-  
11 struction services that are not sold by the United States  
12 Government under the Arms Export Control Act: Provided  
13 further, That, subject to the regular notification procedures  
14 of the Committees on Appropriations, funds made available  
15 under this heading for the cost of direct loans may also be  
16 used to supplement the funds available under this heading  
17 for grants, and funds made available under this heading  
18 for grants may also be used to supplement the funds avail-  
19 able under this heading for the cost of direct loans: Provided  
20 further, That funds appropriated under this heading shall  
21 be expended at the minimum rate necessary to make timely  
22 payment for defense articles and services: Provided further,  
23 That not more than \$23,250,000 of the funds appropriated  
24 under this heading may be obligated for necessary expenses,  
25 including the purchase of passenger motor vehicles for re-

1 *placement only for use outside of the United States, for the*  
2 *general costs of administering military assistance and sales:*  
3 *Provided further, That none of the funds under this heading*  
4 *shall be available for Guatemala: Provided further, That not*  
5 *more than \$350,000,000 of funds realized pursuant to sec-*  
6 *tion 21(e)(1)(A) of the Arms Export Control Act may be*  
7 *obligated for expenses incurred by the Department of De-*  
8 *fense during fiscal year 1998 pursuant to section 43(b) of*  
9 *the Arms Export Control Act, except that this limitation*  
10 *may be exceeded only through the regular notification pro-*  
11 *cedures of the Committees on Appropriations.*

12 *PEACEKEEPING OPERATIONS*

13 *For necessary expenses to carry out the provisions of*  
14 *section 551 of the Foreign Assistance Act of 1961,*  
15 *\$77,500,000: Provided, That none of the funds appropriated*  
16 *under this heading shall be obligated or expended except as*  
17 *provided through the regular notification procedures of the*  
18 *Committees on Appropriations.*

19 *TITLE IV—MULTILATERAL ECONOMIC*

20 *ASSISTANCE*

21 *FUNDS APPROPRIATED TO THE PRESIDENT*

22 *INTERNATIONAL FINANCIAL INSTITUTIONS*

23 *CONTRIBUTION TO THE INTERNATIONAL BANK FOR*

24 *RECONSTRUCTION AND DEVELOPMENT*

25 *For payment to the International Bank for Recon-*  
26 *struction and Development by the Secretary of the Treas-*

1 *ury, for the United States contribution to the Global Envi-*  
2 *ronment Facility (GEF), \$47,500,000, to remain available*  
3 *until September 30, 1999.*

4 *CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT*

5 *ASSOCIATION*

6 *For payment to the International Development Asso-*  
7 *ciation by the Secretary of the Treasury, \$1,034,503,100,*  
8 *to remain available until expended, of which \$234,503,100*  
9 *shall be available to pay for the tenth replenishment: Pro-*  
10 *vided, That none of the funds may be obligated or made*  
11 *available until the Secretary of the Treasury certifies to the*  
12 *Committees on Appropriations that procurement restric-*  
13 *tions applicable to United States firms under the terms of*  
14 *the Interim Trust Fund have been lifted from all funds*  
15 *which Interim Trust Fund donors proposed to set aside for*  
16 *review of procurement restrictions at the conclusion of the*  
17 *February 1997 IDA Deputies Meeting in Paris.*

18 *CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT*

19 *BANK*

20 *For payment to the Inter-American Development Bank*  
21 *by the Secretary of the Treasury, for the United States share*  
22 *of the paid-in share portion of the increase in capital stock,*  
23 *\$25,610,667, and for the United States share of the increase*  
24 *in the resources of the Fund for Special Operations,*  
25 *\$20,835,000, to remain available until expended.*

1        *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

2        *The United States Governor of the Inter-American De-*  
3 *velopment Bank may subscribe without fiscal year limita-*  
4 *tion to the callable capital portion of the United States*  
5 *share of such capital stock in an amount not to exceed*  
6 *\$1,503,718,910.*

7        *CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS*8                    *MULTILATERAL INVESTMENT FUND*

9        *For payment to the Enterprise for the Americas Multi-*  
10 *lateral Investment Fund by the Secretary of the Treasury,*  
11 *for the United States contribution to the Fund to be admin-*  
12 *istered by the Inter-American Development Bank,*  
13 *\$30,000,000 to remain available until expended, which shall*  
14 *be available for contributions previously due.*

15        *CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK*

16        *For payment to the Asian Development Bank by the*  
17 *Secretary of the Treasury for the United States share of*  
18 *the paid-in portion of the increase in capital stock,*  
19 *\$13,221,596, to remain available until expended.*

20        *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

21        *The United States Governor of the Asian Development*  
22 *Bank may subscribe without fiscal year limitation to the*  
23 *callable capital portion of the United States share of such*  
24 *capital stock in an amount not to exceed \$647,858,204.*



1           *CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND*

2           *For the United States contribution by the Secretary*  
3 *of the Treasury to the increases in resources of the Asian*  
4 *Development Fund, as authorized by the Asian Develop-*  
5 *ment Bank Act, as amended (Public Law 89-369),*  
6 *\$150,000,000, of which \$50,000,000 shall be available for*  
7 *contributions previously due, to remain available until ex-*  
8 *pended.*

9           *CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND*

10          *For the United States contribution by the Secretary*  
11 *of the Treasury to the increase in resources of the African*  
12 *Development Fund, \$45,000,000, to remain available until*  
13 *expended and which shall be available for contributions pre-*  
14 *viously due.*

15           *CONTRIBUTION TO THE EUROPEAN BANK FOR*

16                   *RECONSTRUCTION AND DEVELOPMENT*

17          *For payment to the European Bank for Reconstruction*  
18 *and Development by the Secretary of the Treasury,*  
19 *\$35,778,717, for the United States share of the paid-in por-*  
20 *tion of the increase in capital stock, to remain available*  
21 *until expended.*

22           *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

23          *The United States Governor of the European Bank for*  
24 *Reconstruction and Development may subscribe without fis-*  
25 *cal year limitation to the callable capital portion of the*

1 *United States share of such capital stock in an amount not*  
2 *to exceed \$123,237,803.*

3 *NORTH AMERICAN DEVELOPMENT BANK*

4 *For payment to the North American Development*  
5 *Bank by the Secretary of the Treasury, for the United*  
6 *States share of the paid-in portion of the capital stock,*  
7 *\$56,500,000, to remain available until expended of which*  
8 *\$250,000 shall be available for contributions previously due:*  
9 *Provided, That none of the funds appropriated under this*  
10 *heading that are made available for the Community Adjust-*  
11 *ment and Investment Program shall be used for purposes*  
12 *other than those set out in the binational agreement estab-*  
13 *lishing the Bank: Provided further, That of the amount ap-*  
14 *propriated under this heading, not more than \$41,250,000*  
15 *may be expended for the purchase of such capital shares*  
16 *in fiscal year 1998.*

17 *LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS*

18 *The United States Governor of the North American De-*  
19 *velopment Bank may subscribe without fiscal year limita-*  
20 *tion to the callable capital portion of the United States*  
21 *share of the capital stock of the North American Develop-*  
22 *ment Bank in an amount not to exceed \$318,750,000.*

23 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

24 *For necessary expenses to carry out the provisions of*  
25 *section 301 of the Foreign Assistance Act of 1961, and of*  
26 *section 2 of the United Nations Environment Program Par-*

1 *ticipation Act of 1973, \$192,000,000: Provided, That none*  
2 *of the funds appropriated under this heading shall be made*  
3 *available for the United Nations Fund for Science and*  
4 *Technology: Provided further, That none of the funds appro-*  
5 *priated under this heading that are made available to the*  
6 *United Nations Population Fund (UNFPA) shall be made*  
7 *available for activities in the People's Republic of China:*  
8 *Provided further, That not more than \$25,000,000 of the*  
9 *funds appropriated under this heading may be made avail-*  
10 *able to UNFPA: Provided further, That not more than one-*  
11 *half of this amount may be provided to UNFPA before*  
12 *March 1, 1998, and that no later than February 15, 1998,*  
13 *the Secretary of State shall submit a report to the Commit-*  
14 *tees on Appropriations indicating the amount UNFPA is*  
15 *budgeting for the People's Republic of China in 1998: Pro-*  
16 *vided further, That any amount UNFPA plans to spend*  
17 *in the People's Republic of China in 1998 shall be deducted*  
18 *from the amount of funds provided to UNFPA after March*  
19 *1, 1998, pursuant to the previous provisos: Provided fur-*  
20 *ther, That with respect to any funds appropriated under*  
21 *this heading that are made available to UNFPA, UNFPA*  
22 *shall be required to maintain such funds in a separate ac-*  
23 *count and not commingle them with any other funds: Pro-*  
24 *vided further, That none of the funds appropriated under*  
25 *this heading may be made available to the Korean Penin-*

1 *sula Energy Development Organization (KEDO) or the*  
2 *International Atomic Energy Agency (IAEA): Provided*  
3 *further, That not less than \$4,000,000 should be made avail-*  
4 *able to the World Food Program.*

5 *TITLE V—GENERAL PROVISIONS*

6 *OBLIGATIONS DURING LAST MONTH OF AVAILABILITY*

7 *SEC. 501. Except for the appropriations entitled*  
8 *“International Disaster Assistance”, and “United States*  
9 *Emergency Refugee and Migration Assistance Fund”, not*  
10 *more than 15 percent of any appropriation item made*  
11 *available by this Act shall be obligated during the last*  
12 *month of availability.*

13 *PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL*  
14 *FINANCIAL INSTITUTIONS*

15 *SEC. 502. Notwithstanding section 614 of the Foreign*  
16 *Assistance Act of 1961, as amended, none of the funds con-*  
17 *tained in title II of this Act may be used to carry out the*  
18 *provisions of section 209(d) of the Foreign Assistance Act*  
19 *of 1961.*

20 *LIMITATION ON RESIDENCE EXPENSES*

21 *SEC. 503. Of the funds appropriated or made available*  
22 *pursuant to this Act, not to exceed \$126,500 shall be for*  
23 *official residence expenses of the Agency for International*  
24 *Development during the current fiscal year: Provided, That*  
25 *appropriate steps shall be taken to assure that, to the maxi-*

1 *imum extent possible, United States-owned foreign cur-*  
2 *rencies are utilized in lieu of dollars.*

3 *LIMITATION ON EXPENSES*

4 *SEC. 504. Of the funds appropriated or made available*  
5 *pursuant to this Act, not to exceed \$5,000 shall be for enter-*  
6 *tainment expenses of the Agency for International Develop-*  
7 *ment during the current fiscal year.*

8 *LIMITATION ON REPRESENTATIONAL ALLOWANCES*

9 *SEC. 505. Of the funds appropriated or made available*  
10 *pursuant to this Act, not to exceed \$95,000 shall be avail-*  
11 *able for representation allowances for the Agency for Inter-*  
12 *national Development during the current fiscal year: Pro-*  
13 *vided, That appropriate steps shall be taken to assure that,*  
14 *to the maximum extent possible, United States-owned for-*  
15 *oreign currencies are utilized in lieu of dollars: Provided fur-*  
16 *ther, That of the funds made available by this Act for gen-*  
17 *eral costs of administering military assistance and sales*  
18 *under the heading "Foreign Military Financing Program",*  
19 *not to exceed \$2,000 shall be available for entertainment*  
20 *expenses and not to exceed \$50,000 shall be available for*  
21 *representation allowances: Provided further, That of the*  
22 *funds made available by this Act under the heading "Inter-*  
23 *national Military Education and Training", not to exceed*  
24 *\$50,000 shall be available for entertainment allowances:*  
25 *Provided further, That of the funds made available by this*  
26 *Act for the Inter-American Foundation, not to exceed*

1 \$2,000 shall be available for entertainment and representa-  
2 tion allowances: Provided further, That of the funds made  
3 available by this Act for the Peace Corps, not to exceed a  
4 total of \$4,000 shall be available for entertainment expenses:  
5 Provided further, That of the funds made available by this  
6 Act under the heading "Trade and Development Agency",  
7 not to exceed \$2,000 shall be available for representation  
8 and entertainment allowances.

9 *PROHIBITION ON FINANCING NUCLEAR GOODS*

10 *SEC. 506. None of the funds appropriated or made*  
11 *available (other than funds for "Nonproliferation, Anti-ter-*  
12 *rorism, Demining and Related Programs") pursuant to this*  
13 *Act, for carrying out the Foreign Assistance Act of 1961,*  
14 *may be used, except for purposes of nuclear safety, to fi-*  
15 *nance the export of nuclear equipment, fuel, or technology.*

16 *PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN*  
17 *COUNTRIES*

18 *SEC. 507. None of the funds appropriated or otherwise*  
19 *made available pursuant to this Act shall be obligated or*  
20 *expended to finance directly any assistance or reparations*  
21 *to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria:*  
22 *Provided, That for purposes of this section, the prohibition*  
23 *on obligations or expenditures shall include direct loans,*  
24 *credits, insurance and guarantees of the Export-Import*  
25 *Bank or its agents.*

1 *MILITARY COUPS*

2 *SEC. 508. None of the funds appropriated or otherwise*  
3 *made available pursuant to this Act shall be obligated or*  
4 *expended to finance directly any assistance to any country*  
5 *whose duly elected Head of Government is deposed by mili-*  
6 *tary coup or decree: Provided, That assistance may be re-*  
7 *sumed to such country if the President determines and re-*  
8 *ports to the Committees on Appropriations that subsequent*  
9 *to the termination of assistance a democratically elected*  
10 *government has taken office.*

11 *TRANSFERS BETWEEN ACCOUNTS*

12 *SEC. 509. None of the funds made available by this*  
13 *Act may be obligated under an appropriation account to*  
14 *which they were not appropriated, except for transfers spe-*  
15 *cifically provided for in this Act, unless the President, prior*  
16 *to the exercise of any authority contained in the Foreign*  
17 *Assistance Act of 1961 to transfer funds, consults with and*  
18 *provides a written policy justification to the Committees*  
19 *on Appropriations of the House of Representatives and the*  
20 *Senate: Provided, That the exercise of such authority shall*  
21 *be subject to the regular notification procedures of the Com-*  
22 *mittees on Appropriations.*

23 *DEOBLIGATION/REOBLIGATION AUTHORITY*

24 *SEC. 510. (a) Amounts certified pursuant to section*  
25 *1311 of the Supplemental Appropriations Act, 1955, as*  
26 *having been obligated against appropriations heretofore*

1 *made under the authority of the Foreign Assistance Act of*  
2 *1961 for the same general purpose as any of the headings*  
3 *under title II of this Act are, if deobligated, hereby contin-*  
4 *ued available for the same period as the respective appro-*  
5 *priations under such headings or until September 30, 1998,*  
6 *whichever is later, and for the same general purpose, and*  
7 *for countries within the same region as originally obligated:*  
8 *Provided, That the Appropriations Committees of both*  
9 *Houses of the Congress are notified fifteen days in advance*  
10 *of the reobligation of such funds in accordance with regular*  
11 *notification procedures of the Committees on Appropria-*  
12 *tions.*

13 *(b) Obligated balances of funds appropriated to carry*  
14 *out section 23 of the Arms Export Control Act as of the*  
15 *end of the fiscal year immediately preceding the current*  
16 *fiscal year are, if deobligated, hereby continued available*  
17 *during the current fiscal year for the same purpose under*  
18 *any authority applicable to such appropriations under this*  
19 *Act: Provided, That the authority of this subsection may*  
20 *not be used in fiscal year 1998.*

21 *AVAILABILITY OF FUNDS*

22 *SEC. 511. No part of any appropriation contained in*  
23 *this Act shall remain available for obligation after the expi-*  
24 *ration of the current fiscal year unless expressly so provided*  
25 *in this Act: Provided, That funds appropriated for the pur-*  
26 *poses of chapters 1, 8, and 11 of part I, section 667, and*



1 *chapter 4 of part II of the Foreign Assistance Act of 1961,*  
2 *as amended, and funds provided under the heading “Assist-*  
3 *ance for Eastern Europe and the Baltic States”, shall re-*  
4 *main available until expended if such funds are initially*  
5 *obligated before the expiration of their respective periods of*  
6 *availability contained in this Act: Provided further, That,*  
7 *notwithstanding any other provision of this Act, any funds*  
8 *made available for the purposes of chapter 1 of part I and*  
9 *chapter 4 of part II of the Foreign Assistance Act of 1961*  
10 *which are allocated or obligated for cash disbursements in*  
11 *order to address balance of payments or economic policy*  
12 *reform objectives, shall remain available until expended:*  
13 *Provided further, That the report required by section 653(a)*  
14 *of the Foreign Assistance Act of 1961 shall designate for*  
15 *each country, to the extent known at the time of submission*  
16 *of such report, those funds allocated for cash disbursement*  
17 *for balance of payment and economic policy reform pur-*  
18 *poses.*

19 *LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT*

20 *SEC. 512. No part of any appropriation contained in*  
21 *this Act shall be used to furnish assistance to any country*  
22 *which is in default during a period in excess of one calendar*  
23 *year in payment to the United States of principal or inter-*  
24 *est on any loan made to such country by the United States*  
25 *pursuant to a program for which funds are appropriated*  
26 *under this Act: Provided, That this section and section*

1 620(q) of the Foreign Assistance Act of 1961 shall not apply  
2 to funds made available in this Act or during the current  
3 fiscal year for Nicaragua and Liberia, and for any narcot-  
4 ics-related assistance for Colombia, Bolivia, and Peru au-  
5 thorized by the Foreign Assistance Act of 1961 or the Arms  
6 Export Control Act.

7   COMMERCE AND TRADE

8           *SEC. 513. (a) None of the funds appropriated or made*  
9 *available pursuant to this Act for direct assistance and*  
10 *none of the funds otherwise made available pursuant to this*  
11 *Act to the Export-Import Bank and the Overseas Private*  
12 *Investment Corporation shall be obligated or expended to*  
13 *finance any loan, any assistance or any other financial*  
14 *commitments for establishing or expanding production of*  
15 *any commodity for export by any country other than the*  
16 *United States, if the commodity is likely to be in surplus*  
17 *on world markets at the time the resulting productive ca-*  
18 *capacity is expected to become operative and if the assistance*  
19 *will cause substantial injury to United States producers of*  
20 *the same, similar, or competing commodity: Provided, That*  
21 *such prohibition shall not apply to the Export-Import Bank*  
22 *if in the judgment of its Board of Directors the benefits to*  
23 *industry and employment in the United States are likely*  
24 *to outweigh the injury to United States producers of the*  
25 *same, similar, or competing commodity, and the Chairman*  
26 *of the Board so notifies the Committees on Appropriations.*

1           (b) None of the funds appropriated by this or any other  
 2 Act to carry out chapter 1 of part I of the Foreign Assist-  
 3 ance Act of 1961 shall be available for any testing or breed-  
 4 ing feasibility study, variety improvement or introduction,  
 5 consultancy, publication, conference, or training in connec-  
 6 tion with the growth or production in a foreign country  
 7 of an agricultural commodity for export which would com-  
 8 pete with a similar commodity grown or produced in the  
 9 United States: Provided, That this subsection shall not pro-  
 10 hibit—

11                 (1) activities designed to increase food security  
 12                 in developing countries where such activities will not  
 13                 have a significant impact in the export of agricul-  
 14                 tural commodities of the United States; or

15                 (2) research activities intended primarily to ben-  
 16                 efit American producers.

17                                   SURPLUS COMMODITIES

18           SEC. 514. The Secretary of the Treasury shall instruct  
 19 the United States Executive Directors of the International  
 20 Bank for Reconstruction and Development, the Inter-  
 21 national Development Association, the International Fi-  
 22 nance Corporation, the Inter-American Development Bank,  
 23 the International Monetary Fund, the Asian Development  
 24 Bank, the Inter-American Investment Corporation, the  
 25 North American Development Bank, the European Bank for  
 26 Reconstruction and Development, the African Development

1 *Bank, and the African Development Fund to use the voice*  
2 *and vote of the United States to oppose any assistance by*  
3 *these institutions, using funds appropriated or made avail-*  
4 *able pursuant to this Act, for the production or extraction*  
5 *of any commodity or mineral for export, if it is in surplus*  
6 *on world markets and if the assistance will cause substan-*  
7 *tial injury to United States producers of the same, similar,*  
8 *or competing commodity.*

9 *NOTIFICATION REQUIREMENTS*

10 *SEC. 515. For the purposes of providing the Executive*  
11 *Branch with the necessary administrative flexibility, none*  
12 *of the funds made available under this Act for “Child Sur-*  
13 *vival and Disease Programs Fund”, “Development Assist-*  
14 *ance”, “International organizations and programs”,*  
15 *“Trade and Development Agency”, “International narcotics*  
16 *control”, “Narcotics interdiction”, “Assistance for Eastern*  
17 *Europe and the Baltic States”, “Assistance for the New*  
18 *Independent States of the Former Soviet Union”, “Eco-*  
19 *nomics Support Fund”, “Peacekeeping operations”, “Oper-*  
20 *ating expenses of the Agency for International Develop-*  
21 *ment”, “Operating expenses of the Agency for International*  
22 *Development Office of Inspector General”, “Nonprolifera-*  
23 *tion, anti-terrorism, demining and related programs”,*  
24 *“Foreign Military Financing Program”, “International*  
25 *military education and training”, “Peace Corps”, “Migra-*  
26 *tion and refugee assistance”, shall be available for obliga-*

1 *tion for activities, programs, projects, type of materiel as-*  
2 *sistance, countries, or other operations not justified or in*  
3 *excess of the amount justified to the Appropriations Com-*  
4 *mittees for obligation under any of these specific headings*  
5 *unless the Appropriations Committees of both Houses of*  
6 *Congress are previously notified fifteen days in advance:*  
7 *Provided, That the President shall not enter into any com-*  
8 *mitment of funds appropriated for the purposes of section*  
9 *23 of the Arms Export Control Act for the provision of*  
10 *major defense equipment, other than conventional ammuni-*  
11 *tion, or other major defense items defined to be aircraft,*  
12 *ships, missiles, or combat vehicles, not previously justified*  
13 *to Congress or 20 percent in excess of the quantities justified*  
14 *to Congress unless the Committees on Appropriations are*  
15 *notified fifteen days in advance of such commitment: Pro-*  
16 *vided further, That this section shall not apply to any re-*  
17 *programming for an activity, program, or project under*  
18 *chapter 1 of part I of the Foreign Assistance Act of 1961*  
19 *of less than 10 percent of the amount previously justified*  
20 *to the Congress for obligation for such activity, program,*  
21 *or project for the current fiscal year: Provided further, That*  
22 *the requirements of this section or any similar provision*  
23 *of this Act or any other Act, including any prior Act requir-*  
24 *ing notification in accordance with the regular notification*  
25 *procedures of the Committees on Appropriations, may be*

1 *waived if failure to do so would pose a substantial risk to*  
2 *human health or welfare: Provided further, That in case*  
3 *of any such waiver, notification to the Congress, or the ap-*  
4 *propriate congressional committees, shall be provided as*  
5 *early as practicable, but in no event later than three days*  
6 *after taking the action to which such notification require-*  
7 *ment was applicable, in the context of the circumstances*  
8 *necessitating such waiver: Provided further, That any noti-*  
9 *fication provided pursuant to such a waiver shall contain*  
10 *an explanation of the emergency circumstances.*

11 *Drawdowns made pursuant to section 506(a)(2) of the*  
12 *Foreign Assistance Act of 1961 shall be subject to the regu-*  
13 *lar notification procedures of the Committees on Appropria-*  
14 *tions.*

15 *LIMITATION ON AVAILABILITY OF FUNDS FOR*

16 *INTERNATIONAL ORGANIZATIONS AND PROGRAMS*

17 *SEC. 516. Notwithstanding any other provision of law*  
18 *or of this Act, none of the funds provided for “International*  
19 *Organizations and Programs” shall be available for the*  
20 *United States proportionate share, in accordance with sec-*  
21 *tion 307(c) of the Foreign Assistance Act of 1961, for any*  
22 *programs identified in section 307, or for Libya, Iran, or,*  
23 *at the discretion of the President, Communist countries list-*  
24 *ed in section 620(f) of the Foreign Assistance Act of 1961,*  
25 *as amended: Provided, That, subject to the regular notifica-*  
26 *tion procedures of the Committees on Appropriations, funds*

1 *appropriated under this Act or any previously enacted Act*  
2 *making appropriations for foreign operations, export fi-*  
3 *nancing, and related programs, which are returned or not*  
4 *made available for organizations and programs because of*  
5 *the implementation of this section or any similar provision*  
6 *of law, shall remain available for obligation through Sep-*  
7 *tember 30, 1999.*

8 *ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL*

9 *SEC. 517. The Congress finds that progress on the*  
10 *peace process in the Middle East is vitally important to*  
11 *United States security interests in the region. The Congress*  
12 *recognizes that, in fulfilling its obligations under the Treaty*  
13 *of Peace Between the Arab Republic of Egypt and the State*  
14 *of Israel, done at Washington on March 26, 1979, Israel*  
15 *incurred severe economic burdens. Furthermore, the Con-*  
16 *gress recognizes that an economically and militarily secure*  
17 *Israel serves the security interests of the United States, for*  
18 *a secure Israel is an Israel which has the incentive and*  
19 *confidence to continue pursuing the peace process. There-*  
20 *fore, the Congress declares that, subject to the availability*  
21 *of appropriations, it is the policy and the intention of the*  
22 *United States that the funds provided in annual appropria-*  
23 *tions for the Economic Support Fund which are allocated*  
24 *to Israel shall not be less than the annual debt repayment*  
25 *(interest and principal) from Israel to the United States*

1 *Government in recognition that such a principle serves*  
2 *United States interests in the region.*

3 *PROHIBITION ON FUNDING FOR ABORTIONS AND*  
4 *INVOLUNTARY STERILIZATION*

5 *SEC. 518. None of the funds made available to carry*  
6 *out part I of the Foreign Assistance Act of 1961, as amend-*  
7 *ed, may be used to pay for the performance of abortions*  
8 *as a method of family planning or to motivate or coerce*  
9 *any person to practice abortions. None of the funds made*  
10 *available to carry out part I of the Foreign Assistance Act*  
11 *of 1961, as amended, may be used to pay for the perform-*  
12 *ance of involuntary sterilization as a method of family*  
13 *planning or to coerce or provide any financial incentive*  
14 *to any person to undergo sterilizations. None of the funds*  
15 *made available to carry out part I of the Foreign Assistance*  
16 *Act of 1961, as amended, may be used to pay for any bio-*  
17 *medical research which relates in whole or in part, to meth-*  
18 *ods of, or the performance of, abortions or involuntary steri-*  
19 *lization as a means of family planning. None of the funds*  
20 *made available to carry out part I of the Foreign Assistance*  
21 *Act of 1961, as amended, may be obligated or expended for*  
22 *any country or organization if the President certifies that*  
23 *the use of these funds by any such country or organization*  
24 *would violate any of the above provisions related to abor-*  
25 *tions and involuntary sterilizations: Provided, That none*



1 *of the funds made available under this Act may be used*  
2 *to lobby for or against abortion.*

3 *REPORTING REQUIREMENT*

4 *SEC. 519. Section 25 of the Arms Export Control Act*  
5 *is amended—*

6 *(1) in subsection (a), by striking “Congress” and*  
7 *inserting in lieu thereof “appropriate congressional*  
8 *committees”;*

9 *(2) in subsection (b), by striking “the Committee*  
10 *on Foreign Relations of the Senate or the Committee*  
11 *on Foreign Affairs of the House of Representatives”*  
12 *and inserting in lieu thereof “any of the congressional*  
13 *committees described in subsection (e)”;* and

14 *(3) by adding the following subsection:*

15 *“(e) As used in this section, the term ‘appropriate con-*  
16 *gressional committees’ means the Committee on Foreign Re-*  
17 *lations and the Committee on Appropriations of the Senate*  
18 *and the Committee on International Relations and the*  
19 *Committee on Appropriations of the House of Representa-*  
20 *tives.”.*

21 *SPECIAL NOTIFICATION REQUIREMENTS*

22 *SEC. 520. None of the funds appropriated in this Act*  
23 *shall be obligated or expended for Colombia, Haiti, Liberia,*  
24 *Pakistan, Panama, Peru, Serbia, Sudan, or the Democratic*  
25 *Republic of Congo except as provided through the regular*

1 *notification procedures of the Committees on Appropria-*  
2 *tions.*

3 *DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY*

4 *SEC. 521. For the purpose of this Act, “program,*  
5 *project, and activity” shall be defined at the Appropriations*  
6 *Act account level and shall include all Appropriations and*  
7 *Authorizations Acts earmarks, ceilings, and limitations*  
8 *with the exception that for the following accounts: Economic*  
9 *Support Fund and Foreign Military Financing Program,*  
10 *“program, project, and activity” shall also be considered*  
11 *to include country, regional, and central program level*  
12 *funding within each such account; for the development as-*  
13 *sistance accounts of the Agency for International Develop-*  
14 *ment “program, project, and activity” shall also be consid-*  
15 *ered to include central program level funding, either as (1)*  
16 *justified to the Congress, or (2) allocated by the executive*  
17 *branch in accordance with a report, to be provided to the*  
18 *Committees on Appropriations within thirty days of enact-*  
19 *ment of this Act, as required by section 653(a) of the For-*  
20 *ign Assistance Act of 1961.*

21 *CHILD SURVIVAL, AIDS, AND OTHER ACTIVITIES*

22 *SEC. 522. Up to \$10,000,000 of the funds made avail-*  
23 *able by this Act for assistance for family planning, health,*  
24 *child survival, basic education, and AIDS, may be used to*  
25 *reimburse United States Government agencies, agencies of*  
26 *State governments, institutions of higher learning, and pri-*

1 *vate and voluntary organizations for the full cost of indi-*  
2 *viduals (including for the personal services of such individ-*  
3 *uals) detailed or assigned to, or contracted by, as the case*  
4 *may be, the Agency for International Development for the*  
5 *purpose of carrying out family planning activities, child*  
6 *survival, and basic education activities, and activities re-*  
7 *lating to research on, and the treatment and control of ac-*  
8 *quired immune deficiency syndrome in developing coun-*  
9 *tries: Provided, That funds appropriated by this Act that*  
10 *are made available for child survival activities or activities*  
11 *relating to research on, and the treatment and control of,*  
12 *acquired immune deficiency syndrome may be made avail-*  
13 *able notwithstanding any provision of law that restricts as-*  
14 *sistance to foreign countries: Provided further, That funds*  
15 *appropriated by this Act that are made available for family*  
16 *planning activities may be made available notwithstanding*  
17 *section 512 of this Act and section 620(q) of the Foreign*  
18 *Assistance Act of 1961.*

19 *PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN*  
20 *COUNTRIES*

21 *SEC. 523. None of the funds appropriated or otherwise*  
22 *made available pursuant to this Act shall be obligated to*  
23 *finance indirectly any assistance or reparations to Cuba,*  
24 *Iraq, Libya, Iran, Syria, North Korea, or the People's Re-*  
25 *public of China, unless the President of the United States*

1 *certifies that the withholding of these funds is contrary to*  
2 *the national interest of the United States.*

3 *RECIPROCAL LEASING*

4 *SEC. 524. Section 61(a) of the Arms Export Control*  
5 *Act is amended by striking out “1997” and inserting in*  
6 *lieu thereof “1998”.*

7 *NOTIFICATION ON EXCESS DEFENSE EQUIPMENT*

8 *SEC. 525. Prior to providing excess Department of De-*  
9 *fense articles in accordance with section 516(a) of the For-*  
10 *ign Assistance Act of 1961, the Department of Defense shall*  
11 *notify the Committees on Appropriations to the same extent*  
12 *and under the same conditions as are other committees pur-*  
13 *suant to subsection (c) of that section: Provided, That before*  
14 *issuing a letter of offer to sell excess defense articles under*  
15 *the Arms Export Control Act, the Department of Defense*  
16 *shall notify the Committees on Appropriations in accord-*  
17 *ance with the regular notification procedures of such Com-*  
18 *mittees: Provided further, That such Committees shall also*  
19 *be informed of the original acquisition cost of such defense*  
20 *articles.*

21 *AUTHORIZATION REQUIREMENT*

22 *SEC. 526. Funds appropriated by this Act may be obli-*  
23 *gated and expended notwithstanding section 10 of Public*  
24 *Law 91–672 and section 15 of the State Department Basic*  
25 *Authorities Act of 1956.*

1     *PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST*  
2                                     *COUNTRIES*

3             *SEC. 527. (a) Notwithstanding any other provision of*  
4 *law, funds appropriated for bilateral assistance under any*  
5 *heading of this Act and funds appropriated under any such*  
6 *heading in a provision of law enacted prior to enactment*  
7 *of this Act, shall not be made available to any country*  
8 *which the President determines—*

9                     *(1) grants sanctuary from prosecution to any in-*  
10 *dividual or group which has committed an act of*  
11 *international terrorism; or*

12                     *(2) otherwise supports international terrorism.*

13             *(b) The President may waive the application of sub-*  
14 *section (a) to a country if the President determines that*  
15 *national security or humanitarian reasons justify such*  
16 *waiver. The President shall publish each waiver in the Fed-*  
17 *eral Register and, at least fifteen days before the waiver*  
18 *takes effect, shall notify the Committees on Appropriations*  
19 *of the waiver (including the justification for the waiver)*  
20 *in accordance with the regular notification procedures of*  
21 *the Committees on Appropriations.*

22                                     *COMMERCIAL LEASING OF DEFENSE ARTICLES*

23             *SEC. 528. Notwithstanding any other provision of law,*  
24 *and subject to the regular notification procedures of the*  
25 *Committees on Appropriations, the authority of section*  
26 *23(a) of the Arms Export Control Act may be used to pro-*

1 *vide financing to Israel, Egypt and NATO and major non-*  
2 *NATO allies for the procurement by leasing (including leas-*  
3 *ing with an option to purchase) of defense articles from*  
4 *United States commercial suppliers, not including Major*  
5 *Defense Equipment (other than helicopters and other types*  
6 *of aircraft having possible civilian application), if the*  
7 *President determines that there are compelling foreign pol-*  
8 *icy or national security reasons for those defense articles*  
9 *being provided by commercial lease rather than by govern-*  
10 *ment-to-government sale under such Act.*

11 *COMPETITIVE INSURANCE*

12 *SEC. 529. All Agency for International Development*  
13 *contracts and solicitations, and subcontracts entered into*  
14 *under such contracts, shall include a clause requiring that*  
15 *United States insurance companies have a fair opportunity*  
16 *to bid for insurance when such insurance is necessary or*  
17 *appropriate.*

18 *STINGERS IN THE PERSIAN GULF REGION*

19 *SEC. 530. Except as provided in section 581 of the For-*  
20 *ign Operations, Export Financing, and Related Programs*  
21 *Appropriations Act, 1990, the United States may not sell*  
22 *or otherwise make available any Stingers to any country*  
23 *bordering the Persian Gulf under the Arms Export Control*  
24 *Act or chapter 2 of part II of the Foreign Assistance Act*  
25 *of 1961.*

*DEBT-FOR-DEVELOPMENT*

1  
2       *SEC. 531. In order to enhance the continued participa-*  
3 *tion of nongovernmental organizations in economic assist-*  
4 *ance activities under the Foreign Assistance Act of 1961,*  
5 *including endowments, debt-for-development and debt-for-*  
6 *nature exchanges, a nongovernmental organization which*  
7 *is a grantee or contractor of the Agency for International*  
8 *Development may place in interest bearing accounts funds*  
9 *made available under this Act or prior Acts or local cur-*  
10 *rencies which accrue to that organization as a result of eco-*  
11 *nomie assistance provided under title II of this Act and*  
12 *any interest earned on such investment shall be used for*  
13 *the purpose for which the assistance was provided to that*  
14 *organization.*

*SEPARATE ACCOUNTS*

15  
16       *SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CUR-*  
17 *RENCIES.—(1) If assistance is furnished to the government*  
18 *of a foreign country under chapters 1 and 10 of part I or*  
19 *chapter 4 of part II of the Foreign Assistance Act of 1961*  
20 *under agreements which result in the generation of local*  
21 *currencies of that country, the Administrator of the Agency*  
22 *for International Development shall—*

23           *(A) require that local currencies be deposited in*  
24           *a separate account established by that government;*

25           *(B) enter into an agreement with that govern-*  
26           *ment which sets forth—*

1           (i) the amount of the local currencies to be  
2           generated; and

3           (ii) the terms and conditions under which  
4           the currencies so deposited may be utilized, con-  
5           sistent with this section; and

6           (C) establish by agreement with that government  
7           the responsibilities of the Agency for International  
8           Development and that government to monitor and ac-  
9           count for deposits into and disbursements from the  
10          separate account.

11          (2) *USES OF LOCAL CURRENCIES.*—As may be agreed  
12          upon with the foreign government, local currencies depos-  
13          ited in a separate account pursuant to subsection (a), or  
14          an equivalent amount of local currencies, shall be used  
15          only—

16                (A) to carry out chapters 1 or 10 of part I or  
17                chapter 4 of part II (as the case may be), for such  
18                purposes as—

19                   (i) project and sector assistance activities;

20                   or

21                   (ii) debt and deficit financing; or

22                (B) for the administrative requirements of the  
23                United States Government.

24          (3) *PROGRAMMING ACCOUNTABILITY.*—The Agency for  
25          International Development shall take all necessary steps to



1 *ensure that the equivalent of the local currencies disbursed*  
2 *pursuant to subsection (a)(2)(A) from the separate account*  
3 *established pursuant to subsection (a)(1) are used for the*  
4 *purposes agreed upon pursuant to subsection (a)(2).*

5       (4) *TERMINATION OF ASSISTANCE PROGRAMS.*—*Upon*  
6 *termination of assistance to a country under chapters 1 or*  
7 *10 of part I or chapter 4 of part II (as the case may be),*  
8 *any unencumbered balances of funds which remain in a*  
9 *separate account established pursuant to subsection (a)*  
10 *shall be disposed of for such purposes as may be agreed to*  
11 *by the government of that country and the United States*  
12 *Government.*

13       (5) *CONFORMING AMENDMENTS.*—*The provisions of*  
14 *this subsection shall supersede the tenth and eleventh provi-*  
15 *ses contained under the heading “Sub-Saharan Africa, De-*  
16 *velopment Assistance” as included in the Foreign Oper-*  
17 *ations, Export Financing, and Related Programs Appro-*  
18 *priations Act, 1989 and sections 531(d) and 609 of the For-*  
19 *ign Assistance Act of 1961.*

20       (6) *REPORTING REQUIREMENT.*—*The Administrator*  
21 *of the Agency for International Development shall report*  
22 *on an annual basis as part of the justification documents*  
23 *submitted to the Committees on Appropriations on the use*  
24 *of local currencies for the administrative requirements of*  
25 *the United States Government as authorized in subsection*

1 (a)(2)(B), and such report shall include the amount of local  
2 currency (and United States dollar equivalent) used and/  
3 or to be used for such purpose in each applicable country.

4 (b) *SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1)*  
5 *If assistance is made available to the government of a for-*  
6 *eign country, under chapters 1 or 10 of part I or chapter*  
7 *4 of part II of the Foreign Assistance Act of 1961, as cash*  
8 *transfer assistance or as nonproject sector assistance, that*  
9 *country shall be required to maintain such funds in a sepa-*  
10 *rate account and not commingle them with any other funds.*

11 (2) *APPLICABILITY OF OTHER PROVISIONS OF LAW.—*  
12 *Such funds may be obligated and expended notwithstanding*  
13 *provisions of law which are inconsistent with the nature*  
14 *of this assistance including provisions which are referenced*  
15 *in the Joint Explanatory Statement of the Committee of*  
16 *Conference accompanying House Joint Resolution 648 (H.*  
17 *Report No. 98–1159).*

18 (3) *NOTIFICATION.—At least fifteen days prior to obli-*  
19 *gating any such cash transfer or nonproject sector assist-*  
20 *ance, the President shall submit a notification through the*  
21 *regular notification procedures of the Committees on Appro-*  
22 *priations, which shall include a detailed description of how*  
23 *the funds proposed to be made available will be used, with*  
24 *a discussion of the United States interests that will be*  
25 *served by the assistance (including, as appropriate, a de-*

1 *scription of the economic policy reforms that will be pro-*  
2 *moted by such assistance).*

3 (4) *EXEMPTION.—Nonproject sector assistance funds*  
4 *may be exempt from the requirements of subsection (b)(1)*  
5 *only through the notification procedures of the Committees*  
6 *on Appropriations.*

7 *COMPENSATION FOR UNITED STATES EXECUTIVE*

8 *DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS*

9 *SEC. 533. (a) No funds appropriated by this Act may*  
10 *be made as payment to any international financial institu-*  
11 *tion while the United States Executive Director to such in-*  
12 *stitution is compensated by the institution at a rate which,*  
13 *together with whatever compensation such Director receives*  
14 *from the United States, is in excess of the rate provided*  
15 *for an individual occupying a position at level IV of the*  
16 *Executive Schedule under section 5315 of title 5, United*  
17 *States Code, or while any alternate United States Director*  
18 *to such institution is compensated by the institution at a*  
19 *rate in excess of the rate provided for an individual occupy-*  
20 *ing a position at level V of the Executive Schedule under*  
21 *section 5316 of title 5, United States Code.*

22 (b) *For purposes of this section, “international finan-*  
23 *cial institutions” are: the International Bank for Recon-*  
24 *struction and Development, the Inter-American Develop-*  
25 *ment Bank, the Asian Development Bank, the Asian Devel-*  
26 *opment Fund, the African Development Bank, the African*

1 *Development Fund, the International Monetary Fund, the*  
2 *North American Development Bank, and the European*  
3 *Bank for Reconstruction and Development.*

4 *COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST*

5 *IRAQ*

6 *SEC. 534. None of the funds appropriated or otherwise*  
7 *made available pursuant to this Act to carry out the For-*  
8 *eign Assistance Act of 1961 (including title IV of chapter*  
9 *2 of part I, relating to the Overseas Private Investment Cor-*  
10 *poration) or the Arms Export Control Act may be used to*  
11 *provide assistance to any country that is not in compliance*  
12 *with the United Nations Security Council sanctions against*  
13 *Iraq unless the President determines and so certifies to the*  
14 *Congress that—*

15 *(1) such assistance is in the national interest of*  
16 *the United States;*

17 *(2) such assistance will directly benefit the needy*  
18 *people in that country; or*

19 *(3) the assistance to be provided will be humani-*  
20 *tarian assistance for foreign nationals who have fled*  
21 *Iraq and Kuwait.*

22 *COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES*

23 *SEC. 535. Direct costs associated with meeting a for-*  
24 *eign customer's additional or unique requirements will con-*  
25 *tinue to be allowable under contracts under section 22(d)*  
26 *of the Arms Export Control Act. Loadings applicable to*

1 *such direct costs shall be permitted at the same rates appli-*  
2 *cable to procurement of like items purchased by the Depart-*  
3 *ment of Defense for its own use.*

4 *EXTENSION OF AUTHORITY TO OBLIGATE FUNDS TO CLOSE*  
5 *THE SPECIAL DEFENSE ACQUISITION FUND*

6 *SEC. 536. Title III of Public Law 103–306 is amended*  
7 *under the heading “Special Defense Acquisition Fund” by*  
8 *striking “1998” and inserting “2000”.*

9 *AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMER-*  
10 *ICAN FOUNDATION AND THE AFRICAN DEVELOPMENT*  
11 *FOUNDATION*

12 *SEC. 537. Unless expressly provided to the contrary,*  
13 *provisions of this or any other Act, including provisions*  
14 *contained in prior Acts authorizing or making appropri-*  
15 *ations for foreign operations, export financing, and related*  
16 *programs, shall not be construed to prohibit activities au-*  
17 *thorized by or conducted under the Peace Corps Act, the*  
18 *Inter-American Foundation Act, or the African Develop-*  
19 *ment Foundation Act. The appropriate agency shall*  
20 *promptly report to the Committees on Appropriations*  
21 *whenever it is conducting activities or is proposing to con-*  
22 *duct activities in a country for which assistance is prohib-*  
23 *ited.*

24 *IMPACT ON JOBS IN THE UNITED STATES*

25 *SEC. 538. None of the funds appropriated by this Act*  
26 *may be obligated or expended to provide—*

1           (a) any financial incentive to a business enter-  
2           prise currently located in the United States for the  
3           purpose of inducing such an enterprise to relocate  
4           outside the United States if such incentive or induce-  
5           ment is likely to reduce the number of employees of  
6           such business enterprise in the United States because  
7           United States production is being replaced by such  
8           enterprise outside the United States;

9           (b) assistance for the purpose of establishing or  
10          developing in a foreign country any export processing  
11          zone or designated area in which the tax, tariff, labor,  
12          environment, and safety laws of that country do not  
13          apply, in part or in whole, to activities carried out  
14          within that zone or area, unless the President deter-  
15          mines and certifies that such assistance is not likely  
16          to cause a loss of jobs within the United States; or

17          (c) assistance for any project or activity that  
18          contributes to the violation of internationally recog-  
19          nized workers rights, as defined in section 502(a)(4)  
20          of the Trade Act of 1974, of workers in the recipient  
21          country, including any designated zone or area in  
22          that country: Provided, That in recognition that the  
23          application of this subsection should be commensurate  
24          with the level of development of the recipient country  
25          and sector, the provisions of this subsection shall not

1        *preclude assistance for the informal sector in such*  
2        *country, micro and small-scale enterprise, and*  
3        *smallholder agriculture.*

4                                *SPECIAL AUTHORITIES*

5        *SEC. 539. (a) Funds appropriated in title II of this*  
6        *Act that are made available for Afghanistan, Lebanon, and*  
7        *for victims of war, displaced children, displaced Burmese,*  
8        *humanitarian assistance for Romania, and humanitarian*  
9        *assistance for the peoples of Bosnia and Herzegovina, Cro-*  
10        *atia, and Kosova, may be made available notwithstanding*  
11        *any other provision of law.*

12        *(b) Funds appropriated by this Act to carry out the*  
13        *provisions of sections 103 through 106 of the Foreign Assist-*  
14        *ance Act of 1961 may be used, notwithstanding any other*  
15        *provision of law, for the purpose of supporting tropical for-*  
16        *estry and energy programs aimed at reducing emissions of*  
17        *greenhouse gases, and for the purpose of supporting bio-*  
18        *diversity conservation activities: Provided, That such as-*  
19        *sistance shall be subject to sections 116, 502B, and 620A*  
20        *of the Foreign Assistance Act of 1961.*

21        *(c) The Agency for International Development may*  
22        *employ personal services contractors, notwithstanding any*  
23        *other provision of law, for the purpose of administering pro-*  
24        *grams for the West Bank and Gaza.*

25        *(d)(1) WAIVER.—The President may waive the provi-*  
26        *sions of section 1003 of Public Law 100–204 if the Presi-*

1 *dent determines and certifies in writing to the Speaker of*  
2 *the House of Representatives and the President Pro Tem-*  
3 *pore of the Senate that it is important to the national secu-*  
4 *rity interests of the United States.*

5 (2) *PERIOD OF APPLICATION OF WAIVER.—Any waiv-*  
6 *er pursuant to paragraph (1) shall be effective for no more*  
7 *than a period of six months at a time and shall not apply*  
8 *beyond twelve months after enactment of this Act.*

9 *POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF*

10 *ISRAEL*

11 *SEC. 540. It is the sense of the Congress that—*

12 (1) *the Arab League countries should imme-*  
13 *diately and publicly renounce the primary boycott of*  
14 *Israel and the secondary and tertiary boycott of*  
15 *American firms that have commercial ties with Israel;*  
16 *and*

17 (2) *the decision by the Arab League in 1997 to*  
18 *reinstate the boycott against Israel was deeply trou-*  
19 *bling and disappointing; and*

20 (3) *the Arab League should immediately rescind*  
21 *its decision on the boycott and its members should de-*  
22 *velop normal relations with their neighbor Israel; and*

23 (4) *the President should—*

24 (A) *take more concrete steps to encourage*  
25 *vigorously Arab League countries to renounce*  
26 *publicly the primary boycotts of Israel and the*



1           *secondary and tertiary boycotts of American*  
2           *firms that have commercial relations with Israel*  
3           *as a confidence-building measure;*

4           *(B) take into consideration the participa-*  
5           *tion of any recipient country in the primary*  
6           *boycott of Israel and the secondary and tertiary*  
7           *boycotts of American firms that have commercial*  
8           *relations with Israel when determining whether*  
9           *to sell weapons to said country;*

10           *(C) report to Congress on the specific steps*  
11           *being taken by the President to bring about a*  
12           *public renunciation of the Arab primary boycott*  
13           *of Israel and the secondary and tertiary boycotts*  
14           *of American firms that have commercial rela-*  
15           *tions with Israel and to expand the process of*  
16           *normalizing ties between Arab League countries*  
17           *and Israel; and*

18           *(D) encourage the allies and trading part-*  
19           *ners of the United States to enact laws prohibi-*  
20           *ting businesses from complying with the boycott*  
21           *and penalizing businesses that do comply.*

22           *ANTI-NARCOTICS ACTIVITIES*

23           *SEC. 541. (a) Of the funds appropriated or otherwise*  
24           *made available by this Act for "Economic Support Fund",*  
25           *assistance may be provided to strengthen the administra-*  
26           *tion of justice in countries in Latin America and the Carib-*

1 *bean and in other regions consistent with the provisions of*  
2 *section 534(b) of the Foreign Assistance Act of 1961, except*  
3 *that programs to enhance protection of participants in ju-*  
4 *dicial cases may be conducted notwithstanding section 660*  
5 *of that Act.*

6 *(b) Funds made available pursuant to this section may*  
7 *be made available notwithstanding section 534(c) and the*  
8 *second and third sentences of section 534(e) of the Foreign*  
9 *Assistance Act of 1961. Funds made available pursuant to*  
10 *subsection (a) for Bolivia, Colombia, and Peru may be*  
11 *made available notwithstanding section 534(c) and the sec-*  
12 *ond sentence of section 534(e) of the Foreign Assistance Act*  
13 *of 1961.*

14 *ELIGIBILITY FOR ASSISTANCE*

15 *SEC. 542. (a) ASSISTANCE THROUGH NONGOVERN-*  
16 *MENTAL ORGANIZATIONS.—Restrictions contained in this*  
17 *or any other Act with respect to assistance for a country*  
18 *shall not be construed to restrict assistance in support of*  
19 *programs of nongovernmental organizations from funds ap-*  
20 *propriated by this Act to carry out the provisions of chap-*  
21 *ters 1 and 10 and 11 of part I, and chapter 4 of part II,*  
22 *of the Foreign Assistance Act of 1961: Provided, That the*  
23 *President shall take into consideration, in any case in*  
24 *which a restriction on assistance would be applicable but*  
25 *for this subsection, whether assistance in support of pro-*  
26 *grams of nongovernmental organizations is in the national*

1 *interest of the United States: Provided further, That before*  
2 *using the authority of this subsection to furnish assistance*  
3 *in support of programs of nongovernmental organizations,*  
4 *the President shall notify the Committees on Appropria-*  
5 *tions under the regular notification procedures of those com-*  
6 *mittees, including a description of the program to be as-*  
7 *sisted, the assistance to be provided, and the reasons for*  
8 *furnishing such assistance: Provided further, That nothing*  
9 *in this subsection shall be construed to alter any existing*  
10 *statutory prohibitions against abortion or involuntary*  
11 *sterilizations contained in this or any other Act.*

12       (b) *PUBLIC LAW 480.—During fiscal year 1998, re-*  
13 *strictions contained in this or any other Act with respect*  
14 *to assistance for a country shall not be construed to restrict*  
15 *assistance under the Agricultural Trade Development and*  
16 *Assistance Act of 1954: Provided, That none of the funds*  
17 *appropriated to carry out title I of such Act and made*  
18 *available pursuant to this subsection may be obligated or*  
19 *expended except as provided through the regular notifica-*  
20 *tion procedures of the Committees on Appropriations.*

21       (c) *EXCEPTION.—This section shall not apply—*

22               (1) *with respect to section 620A of the Foreign*  
23 *Assistance Act or any comparable provision of law*  
24 *prohibiting assistance to countries that support inter-*  
25 *national terrorism; or*



1 *grammed pursuant to this subsection shall be made avail-*  
2 *able under the same terms and conditions as originally pro-*  
3 *vided.*

4 *(b) In addition to the authority contained in sub-*  
5 *section (a), the original period of availability of funds ap-*  
6 *propriated by this Act and administered by the Agency for*  
7 *International Development that are earmarked for particu-*  
8 *lar programs or activities by this or any other Act shall*  
9 *be extended for an additional fiscal year if the Adminis-*  
10 *trator of such agency determines and reports promptly to*  
11 *the Committees on Appropriations that the termination of*  
12 *assistance to a country or a significant change in cir-*  
13 *cumstances makes it unlikely that such earmarked funds*  
14 *can be obligated during the original period of availability:*  
15 *Provided, That such earmarked funds that are continued*  
16 *available for an additional fiscal year shall be obligated*  
17 *only for the purpose of such earmark.*

18 *CEILINGS AND EARMARKS*

19 *SEC. 544. Ceilings and earmarks contained in this Act*  
20 *shall not be applicable to funds or authorities appropriated*  
21 *or otherwise made available by any subsequent Act unless*  
22 *such Act specifically so directs.*

23 *PROHIBITION ON PUBLICITY OR PROPAGANDA*

24 *SEC. 545. No part of any appropriation contained in*  
25 *this Act shall be used for publicity or propaganda purposes*  
26 *within the United States not authorized before the date of*

1 *enactment of this Act by the Congress: Provided, That not*  
2 *to exceed \$500,000 may be made available to carry out the*  
3 *provisions of section 316 of Public Law 96–533.*

4 *PURCHASE OF AMERICAN-MADE EQUIPMENT AND*  
5 *PRODUCTS*

6 *SEC. 546. (a) To the maximum extent possible, assist-*  
7 *ance provided under this Act should make full use of Amer-*  
8 *ican resources, including commodities, products, and serv-*  
9 *ices.*

10 *(b) It is the Sense of the Congress that, to the greatest*  
11 *extent practicable, all equipment and products purchased*  
12 *with funds made available in this Act should be American-*  
13 *made.*

14 *(c) In providing financial assistance to, or entering*  
15 *into any contract with, any entity using funds made avail-*  
16 *able in this Act, the head of each Federal agency, to the*  
17 *greatest extent practicable, shall provide to such entity a*  
18 *notice describing the statement made in subsection (b) by*  
19 *the Congress.*

20 *PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS*

21 *SEC. 547. None of the funds appropriated or made*  
22 *available pursuant to this Act for carrying out the Foreign*  
23 *Assistance Act of 1961, may be used to pay in whole or*  
24 *in part any assessments, arrearages, or dues of any member*  
25 *of the United Nations.*

## CONSULTING SERVICES

1  
2       *SEC. 548. The expenditure of any appropriation under*  
3 *this Act for any consulting service through procurement*  
4 *contract, pursuant to section 3109 of title 5, United States*  
5 *Code, shall be limited to those contracts where such expendi-*  
6 *tures are a matter of public record and available for public*  
7 *inspection, except where otherwise provided under existing*  
8 *law, or under existing Executive order pursuant to existing*  
9 *law.*

## PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

10  
11       *SEC. 549. None of the funds appropriated or made*  
12 *available pursuant to this Act shall be available to a private*  
13 *voluntary organization which fails to provide upon timely*  
14 *request any document, file, or record necessary to the audit-*  
15 *ing requirements of the Agency for International Develop-*  
16 *ment.*

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS  
THAT EXPORT LETHAL MILITARY EQUIPMENT TO  
COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

17  
18  
19  
20       *SEC. 550. (a) None of the funds appropriated or other-*  
21 *wise made available by this Act may be available to any*  
22 *foreign government which provides lethal military equip-*  
23 *ment to a country the government of which the Secretary*  
24 *of State has determined is a terrorist government for pur-*  
25 *poses of section 40(d) of the Arms Export Control Act. The*  
26 *prohibition under this section with respect to a foreign gov-*

1 *ernment shall terminate 12 months after that government*  
2 *ceases to provide such military equipment. This section ap-*  
3 *plies with respect to lethal military equipment provided*  
4 *under a contract entered into after October 1, 1997.*

5 *(b) Assistance restricted by subsection (a) or any other*  
6 *similar provision of law, may be furnished if the President*  
7 *determines that furnishing such assistance is important to*  
8 *the national interests of the United States.*

9 *(c) Whenever the waiver of subsection (b) is exercised,*  
10 *the President shall submit to the appropriate congressional*  
11 *committees a report with respect to the furnishing of such*  
12 *assistance. Any such report shall include a detailed expla-*  
13 *nation of the assistance estimated to be provided, including*  
14 *the estimated dollar amount of such assistance, and an ex-*  
15 *planation of how the assistance furthers United States na-*  
16 *tional interests.*

17 *WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED*  
18 *BY FOREIGN COUNTRIES*

19 *SEC. 551. (a) IN GENERAL.—Of the funds made avail-*  
20 *able for a foreign country under part I of the Foreign As-*  
21 *sistance Act of 1961, an amount equivalent to 110 percent*  
22 *of the total unpaid fully adjudicated parking fines and pen-*  
23 *alties owed to the District of Columbia by such country as*  
24 *of the date of enactment of this Act shall be withheld from*  
25 *obligation for such country until the Secretary of State cer-*  
26 *tifies and reports in writing to the appropriate congress-*



1 sional committees that such fines and penalties are fully  
2 paid to the government of the District of Columbia.

3 (b) *DEFINITION.*—For purposes of this section, the  
4 term “appropriate congressional committees” means the  
5 Committee on Foreign Relations and the Committee on Ap-  
6 propriations of the Senate and the Committee on Inter-  
7 national Relations and the Committee on Appropriations  
8 of the House of Representatives.

9 *LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST*

10 *BANK AND GAZA*

11 *SEC. 552.* None of the funds appropriated by this Act  
12 may be obligated for assistance for the Palestine Liberation  
13 Organization for the West Bank and Gaza unless the Presi-  
14 dent has exercised the authority under section 604(a) of the  
15 Middle East Peace Facilitation Act of 1995 (title VI of Pub-  
16 lic Law 104–107) or any other legislation to suspend or  
17 make inapplicable section 307 of the Foreign Assistance Act  
18 of 1961 and that suspension is still in effect: Provided, That  
19 if the President fails to make the certification under section  
20 604(b)(2) of the Middle East Peace Facilitation Act of 1995  
21 or to suspend the prohibition under other legislation, funds  
22 appropriated by this Act may not be obligated for assistance  
23 for the Palestine Liberation Organization for the West Bank  
24 and Gaza.

## WAR CRIMES TRIBUNALS DRAWDOWN

1  
2       *SEC. 553. If the President determines that doing so*  
3 *will contribute to a just resolution of charges regarding*  
4 *genocide or other violations of international humanitarian*  
5 *law, the President may direct a drawdown pursuant to sec-*  
6 *tion 552(c) of the Foreign Assistance Act of 1961, as amend-*  
7 *ed, of up to \$25,000,000 of commodities and services for*  
8 *the United Nations War Crimes Tribunal established with*  
9 *regard to the former Yugoslavia by the United Nations Se-*  
10 *curity Council or such other tribunals or commissions as*  
11 *the Council may establish to deal with such violations,*  
12 *without regard to the ceiling limitation contained in para-*  
13 *graph (2) thereof: Provided, That the determination re-*  
14 *quired under this section shall be in lieu of any determina-*  
15 *tions otherwise required under section 552(c): Provided fur-*  
16 *ther, That sixty days after the date of enactment of this*  
17 *Act, and every one hundred eighty days thereafter, the Sec-*  
18 *retary of State shall submit a report to the Committees on*  
19 *Appropriations describing the steps the United States Gov-*  
20 *ernment is taking to collect information regarding allega-*  
21 *tions of genocide or other violations of international law*  
22 *in the former Yugoslavia and to furnish that information*  
23 *to the United Nations War Crimes Tribunal for the former*  
24 *Yugoslavia.*

## LANDMINES

1  
2       *SEC. 554. Notwithstanding any other provision of law,*  
3 *demining equipment available to the Agency for Inter-*  
4 *national Development and the Department of State and*  
5 *used in support of the clearance of landmines and*  
6 *unexploded ordnance for humanitarian purposes may be*  
7 *disposed of on a grant basis in foreign countries, subject*  
8 *to such terms and conditions as the President may pre-*  
9 *scribe: Provided, That not later than 90 days after the en-*  
10 *actment of this Act, the Secretary of Defense, in consulta-*  
11 *tion with the Secretary of State, shall submit a report to*  
12 *the Committees on Appropriations describing potential al-*  
13 *ternative technologies or tactics and a plan for the develop-*  
14 *ment of such alternatives to protect anti-tank mines from*  
15 *tampering in a manner consistent with the “Convention on*  
16 *the Prohibition, Use, Stockpiling, Production and Transfer*  
17 *of Anti-personnel Mines and on Their Destruction”.*

## 18 RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

19       *SEC. 555. None of the funds appropriated by this Act*  
20 *may be obligated or expended to create in any part of Jeru-*  
21 *salem a new office of any department or agency of the Unit-*  
22 *ed States Government for the purpose of conducting official*  
23 *United States Government business with the Palestinian*  
24 *Authority over Gaza and Jericho or any successor Palestin-*  
25 *ian governing entity provided for in the Israel-PLO Dec-*  
26 *laration of Principles: Provided, That this restriction shall*

1 *not apply to the acquisition of additional space for the ex-*  
2 *isting Consulate General in Jerusalem: Provided further,*  
3 *That meetings between officers and employees of the United*  
4 *States and officials of the Palestinian Authority, or any*  
5 *successor Palestinian governing entity provided for in the*  
6 *Israel-PLO Declaration of Principles, for the purpose of*  
7 *conducting official United States Government business with*  
8 *such authority should continue to take place in locations*  
9 *other than Jerusalem. As has been true in the past, officers*  
10 *and employees of the United States Government may con-*  
11 *tinue to meet in Jerusalem on other subjects with Palestin-*  
12 *ians (including those who now occupy positions in the Pal-*  
13 *estinian Authority), have social contacts, and have inciden-*  
14 *tal discussions.*

15 *PROHIBITION OF PAYMENT OF CERTAIN EXPENSES*

16 *SEC. 556. None of the funds appropriated or otherwise*  
17 *made available by this Act under the heading “Inter-*  
18 *national Military Education and Training” or “Foreign*  
19 *Military Financing Program” for Informational Program*  
20 *activities may be obligated or expended to pay for—*

21 *(1) alcoholic beverages;*

22 *(2) food (other than food provided at a military*  
23 *installation) not provided in conjunction with Infor-*  
24 *mational Program trips where students do not stay at*  
25 *a military installation; or*

1           (3) *entertainment expenses for activities that are*  
2           *substantially of a recreational character, including*  
3           *entrance fees at sporting events and amusement*  
4           *parks.*

5                           *EQUITABLE ALLOCATION OF FUNDS*

6           *SEC. 557. Not more than 18 percent of the funds ap-*  
7           *propriated by this Act to carry out the provisions of sections*  
8           *103 through 106 and chapter 4 of part II of the Foreign*  
9           *Assistance Act of 1961, that are made available for Latin*  
10           *America and the Caribbean region may be made available,*  
11           *through bilateral and Latin America and the Caribbean re-*  
12           *gional programs, to provide assistance for any country in*  
13           *such region.*

14                           *SPECIAL DEBT RELIEF FOR THE POOREST*

15           *SEC. 558. (a) AUTHORITY TO REDUCE DEBT.—The*  
16           *President may reduce amounts owed to the United States*  
17           *(or any agency of the United States) by an eligible country*  
18           *as a result of—*

19                       (1) *guarantees issued under sections 221 and 222*  
20                       *of the Foreign Assistance Act of 1961; or*

21                       (2) *credits extended or guarantees issued under*  
22                       *the Arms Export Control Act;*

23                       (3) *any obligation or portion of such obligation*  
24                       *for a Latin American country, to pay for purchases*  
25                       *of United States agricultural commodities guaranteed*  
26                       *by the Commodity Credit Corporation under export*

1 *credit guarantee programs authorized pursuant to*  
2 *section 5(f) of the Commodity Credit Corporation*  
3 *Charter Act of June 29, 1948, as amended, section*  
4 *4(b) of the Food for Peace Act of 1966, as amended*  
5 *(Public Law 89–808), or section 202 of the Agricul-*  
6 *tural Trade Act of 1978, as amended (Public Law*  
7 *95–501).*

8 *(b) LIMITATIONS.—*

9 *(1) The authority provided by subsection (a)*  
10 *may be exercised only to implement multilateral offi-*  
11 *cial debt relief and referendum agreements, commonly*  
12 *referred to as “Paris Club Agreed Minutes”.*

13 *(2) The authority provided by subsection (a)*  
14 *may be exercised only in such amounts or to such ex-*  
15 *tent as is provided in advance by appropriations*  
16 *Acts.*

17 *(3) The authority provided by subsection (a)*  
18 *may be exercised only with respect to countries with*  
19 *heavy debt burdens that are eligible to borrow from*  
20 *the International Development Association, but not*  
21 *from the International Bank for Reconstruction and*  
22 *Development, commonly referred to as “IDA-only”*  
23 *countries.*

1       (c) *CONDITIONS.*—*The authority provided by sub-*  
2 *section (a) may be exercised only with respect to a country*  
3 *whose government—*

4           (1) *does not have an excessive level of military*  
5 *expenditures;*

6           (2) *has not repeatedly provided support for acts*  
7 *of international terrorism;*

8           (3) *is not failing to cooperate on international*  
9 *narcotics control matters;*

10          (4) *(including its military or other security*  
11 *forces) does not engage in a consistent pattern of gross*  
12 *violations of internationally recognized human rights;*  
13 *and*

14          (5) *is not ineligible for assistance because of the*  
15 *application of section 527 of the Foreign Relations*  
16 *Authorization Act, Fiscal Years 1994 and 1995.*

17       (d) *AVAILABILITY OF FUNDS.*—*The authority provided*  
18 *by subsection (a) may be used only with regard to funds*  
19 *appropriated by this Act under the heading “Debt restruc-*  
20 *turing”.*

21       (e) *CERTAIN PROHIBITIONS INAPPLICABLE.*—*A reduc-*  
22 *tion of debt pursuant to subsection (a) shall not be consid-*  
23 *ered assistance for purposes of any provision of law limit-*  
24 *ing assistance to a country. The authority provided by sub-*

1 *section (a) may be exercised notwithstanding section 620(r)*  
2 *of the Foreign Assistance Act of 1961.*

3 *AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES*

4 *SEC. 559. (a) LOANS ELIGIBLE FOR SALE, REDUC-*  
5 *TION, OR CANCELLATION.—*

6 *(1) AUTHORITY TO SELL, REDUCE, OR CANCEL*  
7 *CERTAIN LOANS.—Notwithstanding any other provi-*  
8 *sion of law, the President may, in accordance with*  
9 *this section, sell to any eligible purchaser any*  
10 *concessional loan or portion thereof made before Jan-*  
11 *uary 1, 1995, pursuant to the Foreign Assistance Act*  
12 *of 1961, to the government of any eligible country as*  
13 *defined in section 702(6) of that Act or on receipt of*  
14 *payment from an eligible purchaser, reduce or cancel*  
15 *such loan or portion thereof, only for the purpose of*  
16 *facilitating—*

17 *(A) debt-for-equity swaps, debt-for-develop-*  
18 *ment swaps, or debt-for-nature swaps; or*

19 *(B) a debt buyback by an eligible country*  
20 *of its own qualified debt, only if the eligible*  
21 *country uses an additional amount of the local*  
22 *currency of the eligible country, equal to not less*  
23 *than 40 percent of the price paid for such debt*  
24 *by such eligible country, or the difference between*  
25 *the price paid for such debt and the face value*  
26 *of such debt, to support activities that link con-*



1           *servation and sustainable use of natural re-*  
2           *sources with local community development, and*  
3           *child survival and other child development, in a*  
4           *manner consistent with sections 707 through 710*  
5           *of the Foreign Assistance Act of 1961, if the sale,*  
6           *reduction, or cancellation would not contravene*  
7           *any term or condition of any prior agreement*  
8           *relating to such loan.*

9           (2) *TERMS AND CONDITIONS.*—*Notwithstanding*  
10          *any other provision of law, the President shall, in ac-*  
11          *cordance with this section, establish the terms and*  
12          *conditions under which loans may be sold, reduced, or*  
13          *canceled pursuant to this section.*

14          (3) *ADMINISTRATION.*—*The Facility, as defined*  
15          *in section 702(8) of the Foreign Assistance Act of*  
16          *1961, shall notify the administrator of the agency*  
17          *primarily responsible for administering part I of the*  
18          *Foreign Assistance Act of 1961 of purchasers that the*  
19          *President has determined to be eligible, and shall di-*  
20          *rect such agency to carry out the sale, reduction, or*  
21          *cancellation of a loan pursuant to this section. Such*  
22          *agency shall make an adjustment in its accounts to*  
23          *reflect the sale, reduction, or cancellation.*

24          (4) *LIMITATION.*—*The authorities of this sub-*  
25          *section shall be available only to the extent that ap-*

1        *appropriations for the cost of the modification, as de-*  
2        *finied in section 502 of the Congressional Budget Act*  
3        *of 1974, are made in advance.*

4        *(b) DEPOSIT OF PROCEEDS.—The proceeds from the*  
5        *sale, reduction, or cancellation of any loan sold, reduced,*  
6        *or canceled pursuant to this section shall be deposited in*  
7        *the United States Government account or accounts estab-*  
8        *lished for the repayment of such loan.*

9        *(c) ELIGIBLE PURCHASERS.—A loan may be sold pur-*  
10       *suant to subsection (a)(1)(A) only to a purchaser who pre-*  
11       *sents plans satisfactory to the President for using the loan*  
12       *for the purpose of engaging in debt-for-equity swaps, debt-*  
13       *for-development swaps, or debt-for-nature swaps.*

14       *(d) DEBTOR CONSULTATIONS.—Before the sale to any*  
15       *eligible purchaser, or any reduction or cancellation pursu-*  
16       *ant to this section, of any loan made to an eligible country,*  
17       *the President should consult with the country concerning*  
18       *the amount of loans to be sold, reduced, or canceled and*  
19       *their uses for debt-for-equity swaps, debt-for-development*  
20       *swaps, or debt-for-nature swaps.*

21       *(e) AVAILABILITY OF FUNDS.—The authority provided*  
22       *by subsection (a) may be used only with regard to funds*  
23       *appropriated by this Act under the heading “Debt restruc-*  
24       *turing”.*

1                    *INTERNATIONAL FINANCIAL INSTITUTIONS*

2            *SEC. 560. (a) AUTHORIZATIONS.—The Secretary of the*  
3 *Treasury may, to fulfill commitments of the United States:*  
4 *(1) effect the United States participation in the first general*  
5 *capital increase of the European Bank for Reconstruction*  
6 *and Development, subscribe to and make payment for*  
7 *100,000 additional shares of the capital stock of the Bank*  
8 *on behalf of the United States; and (2) contribute on behalf*  
9 *of the United States to the eleventh replenishment of the*  
10 *resources of the International Development Association, to*  
11 *the sixth replenishment of the resources of the Asian Devel-*  
12 *opment Fund, a special fund of the Asian Development*  
13 *Bank. The following amounts are authorized to be appro-*  
14 *priated without fiscal year limitation for payment by the*  
15 *Secretary of the Treasury: (1) \$285,772,500 for paid-in*  
16 *capital, and \$984,327,500 for callable capital of the Euro-*  
17 *pean Bank for Reconstruction and Development; (2)*  
18 *\$1,600,000,000 for the International Development Associa-*  
19 *tion; (3) \$400,000,000 for the Asian Development Fund;*  
20 *and (4) \$76,832,001 for paid-in capital, and*  
21 *\$4,511,156,729 for callable capital of the Inter-American*  
22 *Development Bank in connection with the eighth general*  
23 *increase in the resources of that Bank. Each such subscrip-*  
24 *tion or contribution shall be subject to obtaining the nec-*  
25 *essary appropriations.*

1           (b) *CONSIDERATION OF ENVIRONMENTAL IMPACT OF*  
2 *INTERNATIONAL FINANCE CORPORATION LOANS.*—Section  
3 *1307 of the International Financial Institutions Act (Pub-*  
4 *lic Law 95–118) is amended as follows:*

5           (1) *in subsection (a)(1)(A) strike “borrowing*  
6 *country” and insert in lieu thereof “borrower”;*

7           (2) *in subsection (a)(2)(A) strike “country”; and*

8           (3) *at the end of Section 1307, add a new sub-*  
9 *section as follows:*

10          *“(g) For purposes of this section, the term ‘multilateral*  
11 *development bank’ means any of the institutions named in*  
12 *Section 1303(b) of this Act, and the International Finance*  
13 *Corporation.”.*

14          (c) *The Secretary of the Treasury shall instruct the*  
15 *United States Executive Directors of the International*  
16 *Bank for Reconstruction and Development and the Inter-*  
17 *national Development Association to use the voice and vote*  
18 *of the United States to strongly encourage their respective*  
19 *institutions to—*

20           (1) *provide timely public information on pro-*  
21 *curement opportunities available to United States*  
22 *suppliers, with a special emphasis on small business;*  
23 *and*

24           (2) *systematically consult with local commu-*  
25 *nities on the potential impact of loans as part of the*

1 *normal lending process, and expand the participation*  
2 *of affected peoples and nongovernmental organizations*  
3 *in decisions on the selection, design and implementa-*  
4 *tion of policies and projects.*

5 *SANCTIONS AGAINST COUNTRIES HARBORING WAR*

6 *CRIMINALS*

7 *SEC. 561. (a) BILATERAL ASSISTANCE.—The Presi-*  
8 *dent is authorized to withhold funds appropriated by this*  
9 *Act under the Foreign Assistance Act of 1961 or the Arms*  
10 *Export Control Act for any country described in subsection*  
11 *(c).*

12 *(b) MULTILATERAL ASSISTANCE.—The Secretary of*  
13 *the Treasury should instruct the United States executive di-*  
14 *rectors of the international financial institutions to work*  
15 *in opposition to, and vote against, any extension by such*  
16 *institutions of financing or financial or technical assistance*  
17 *to any country described in subsection (c).*

18 *(c) SANCTIONED COUNTRIES.—A country described in*  
19 *this subsection is a country the government of which know-*  
20 *ingly grants sanctuary to persons in its territory for the*  
21 *purpose of evading prosecution, where such persons—*

22 *(1) have been indicted by the International*  
23 *Criminal Tribunal for Rwanda, or any other inter-*  
24 *national tribunal with similar standing under inter-*  
25 *national law; or*

1           (2) *have been indicted for war crimes or crimes*  
2 *against humanity committed during the period begin-*  
3 *ning March 23, 1933 and ending on May 8, 1945*  
4 *under the direction of, or in association with—*

5                   (A) *the Nazi government of Germany;*

6                   (B) *any government in any area occupied*  
7 *by the military forces of the Nazi government of*  
8 *Germany;*

9                   (C) *any government which was established*  
10 *with the assistance or cooperation of the Nazi*  
11 *government; or*

12                   (D) *any government which was an ally of*  
13 *the Nazi government of Germany.*

14                   *LIMITATION ON ASSISTANCE FOR HAITI*

15           *SEC. 562. (a) LIMITATION.—None of the funds appro-*  
16 *priated or otherwise made available by this Act may be pro-*  
17 *vided to the Government of Haiti unless the President re-*  
18 *ports to Congress that the Government of Haiti—*

19                   (1) *is conducting thorough investigations of*  
20 *extrajudicial and political killings;*

21                   (2) *is cooperating with United States authorities*  
22 *in the investigations of political and extrajudicial*  
23 *killings;*

24                   (3) *has substantially completed privatization of*  
25 *(or placed under long-term private management or*

1       *concession) at least three major public enterprises;*  
2       *and*

3               *(4) has taken action to remove from the Haitian*  
4       *National Police, national palace and residential*  
5       *guard, ministerial guard, and any other public secu-*  
6       *rity entity of Haiti those individuals who are*  
7       *credibly alleged to have engaged in or conspired to*  
8       *conceal gross violations of internationally recognized*  
9       *human rights.*

10       *(b) EXCEPTIONS.—The limitation in subsection (a)*  
11       *does not apply to the provision of humanitarian, electoral,*  
12       *counter-narcotics, or law enforcement assistance.*

13       *(c) WAIVER.—The President may waive the require-*  
14       *ments of this section on a semiannual basis if the President*  
15       *determines and certifies to the appropriate committees of*  
16       *Congress that such waiver is in the national interest of the*  
17       *United States.*

18       *(d) PARASTATALS DEFINED.—As used in this section,*  
19       *the term “parastatal” means a government-owned enter-*  
20       *prise.*

21       *REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN*

22                       *REPORT OF SECRETARY OF STATE*

23       *SEC. 563. (a) FOREIGN AID REPORTING REQUIRE-*  
24       *MENT.—In addition to the voting practices of a foreign*  
25       *country, the report required to be submitted to Congress*  
26       *under section 406(a) of the Foreign Relations Authorization*

1 *Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall*  
2 *include a side-by-side comparison of individual countries'*  
3 *overall support for the United States at the United Nations*  
4 *and the amount of United States assistance provided to*  
5 *such country in fiscal year 1997.*

6 (b) *UNITED STATES ASSISTANCE.—For purposes of*  
7 *this section, the term “United States assistance” has the*  
8 *meaning given the term in section 481(e)(4) of the Foreign*  
9 *Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).*

10 *RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED*  
11 *NATIONS AGENCIES*

12 *SEC. 564. (a) PROHIBITION ON VOLUNTARY CON-*  
13 *TRIBUTIONS FOR THE UNITED NATIONS.—None of the funds*  
14 *appropriated or otherwise made available by this Act may*  
15 *be made available to pay any voluntary contribution of the*  
16 *United States to the United Nations (including the United*  
17 *Nations Development Program) if the United Nations im-*  
18 *plements or imposes any taxation on any United States*  
19 *persons.*

20 (b) *CERTIFICATION REQUIRED FOR DISBURSEMENT OF*  
21 *FUNDS.—None of the funds appropriated or otherwise made*  
22 *available under this Act may be made available to pay any*  
23 *voluntary contribution of the United States to the United*  
24 *Nations (including the United Nations Development Pro-*  
25 *gram) unless the President certifies to the Congress 15 days*  
26 *in advance of such payment that the United Nations is not*



1 *engaged in any effort to implement or impose any taxation*  
2 *on United States persons in order to raise revenue for the*  
3 *United Nations or any of its specialized agencies.*

4 (c) *DEFINITIONS.—As used in this section the term*  
5 *“United States person” refers to—*

6 (1) *a natural person who is a citizen or national*  
7 *of the United States; or*

8 (2) *a corporation, partnership, or other legal en-*  
9 *tity organized under the United States or any State,*  
10 *territory, possession, or district of the United States.*

11 *ASSISTANCE TO TURKEY*

12 *SEC. 565. (a) Not more than \$40,000,000 of the funds*  
13 *appropriated in this Act under the heading “Economic*  
14 *Support Fund” may be made available for Turkey.*

15 (b) *Of the funds made available under the heading*  
16 *“Economic Support Fund” for Turkey, not less than fifty*  
17 *percent of these funds shall be made available for the pur-*  
18 *pose of supporting private nongovernmental organizations*  
19 *engaged in strengthening democratic institutions in Tur-*  
20 *key, providing economic assistance for individuals and*  
21 *communities affected by civil unrest, and supporting and*  
22 *promoting peaceful solutions and economic development*  
23 *which will contribute to the settlement of regional problems*  
24 *in Turkey.*

1           *LIMITATION ON ASSISTANCE TO THE PALESTINIAN*

2                           *AUTHORITY*

3           *SEC. 566. (a) PROHIBITION OF FUNDS.—None of the*  
4 *funds appropriated by this Act to carry out the provisions*  
5 *of chapter 4 of part II of the Foreign Assistance Act of 1961*  
6 *may be obligated or expended with respect to providing*  
7 *funds to the Palestinian Authority.*

8           *(b) WAIVER.—The prohibition included in subsection*  
9 *(a) shall not apply if the President certifies in writing to*  
10 *the Speaker of the House of Representatives and the Presi-*  
11 *dent Pro Tempore of the Senate that waiving such prohibi-*  
12 *tion is important to the national security interests of the*  
13 *United States.*

14           *(c) PERIOD OF APPLICATION OF WAIVER.—Any waiv-*  
15 *er pursuant to subsection (b) shall be effective for no more*  
16 *than a period of six months at a time and shall not apply*  
17 *beyond twelve months after enactment of this Act.*

18           *LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF*

19                           *CROATIA*

20           *SEC. 567. None of the funds appropriated or otherwise*  
21 *made available by title II of this Act may be made available*  
22 *to the Government of Croatia to relocate the remains of Cro-*  
23 *atian Ustashe soldiers, at the site of the World War II con-*  
24 *centration camp at Jasenovac, Croatia.*

*BURMA LABOR REPORT*

1  
2       *SEC. 568. Not later than one hundred twenty days*  
3 *after enactment of this Act, the Secretary of Labor in con-*  
4 *sultation with the Secretary of State shall provide to the*  
5 *Committees on Appropriations a report addressing labor*  
6 *practices in Burma.*

*HAITI*

7  
8       *SEC. 569. The Government of Haiti shall be eligible*  
9 *to purchase defense articles and services under the Arms*  
10 *Export Control Act (22 U.S.C. 2751 et seq.), for the civil-*  
11 *ian-led Haitian National Police and Coast Guard: Pro-*  
12 *vided, That the authority provided by this section shall be*  
13 *subject to the regular notification procedures of the Commit-*  
14 *tees on Appropriations.*

*LIMITATION ON ASSISTANCE TO SECURITY FORCES*

15  
16       *SEC. 570. None of the funds made available by this*  
17 *Act may be provided to any unit of the security forces of*  
18 *a foreign country if the Secretary of State has credible evi-*  
19 *dence that such unit has committed gross violations of*  
20 *human rights, unless the Secretary determines and reports*  
21 *to the Committees on Appropriations that the government*  
22 *of such country is taking effective measures to bring the re-*  
23 *sponsible members of the security forces unit to justice: Pro-*  
24 *vided, That nothing in this section shall be construed to*  
25 *withhold funds made available by this Act from any unit*  
26 *of the security forces of a foreign country not credibly al-*

1 *leged to be involved in gross violations of human rights:*  
2 *Provided further, That in the event that funds are withheld*  
3 *from any unit pursuant to this section, the Secretary of*  
4 *State shall promptly inform the foreign government of the*  
5 *basis for such action and shall, to the maximum extent*  
6 *practicable, assist the foreign government in taking effective*  
7 *measures to bring the responsible members of the security*  
8 *forces to justice.*

9 *LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO*  
10 *EAST TIMOR*

11 *SEC. 571. In any agreement for the sale, transfer, or*  
12 *licensing of any lethal equipment or helicopter for Indo-*  
13 *nesia entered into by the United States pursuant to the au-*  
14 *thority of this Act or any other Act, the agreement shall*  
15 *state that the United States expects that the items will not*  
16 *be used in East Timor: Provided, That nothing in this sec-*  
17 *tion shall be construed to limit Indonesia's inherent right*  
18 *to legitimate national self-defense as recognized under the*  
19 *United Nations Charter and international law.*

20 *TRANSPARENCY OF BUDGETS*

21 *SEC. 572. Section 576(a)(1) of the Foreign Operations,*  
22 *Export Financing, and Related Programs Appropriations*  
23 *Act, 1997, as contained in Public Law 104-208, is amended*  
24 *to read as follows:*

25 *“(1) does not have in place a functioning system*  
26 *for reporting to civilian authorities audits of receipts*

1        *and expenditures that fund activities of the armed*  
2        *forces and security forces;”.*

3        *Section 576(a)(2) of the Foreign Operations, Export*  
4        *Financing, and Related Programs Appropriations Act,*  
5        *1997, as contained in Public Law 104–208, is amended to*  
6        *read as follows:*

7                *“(2) has not provided to the institution informa-*  
8                *tion about the audit process requested by the institu-*  
9                *tion.”.*

10        *RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING*  
11                *SANCTUARY TO INDICTED WAR CRIMINALS*

12        *SEC. 573. (a) BILATERAL ASSISTANCE.—None of the*  
13        *funds made available by this or any prior Act making ap-*  
14        *propriations for foreign operations, export financing and*  
15        *related programs, may be provided for any country, entity*  
16        *or canton described in subsection (d).*

17        *(b) MULTILATERAL ASSISTANCE.—*

18                *(1) PROHIBITION.—The Secretary of the Treas-*  
19                *ury shall instruct the United States executive direc-*  
20                *tors of the international financial institutions to work*  
21                *in opposition to, and vote against, any extension by*  
22                *such institutions of any financial or technical assist-*  
23                *ance or grants of any kind to any country or entity*  
24                *described in subsection (d).*

25                *(2) NOTIFICATION.—Not less than 15 days before*  
26                *any vote in an international financial institution re-*

1        *garding the extension of financial or technical assist-*  
2        *ance or grants to any country or entity described in*  
3        *subsection (d), the Secretary of the Treasury, in con-*  
4        *sultation with the Secretary of State, shall provide to*  
5        *the Committee on Appropriations and the Committee*  
6        *on Foreign Relations of the Senate and the Committee*  
7        *on Appropriations and the Committee on Banking*  
8        *and Financial Services of the House of Representa-*  
9        *tives a written justification for the proposed assist-*  
10       *ance, including an explanation of the U.S. position*  
11       *regarding any such vote, as well as a description of*  
12       *the location of the proposed assistance by municipal-*  
13       *ity, its purpose, and its intended beneficiaries.*

14            (3) *DEFINITION.*—*The term “international fi-*  
15        *nancial institution” includes the International Mone-*  
16        *tary Fund, the International Bank for Reconstruction*  
17        *and Development, the International Development As-*  
18        *sociation, the International Finance Corporation, the*  
19        *Multilateral Investment Guaranty Agency, and the*  
20        *European Bank for Reconstruction and Development.*

21        (c) *EXCEPTIONS.*—

22            (1) *IN GENERAL.*—*Subject to paragraph (2), sub-*  
23        *sections (a) and (b) shall not apply to the provision*  
24        *of—*

25            (A) *humanitarian assistance;*

1                   (B) democratization assistance;

2                   (C) assistance for cross border physical in-  
3                   frastructure projects involving activities in both  
4                   a sanctioned country, entity, or canton and a  
5                   nonsanctioned contiguous country, entity, or  
6                   canton, if the project is primarily located in and  
7                   primarily benefits the nonsanctioned country,  
8                   entity, or canton and if the portion of the project  
9                   located in the sanctioned country, entity, or can-  
10                  ton is necessary only to complete the project;

11                  (D) small-scale assistance projects or activi-  
12                  ties requested by U.S. armed forces that promote  
13                  good relations between such forces and the offi-  
14                  cials and citizens of the areas in the U.S. SFOR  
15                  sector of Bosnia;

16                  (E) implementation of the Brcko Arbitral  
17                  Decision;

18                  (F) lending by the international financial  
19                  institutions to a country or entity to support  
20                  common monetary and fiscal policies at the na-  
21                  tional level as contemplated by the Dayton  
22                  Agreement; or

23                  (G) direct lending to a non-sanctioned en-  
24                  tity, or lending passed on by the national gov-  
25                  ernment to a non-sanctioned entity.

1           (2) *FURTHER LIMITATIONS.*—*Notwithstanding*  
2 *paragraph (1)—*

3           (A) *no assistance may be made available by*  
4 *this Act, or any prior Act making appropria-*  
5 *tions for foreign operations, export financing*  
6 *and related programs, in any country, entity, or*  
7 *canton described in subsection (d), for a pro-*  
8 *gram, project, or activity in which a publicly in-*  
9 *dicted war criminal is known to have any finan-*  
10 *cial or material interest; and*

11           (B) *no assistance (other than emergency*  
12 *foods or medical assistance or demining assist-*  
13 *ance) may be made available by this Act, or any*  
14 *prior Act making appropriations for foreign op-*  
15 *erations, export financing and related programs*  
16 *for any program, project, or activity in a com-*  
17 *munity within any country, entity or canton de-*  
18 *scribed in subsection (d) if competent authorities*  
19 *within that community are not complying with*  
20 *the provisions of Article IX and Annex 4, Article*  
21 *II, paragraph 8 of the Dayton Agreement relat-*  
22 *ing to war crimes and the Tribunal.*

23           (d) *SANCTIONED COUNTRY, ENTITY, OR CANTON.*—*A*  
24 *sanctioned country, entity, or canton described in this sec-*  
25 *tion is one whose competent authorities have failed, as de-*



1 *terminated by the Secretary of State, to take necessary and*  
2 *significant steps to apprehend and transfer to the Tribunal*  
3 *all persons who have been publicly indicted by the Tribunal.*

4 (e) *WAIVER.—*

5 (1) *IN GENERAL.—The Secretary of State may*  
6 *waive the application of subsection (a) or subsection*  
7 *(b) with respect to specified bilateral programs or*  
8 *international financial institution projects or pro-*  
9 *grams in a sanctioned country, entity, or canton*  
10 *upon providing a written determination to the Com-*  
11 *mittee on Appropriations and the Committee on For-*  
12 *ign Relations of the Senate and the Committee on*  
13 *Appropriations and the Committee on International*  
14 *Relations of the House of Representatives that such*  
15 *assistance directly supports the implementation of the*  
16 *Dayton Agreement and its Annexes, which include the*  
17 *obligation to apprehend and transfer indicted war*  
18 *criminals to the Tribunal.*

19 (2) *REPORT.—Not later than 15 days after the*  
20 *date of any written determination under paragraph*  
21 *(e)(1), the Secretary of State shall submit a report to*  
22 *the Committee on Appropriations and the Committee*  
23 *on Foreign Relations of the Senate and the Committee*  
24 *on Appropriations and the Committee on Inter-*  
25 *national Relations of the House of Representatives re-*

1        *garding the status of efforts to secure the voluntary*  
2        *surrender or apprehension and transfer of persons in-*  
3        *dicted by the Tribunal, in accordance with the Day-*  
4        *ton Agreement, and outlining obstacles to achieving*  
5        *this goal.*

6                (3) *ASSISTANCE PROGRAMS AND PROJECTS AF-*  
7        *FECTED.—Any waiver made pursuant to this sub-*  
8        *section shall be effective only with respect to a speci-*  
9        *fied bilateral program or multilateral assistance*  
10       *project or program identified in the determination of*  
11       *the Secretary of State to Congress.*

12              (f) *TERMINATION OF SANCTIONS.—The sanctions im-*  
13       *posed pursuant to subsections (a) and (b) with respect to*  
14       *a country or entity shall cease to apply only if the Secretary*  
15       *of State determines and certifies to Congress that the au-*  
16       *thorities of that country, entity, or canton have appre-*  
17       *hended and transferred to the Tribunal all persons who have*  
18       *been publicly indicted by the Tribunal.*

19              (g) *DEFINITIONS.—As used in this section—*

20                      (1) *COUNTRY.—The term “country” means*  
21       *Bosnia-Herzegovina, Croatia, and Serbia-Montenegro*  
22       *(Federal Republic of Yugoslavia).*

23                      (2) *ENTITY.—The term “entity” refers to the*  
24       *Federation of Bosnia and Herzegovina and the*  
25       *Republika Srpska.*

1           (3) *CANTON*.—*The term “canton” means the ad-*  
2           *ministrative units in Bosnia and Herzegovina.*

3           (4) *DAYTON AGREEMENT*.—*The term “Dayton*  
4           *Agreement” means the General Framework Agreement*  
5           *for Peace in Bosnia and Herzegovina, together with*  
6           *annexes relating thereto, done at Dayton, November*  
7           *10 through 16, 1995.*

8           (5) *TRIBUNAL*.—*The term “Tribunal” means the*  
9           *International Criminal Tribunal for the Former*  
10          *Yugoslavia.*

11          (h) *ROLE OF HUMAN RIGHTS ORGANIZATIONS AND*  
12          *GOVERNMENT AGENCIES*.—*In carrying out this subsection,*  
13          *the Secretary of State, the Administrator of the Agency for*  
14          *International Development, and the executive directors of*  
15          *the international financial institutions shall consult with*  
16          *representatives of human rights organizations and all gov-*  
17          *ernment agencies with relevant information to help prevent*  
18          *publicly indicted war criminals from benefitting from any*  
19          *financial or technical assistance or grants provided to any*  
20          *country or entity described in subsection (d).*

21          *EXTENSION OF CERTAIN ADJUDICATION PROVISIONS*

22          *SEC. 574. The Foreign Operations, Export Financing,*  
23          *and Related Programs Appropriations Act, 1990 (Public*  
24          *Law 101–167) is amended—*

25                 (1) *in section 599D (8 U.S.C. 1157 note)—*

1           (A) in subsection (b)(3), by striking “and  
2           1997” and inserting “1997, and 1998”; and

3           (B) in subsection (e), by striking “October  
4           1, 1997” each place it appears and inserting  
5           “October 1, 1998”; and

6           (2) in section 599E (8 U.S.C. 1255 note) in sub-  
7           section (b)(2), by striking “September 30, 1997” and  
8           inserting “September 30, 1998”.

9           ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING  
10           OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

11           SEC. 575. (a) VALUE OF ADDITIONS TO STOCK-  
12           PILES.—Section 514(b)(2)(A) of the Foreign Assistance Act  
13           of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by inserting  
14           before the period at the end the following: “and \$60,000,000  
15           for fiscal year 1998”.

16           (b) REQUIREMENTS RELATING TO THE REPUBLIC OF  
17           KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act  
18           (22 U.S.C. 2321h(b)(2)(B)) is amended by adding at the  
19           end the following: “Of the amount specified in subpara-  
20           graph (A) for fiscal year 1998, not more than \$40,000,000  
21           may be made available for stockpiles in the Republic of  
22           Korea and not more than \$20,000,000 may be made avail-  
23           able for stockpiles in Thailand.”.

1                    *DELIVERY OF DRAWDOWN BY COMMERCIAL*  
2                    *TRANSPORTATION SERVICES*

3            *SEC. 576. Section 506 of the Foreign Assistance Act*  
4 *of 1961 (22 U.S.C. 2318) is amended—*

5                    *(1) in subsection (b)(2), by striking the period*  
6 *and inserting the following: “, including providing*  
7 *the Congress with a report detailing all defense arti-*  
8 *cles, defense services, and military education and*  
9 *training delivered to the recipient country or inter-*  
10 *national organization upon delivery of such articles*  
11 *or upon completion of such services or education and*  
12 *training. Such report shall also include whether any*  
13 *savings were realized by utilizing commercial trans-*  
14 *port services rather than acquiring those services from*  
15 *United States Government transport assets.”;*

16                    *(2) by redesignating subsection (c) as subsection*  
17 *(d); and*

18                    *(3) by inserting after subsection (b) the follow-*  
19 *ing:*

20                    *“(c) For the purposes of any provision of law that au-*  
21 *thorizes the drawdown of defense or other articles or com-*  
22 *modities, or defense or other services from an agency of the*  
23 *United States Government, such drawdown may include the*  
24 *supply of commercial transportation and related services*  
25 *that are acquired by contract for the purposes of the*

1 *drawdown in question if the cost to acquire such commer-*  
2 *cial transportation and related services is less than the cost*  
3 *to the United States Government of providing such services*  
4 *from existing agency assets.”.*

5 *TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT*  
6 *OF RUSSIA SHOULD IT IMPLEMENT LAWS WHICH*  
7 *WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS*  
8 *FAITHS IN THE RUSSIAN FEDERATION*

9 *SEC. 577. (a) None of the funds appropriated under*  
10 *this Act may be made available for the Government of the*  
11 *Russian Federation unless within 30 days of the date this*  
12 *section becomes effective the President determines and cer-*  
13 *tifies in writing to the Committees on Appropriations and*  
14 *the Committee on Foreign Relations of the Senate and the*  
15 *Committee on International Relations of the House of Rep-*  
16 *resentatives that the Government of the Russian Federation*  
17 *has implemented no statute, executive order, regulation or*  
18 *similar government action that would discriminate, or*  
19 *would have as its principal effect discrimination, against*  
20 *religious groups or religious communities in the Russian*  
21 *Federation in violation of accepted international agree-*  
22 *ments on human rights and religious freedoms to which the*  
23 *Russian Federation is a party.*

24 *(b) This section shall become effective one hundred fifty*  
25 *days after the enactment of this Act.*

1 U.S. POLICY REGARDING SUPPORT FOR COUNTRIES OF THE  
2 SOUTH CAUCASUS AND CENTRAL ASIA

3 SEC. 578. (a) FINDINGS.—Congress makes the follow-  
4 ing findings:

5 (1) *The ancient Silk Road, once the economic*  
6 *lifeline of Central Asia and the South Caucasus, tra-*  
7 *versed much of the territory now within the countries*  
8 *of Armenia, Azerbaijan, Georgia, Kazakstan,*  
9 *Kyrgyzstan, Tajikistan, Turkmenistan, and*  
10 *Uzbekistan.*

11 (2) *Economic interdependence spurred mutual*  
12 *cooperation among the peoples along the Silk Road*  
13 *and restoration of the historic relationships and eco-*  
14 *nomie ties between those peoples is an important ele-*  
15 *ment of ensuring their sovereignty as well as the suc-*  
16 *cess of democratic and market reforms.*

17 (3) *The development of strong political and eco-*  
18 *nomie ties between countries of the South Caucasus*  
19 *and Central Asia and the West will foster stability in*  
20 *the region.*

21 (4) *The development of open market economies*  
22 *and open democratic systems in the countries of the*  
23 *South Caucasus and Central Asia will provide posi-*  
24 *tive incentives for international private investment,*

1        *increased trade, and other forms of commercial inter-*  
2        *actions with the rest of the world.*

3            (5) *The Caspian Sea Basin, overlapping the ter-*  
4        *ritory of the countries of the South Caucasus and*  
5        *Central Asia, contains proven oil and gas reserves*  
6        *that may exceed \$4,000,000,000,000 in value.*

7            (6) *The region of the South Caucasus and*  
8        *Central Asia will produce oil and gas in sufficient*  
9        *quantities to reduce the dependence of the United*  
10       *States on energy from the volatile Persian Gulf re-*  
11       *gion.*

12           (7) *United States foreign policy and inter-*  
13       *national assistance should be narrowly targeted to*  
14       *support the economic and political independence of*  
15       *the countries of the South Caucasus and Central Asia.*

16        (b) *GENERAL.—The policy of the United States in the*  
17       *countries of the South Caucasus and Central Asia should*  
18       *be—*

19           (1) *to promote sovereignty and independence*  
20       *with democratic government;*

21           (2) *to assist actively in the resolution of regional*  
22       *conflicts;*

23           (3) *to promote friendly relations and economic*  
24       *cooperation;*





1 *REQUIREMENTS FOR THE REPORTING TO CONGRESS OF*  
2 *THE COSTS TO THE FEDERAL GOVERNMENT ASSOCI-*  
3 *ATED WITH THE PROPOSED AGREEMENT TO REDUCE*  
4 *GREENHOUSE GAS EMISSIONS*

5 *SEC. 580. The President shall provide to the Congress*  
6 *a detailed account of all Federal agency obligations and ex-*  
7 *penditures for climate change programs and activities, do-*  
8 *mestic and international, for fiscal year 1997, planned obli-*  
9 *gations for such activities in fiscal year 1998, and any plan*  
10 *for programs thereafter in the context of negotiations to*  
11 *amend the Framework Convention on Climate Change*  
12 *(FCCC) to be provided to the appropriate congressional*  
13 *committees no later than November 15, 1997.*

14 *AUTHORITY TO ISSUE INSURANCE AND EXTEND FINANCING*

15 *SEC. 581. (a) IN GENERAL.—Section 235(a) of the*  
16 *Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)) is*  
17 *amended—*

18 *(1) by striking paragraphs (1) and (2)(A) and*  
19 *inserting the following:*

20 *“(1) INSURANCE AND FINANCING.—(A) The max-*  
21 *imum contingent liability outstanding at any one*  
22 *time pursuant to insurance issued under section*  
23 *234(a), and the amount of financing issued under sec-*  
24 *tions 234 (b) and (c), shall not exceed in the aggre-*  
25 *gate \$29,000,000,000.”;*

1           (2) by redesignating paragraph (3) as para-  
2           graph (2); and

3           (3) by amending paragraph (2) (as so redesign-  
4           ated) by striking “September 30, 1997” and insert-  
5           ing “September 30, 1999”.

6           (b) *CONFORMING AMENDMENT.*—Paragraph (2) of sec-  
7           tion 235(a) of that Act (22 U.S.C. 2195(a)), as redesignated  
8           by subsection (a), is further amended by striking “(a) and  
9           (b)” and inserting “(a), (b), and (c)”.

10          (c) *EXTENSION OF AUTHORITY.*—Section 7 of the *Ex-*  
11          *port-Import Bank Act of 1945* (12 U.S.C. 635f) is amended  
12          by striking “October 23, 1997” and inserting “September  
13          30, 1998”.

14          (d) *TIED AID CREDIT FUND AUTHORITY.*—

15                 (a) Section 10(c)(2) of the *Export-Import Bank Act*  
16                 of 1945 (12 U.S.C. 635i 3(c)(2)) is amended by strik-  
17                 ing “through” and all that follows through “1997”.

18                 (b) Section 10(e) of such Act (12 U.S.C. 635i-  
19                 3(3)) is amended by striking the first sentence and  
20                 inserting the following: “There are authorized to be  
21                 appropriated to the Fund such sums as may be nec-  
22                 essary to carry out the purposes of this section.”.

23          *WITHHOLDING ASSISTANCE TO COUNTRIES VIOLATING*  
24                 *UNITED NATIONS SANCTIONS AGAINST LIBYA*

25          *SEC. 582. (a) WITHHOLDING OF ASSISTANCE.*—*Except*  
26          *as provided in subsection (b), whenever the President deter-*

1 *mines and certifies to Congress that the government of any*  
2 *country is violating any sanction against Libya imposed*  
3 *pursuant to United Nations Security Council Resolution*  
4 *731, 748, or 883, then not less than 5 percent of the funds*  
5 *allocated for the country under section 653(a) of the Foreign*  
6 *Assistance Act of 1961 out of appropriations in this Act*  
7 *shall be withheld from obligation and expenditure for that*  
8 *country.*

9 (b) *EXCEPTION.—The requirement to withhold funds*  
10 *under subsection (a) shall not apply to funds appropriated*  
11 *in this Act for allocation under section 653(a) of the For-*  
12 *eign Assistance Act of 1961 for development assistance or*  
13 *for humanitarian assistance.*

14 (c) *WAIVER.—Funds may be provided for a country*  
15 *without regard to subsection (a) if the President determines*  
16 *that to do so is in the national security interest of the Unit-*  
17 *ed States.*

18 *WAR CRIMES PROSECUTION*

19 *SEC. 583. Section 2401 of title 18, United States Code*  
20 *(Public Law 104–192; the War Crimes Act of 1996) is*  
21 *amended as follows—*

22 (1) *in subsection (a), by striking “grave breach*  
23 *of the Geneva Conventions” and inserting “war*  
24 *crime”;*

25 (2) *in subsection (b), by striking “breach” each*  
26 *place it appears and inserting “war crime”; and*

1           (3) so that subsection (c) reads as follows:

2           “(c) *DEFINITION.*—As used in this section the term  
3 ‘war crime’ means any conduct—

4           “(1) defined as a grave breach in any of the  
5 international conventions signed at Geneva 12 August  
6 1949, or any protocol to such convention to which the  
7 United States is a party;

8           “(2) prohibited by Articles 23, 25, 27, or 28 of  
9 the Annex to the Hague Convention IV, Respecting  
10 the Laws and Customs of War on Land, signed 18  
11 October 1907;

12           “(3) which constitutes a violation of common Ar-  
13 ticle 3 of the international conventions signed at Ge-  
14 neva 12 August 1949, or any protocol to such conven-  
15 tion to which the United States is a party and which  
16 deals with non-international armed conflict; or

17           “(4) of a person who, in relation to an armed  
18 conflict and contrary to the provisions of the Protocol  
19 on Prohibitions or Restrictions on the Use of Mines,  
20 Booby-Traps and Other Devices as amended at Gene-  
21 va on 3 May 1996 (Protocol II as amended on 3 May  
22 1996), when the United States is a party to such Pro-  
23 tocol, willfully kills or causes serious injury to civil-  
24 ians.”.



1 *in the report plans for implementing additional expanded*  
2 *IMET programs for Latin America during the next three*  
3 *fiscal years.*

4 *AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC*  
5 *OF CONGO*

6 *SEC. 585. None of the funds appropriated or otherwise*  
7 *made available by this Act may be provided to the central*  
8 *Government of the Democratic Republic of Congo until such*  
9 *time as the President reports in writing to the Congress*  
10 *that the central Government of the Democratic Republic of*  
11 *Congo is cooperating fully with investigators from the Unit-*  
12 *ed Nations in accounting for human rights violations com-*  
13 *mitted in the Democratic Republic of Congo or adjacent*  
14 *countries.*

15 *ASSISTANCE FOR THE MIDDLE EAST*

16 *SEC. 586. Of the funds appropriated by this Act under*  
17 *the headings “Economic Support Fund”, “Foreign Military*  
18 *Financing”, “International Military Education and Train-*  
19 *ing”, “Peacekeeping Operations”, for refugees resettling in*  
20 *Israel under the heading “Migration and Refugee Assist-*  
21 *ance”, and for assistance for Israel to carry out provisions*  
22 *of chapter 8 of part II of the Foreign Assistance Act of 1961*  
23 *under the heading “Nonproliferation, Anti-Terrorism,*  
24 *Demining, and Related Programs”, not more than a total*  
25 *of \$5,402,850,000 may be made available for Israel, Egypt,*  
26 *Jordan, Lebanon, the West Bank and Gaza, the Israel-Leb-*

1 *anon Monitoring Group, the Multinational Force and Ob-*  
2 *servers, the Middle East Regional Democracy Fund, Middle*  
3 *East Regional Cooperation, and Middle East Multilateral*  
4 *Working Groups: Provided, That any funds that were ap-*  
5 *propriated under such headings in prior fiscal years and*  
6 *that were at the time of enactment of this Act obligated or*  
7 *allocated for other recipients may not during fiscal year*  
8 *1998 be made available for activities that, if funded under*  
9 *this Act, would be required to count against this ceiling:*  
10 *Provided further, That funds may be made available not-*  
11 *withstanding the requirements of this section if the Presi-*  
12 *dent determines and certifies to the Committees on Appro-*  
13 *priations that it is important to the national security inter-*  
14 *est of the United States to do so and any such additional*  
15 *funds shall only be provided through the regular notifica-*  
16 *tion procedures of the Committees on Appropriations.*

17 *AGRICULTURE*

18 *SEC. 587. The first proviso of subsection (k) under the*  
19 *heading "Assistance for the New Independent States of the*  
20 *Former Soviet Union" in the Foreign Operations, Export*  
21 *Financing, and Related Programs Appropriations Act,*  
22 *1997, as contained in Public Law 104-208, is amended by*  
23 *striking "not less than" and inserting in lieu thereof "up*  
24 *to".*



1 *ENTERPRISE FUND RESTRICTIONS*

2 *SEC. 588. Section 201(l) of the Support for East Euro-*  
 3 *pean Democracy Act (22 U.S.C. 5421(l)) is amended to*  
 4 *read as follows:*

5 *“(l) LIMITATION ON PAYMENTS TO ENTERPRISE FUND*  
 6 *PERSONNEL.—*

7 *“(1) No part of the funds of an Enterprise Fund*  
 8 *shall inure to the benefit of any board member, offi-*  
 9 *cer, or employee of such Enterprise Fund, except as*  
 10 *salary or reasonable compensation for services subject*  
 11 *to paragraph (2).*

12 *“(2) An Enterprise Fund shall not pay com-*  
 13 *pen- sation for services to—*

14 *“(A) any board member of the Enterprise*  
 15 *Fund, except for services as a board member; or*

16 *“(B) any firm, association, or entity in*  
 17 *which a board member of the Enterprise Fund*  
 18 *serves as partner, director, officer, or employee.*

19 *“(3) Nothing in paragraph (2) shall preclude*  
 20 *payment for services performed before the date of en-*  
 21 *actment of this subsection nor for arrangements ap-*  
 22 *proved by the grantor and notified in writing to the*  
 23 *Committees on Appropriations.”.*

24 *CAMBODIA*

25 *SEC. 589. The Secretary of the Treasury should in-*  
 26 *struct the United States Executive Directors of the inter-*

1 *national financial institutions to use the voice and vote of*  
2 *the United States to oppose loans to the Government of*  
3 *Cambodia, except loans to support basic human needs.*

4 *EXPORT FINANCING TRANSFER AUTHORITIES*

5 *SEC. 590. Not to exceed 5 percent of any appropriation*  
6 *other than for administrative expenses made available for*  
7 *fiscal year 1998 for programs under title I of this Act may*  
8 *be transferred between such appropriations for use for any*  
9 *of the purposes, programs and activities for which the funds*  
10 *in such receiving account may be used, but no such appro-*  
11 *priation, except as otherwise specifically provided, shall be*  
12 *increased by more than 25 percent by any such transfer:*  
13 *Provided, That the exercise of such authority shall be subject*  
14 *to the regular notification procedures of the Committees on*  
15 *Appropriations.*

16 *DEVELOPMENT CREDIT AUTHORITY*

17 *SEC. 591. For the cost, as defined in section 502 of*  
18 *the Congressional Budget Act of 1974, of direct loans and*  
19 *loan guarantees in support of the development objectives of*  
20 *the Foreign Assistance Act of 1961 (FAA), up to \$7,500,000,*  
21 *which amount may be derived by transfer from funds ap-*  
22 *propriated by this Act to carry out part I of the Foreign*  
23 *Assistance Act of 1961 and funds appropriated by this Act*  
24 *under the heading "Assistance for Eastern Europe and the*  
25 *Baltic States", to remain available until expended: Pro-*  
26 *vided, That up to \$500,000 of the funds appropriated by*

1 *this Act under the heading “Operating Expenses of the*  
2 *Agency for International Development” may be made avail-*  
3 *able for administrative expenses to carry out such pro-*  
4 *grams: Provided further, That the provisions of section*  
5 *107A(d) (relating to general provisions applicable to devel-*  
6 *opment credit authority) of the Foreign Assistance Act of*  
7 *1961, as added by section 306 of H.R. 1486 as reported*  
8 *by the House Committee on International Relations on May*  
9 *9, 1997, shall be applicable to direct loans and loan guaran-*  
10 *tees provided under this paragraph: Provided further, That*  
11 *direct loans or loan guarantees under this paragraph may*  
12 *not be provided until the Director of the Office of Manage-*  
13 *ment and Budget has certified to the Committees on Appro-*  
14 *priations that the Agency for International Development*  
15 *has established a credit management system capable of effec-*  
16 *tively managing the credit programs funded under this*  
17 *heading, including that such system (1) can provide accu-*  
18 *rate and timely provision of loan and loan guarantee data,*  
19 *(2) contains information control systems for loan and loan*  
20 *guarantee data, (3) is adequately staffed, and (4) contains*  
21 *appropriate review and monitoring procedures.*

22 *FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE*

23 *ABORTION OVERSEAS*

24 *SEC. 592. (a) PERFORMANCE OF ABORTIONS.—*

25 *(1) Notwithstanding section 614 of the Foreign*  
26 *Assistance Act of 1961 or any other provision of law,*

1        *no funds appropriated to the Agency for Inter-*  
2        *national Development for population planning activi-*  
3        *ties or other population assistance for fiscal years*  
4        *1998 and 1999 may be made available for any for-*  
5        *foreign private, nongovernmental, or multilateral orga-*  
6        *nization until the organization certifies that it will*  
7        *not, during the period for which the funds are made*  
8        *available, perform abortions in any foreign country,*  
9        *except where the life of the mother would be endan-*  
10       *gered if the pregnancy were carried to term or in*  
11       *cases of forcible rape or incest.*

12                *(2) Paragraph (1) of this subsection may not be*  
13        *construed to apply to the treatment of injuries or ill-*  
14        *nesses caused by legal or illegal abortions or to assist-*  
15        *ance provided directly to the government of a country.*

16        *(b) LOBBYING ACTIVITIES.—(1) Notwithstanding sec-*  
17        *tion 614 of the Foreign Assistance Act of 1961 or any other*  
18        *provision of law, no funds appropriated to the Agency for*  
19        *International Development for population planning activi-*  
20        *ties or other population assistance for fiscal years 1998 and*  
21        *1999 may be made available for any foreign private, non-*  
22        *governmental, or multilateral organization until the orga-*  
23        *nization certifies that it will not, during the period for*  
24        *which the funds are made available, violate the laws of any*  
25        *foreign country concerning the circumstances under which*

1 *abortion is permitted, regulated, or prohibited, or engage*  
2 *in any activity or effort to alter the laws or governmental*  
3 *policies of any foreign country concerning the cir-*  
4 *cumstances under which abortion is permitted, regulated,*  
5 *or prohibited.*

6       (2) *Paragraph (1) of this subsection shall not apply*  
7 *to activities in opposition to coercive abortion or involun-*  
8 *tary sterilization.*

9       (c) *APPLICATION TO FOREIGN ORGANIZATIONS.—The*  
10 *restrictions in this section apply to funds made available*  
11 *to a foreign organization either directly or as a subcontrac-*  
12 *tor or subgrantee, and the certifications required in sub-*  
13 *sections (a) and (b) apply to activities in which the organi-*  
14 *zation engages either directly or through a subcontractor*  
15 *or subgrantee.*

16       (d) *For each of fiscal years 1998 and 1999, the Presi-*  
17 *dent may waive the restrictions in subsections (a) and (b):*  
18 *Provided, That if the President waives the restriction in*  
19 *either subsection (a) or (b), not to exceed \$410,000,000 may*  
20 *be made available for population planning activities or*  
21 *other population assistance: Provide further, That if the*  
22 *President waives the restrictions in both subsections (a) and*  
23 *(b), not to exceed \$385,000,000 may be made available for*  
24 *population planning activities or other population assist-*  
25 *ance.*

1            *INTERNATIONAL MONETARY PROGRAMS*2            *LOANS TO INTERNATIONAL MONETARY FUND*

3            *SEC. 593. For loans to the International Monetary*  
4 *Fund under the New Arrangements to Borrow, the dollar*  
5 *equivalent of 2,462,000,000 Special Drawing Rights, to re-*  
6 *main available until expended; in addition, up to the dollar*  
7 *equivalent of 4,250,000,000 Special Drawing Rights pre-*  
8 *viously appropriated by the Act of November 30, 1983 (Pub-*  
9 *lic Law 98–181), and the Act of October 23, 1962 (Public*  
10 *Law 87–872), for the General Arrangements to Borrow,*  
11 *may also be used for the New Arrangements to Borrow.*

12            *Section 17 of the Bretton Woods Agreements Act, as*  
13 *amended (22 U.S.C. 286e–2 et seq.) is amended as follows—*

14            (1) *Section 17(a) is amended by striking “and*  
15 *February 24, 1983” and inserting instead “February*  
16 *24, 1983, and January 27, 1997”; and by striking*  
17 *“4,250,000,000” and inserting instead*  
18 *“6,712,000,000”.*

19            (2) *Section 17(b) is amended by striking*  
20 *“4,250,000,000” and inserting instead*  
21 *“6,712,000,000”.*

22            (3) *Section 17(d) is amended by inserting “or*  
23 *the Decision of January 27, 1997,” after “February*  
24 *24, 1983,”; and by inserting “or the New Arrange-*  
25 *ments to Borrow, as applicable” before the period at*  
26 *the end.*

1        *This division may be cited as the “Foreign Operations,*  
 2 *Export Financing, and Related Programs Appropriations*  
 3 *Act, 1998”.*

4        ***DIVISION D—FOREIGN AFFAIRS***  
 5        ***REFORM AND RESTRUCTUR-***  
 6        ***ING ACT OF 1997***

7        ***SEC. 1001. SHORT TITLE.***

8        *This division may be cited as the “Foreign Affairs Re-*  
 9 *form and Restructuring Act of 1997”.*

10       ***SEC. 1002. ORGANIZATION OF DIVISION INTO SUBDIVI-***  
 11       ***SIONS; TABLE OF CONTENTS.***

12       (a) *SUBDIVISIONS.—This division is organized into*  
 13 *three subdivisions as follows:*

14            (1) *SUBDIVISION 1.—Foreign Affairs Agencies*  
 15 *Consolidation Act of 1997.*

16            (2) *SUBDIVISION 2.—Foreign Relations Author-*  
 17 *ization Act, Fiscal Years 1998 and 1999.*

18            (3) *SUBDIVISION 3.—United Nations Reform Act*  
 19 *of 1997.*

20       (b) *TABLE OF CONTENTS.—The table of contents for*  
 21 *this division is as follows:*

*Sec. 1001. Short title.*

*Sec. 1002. Organization of division into subdivisions; table of contents.*

*SUBDIVISION 1—CONSOLIDATION OF FOREIGN AFFAIRS AGENCIES*

*TITLE XI—GENERAL PROVISIONS*

*Sec. 1101. Short title.*

*Sec. 1102. Purposes.*

*Sec. 1103. Definitions.*

*Sec. 1104. Report on budgetary cost savings resulting from reorganization.*

*TITLE XII—UNITED STATES ARMS CONTROL AND DISARMAMENT  
AGENCY*

*CHAPTER 1—GENERAL PROVISIONS*

*Sec. 1201. Effective date.*

*CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS*

*Sec. 1211. Abolition of United States Arms Control and Disarmament Agency.*

*Sec. 1212. Transfer of functions to Secretary of State.*

*Sec. 1213. Under Secretary for Arms Control and International Security.*

*CHAPTER 3—CONFORMING AMENDMENTS*

*Sec. 1221. References.*

*Sec. 1222. Repeals.*

*Sec. 1223. Amendments to the Arms Control and Disarmament Act.*

*Sec. 1224. Compensation of officers.*

*Sec. 1225. Additional conforming amendments.*

*TITLE XIII—UNITED STATES INFORMATION AGENCY*

*CHAPTER 1—GENERAL PROVISIONS*

*Sec. 1301. Effective date.*

*CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS*

*Sec. 1311. Abolition of United States Information Agency.*

*Sec. 1312. Transfer of functions.*

*Sec. 1313. Under Secretary of State for Public Diplomacy.*

*Sec. 1314. Abolition of Office of Inspector General of United States Information  
Agency and transfer of functions.*

*CHAPTER 3—INTERNATIONAL BROADCASTING*

*Sec. 1321. Congressional findings and declaration of purpose.*

*Sec. 1322. Continued existence of Broadcasting Board of Governors.*

*Sec. 1323. Conforming amendments to the United States International Broad-  
casting Act of 1994.*

*Sec. 1324. Amendments to the Radio Broadcasting to Cuba Act.*

*Sec. 1325. Amendments to the Television Broadcasting to Cuba Act.*

*Sec. 1326. Transfer of broadcasting related funds, property, and personnel.*

*Sec. 1327. Savings provisions.*

*Sec. 1328. Report on the privatization of RFE/RL, Incorporated.*

*CHAPTER 4—CONFORMING AMENDMENTS*

*Sec. 1331. References.*

*Sec. 1332. Amendments to title 5, United States Code.*

*Sec. 1333. Application of certain laws.*

*Sec. 1334. Abolition of United States Advisory Commission on Public Diplomacy.*

*Sec. 1335. Conforming amendments.*

*Sec. 1336. Repeals.*



TITLE XIV—UNITED STATES INTERNATIONAL DEVELOPMENT  
COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

*Sec. 1401. Effective date.*

CHAPTER 2—ABOLITION AND TRANSFER OF FUNCTIONS

*Sec. 1411. Abolition of United States International Development Cooperation Agency.*

*Sec. 1412. Transfer of functions and authorities.*

*Sec. 1413. Status of AID.*

CHAPTER 3—CONFORMING AMENDMENTS

*Sec. 1421. References.*

*Sec. 1422. Conforming amendments.*

TITLE XV—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

*Sec. 1501. Effective date.*

CHAPTER 2—REORGANIZATION AND TRANSFER OF FUNCTIONS

*Sec. 1511. Reorganization of Agency for International Development.*

CHAPTER 3—AUTHORITIES OF THE SECRETARY OF STATE

*Sec. 1521. Definition of United States assistance.*

*Sec. 1522. Administrator of AID reporting to the Secretary of State.*

*Sec. 1523. Assistance programs coordination and oversight.*

TITLE XVI—TRANSITION

CHAPTER 1—REORGANIZATION PLAN

*Sec. 1601. Reorganization plan and report.*

CHAPTER 2—REORGANIZATION AUTHORITY

*Sec. 1611. Reorganization authority.*

*Sec. 1612. Transfer and allocation of appropriations.*

*Sec. 1613. Transfer, appointment, and assignment of personnel.*

*Sec. 1614. Incidental transfers.*

*Sec. 1615. Savings provisions.*

*Sec. 1616. Authority of Secretary of State to facilitate transition.*

*Sec. 1617. Final report.*

SUBDIVISION 2—FOREIGN RELATIONS AUTHORIZATION

TITLE XX—GENERAL PROVISIONS

*Sec. 2001. Short title.*

*Sec. 2002. Definition of appropriate congressional committees.*

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS FOR  
DEPARTMENT OF STATE

- Sec. 2101. Administration of foreign affairs.*  
*Sec. 2102. International commissions.*  
*Sec. 2103. Grants to The Asia Foundation.*

TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND  
ACTIVITIES

CHAPTER 1—AUTHORITIES AND ACTIVITIES

- Sec. 2201. Reimbursement of Department of State for assistance to overseas educational facilities.*  
*Sec. 2202. Revision of Department of State rewards program.*  
*Sec. 2203. Retention of additional defense trade controls registration fees.*  
*Sec. 2204. Fees for commercial services.*  
*Sec. 2205. Pilot program for foreign affairs reimbursement.*  
*Sec. 2206. Fee for use of diplomatic reception rooms.*  
*Sec. 2207. Accounting of collections in budget presentation documents.*  
*Sec. 2208. Office of the Inspector General.*  
*Sec. 2209. Capital Investment Fund.*  
*Sec. 2210. Contracting for local guards services overseas.*  
*Sec. 2211. Authority of the Foreign Claims Settlement Commission.*  
*Sec. 2212. Expenses relating to certain international claims and proceedings.*  
*Sec. 2213. Grants to remedy international abductions of children.*  
*Sec. 2214. Counterdrug and anticrime activities of the Department of State.*  
*Sec. 2215. Annual report on overseas surplus properties.*  
*Sec. 2216. Human rights reports.*  
*Sec. 2217. Reports and policy concerning diplomatic immunity.*  
*Sec. 2218. Reaffirming United States international telecommunications policy.*  
*Sec. 2219. Reduction of reporting.*

CHAPTER 2—CONSULAR AUTHORITIES OF THE DEPARTMENT OF STATE

- Sec. 2221. Use of certain passport processing fees for enhanced passport services.*  
*Sec. 2222. Surcharge for processing certain machine readable visas.*  
*Sec. 2223. Consular officers.*  
*Sec. 2224. Repeal of outdated consular receipt requirements.*  
*Sec. 2225. Elimination of duplicate Federal Register publication for travel advisories.*  
*Sec. 2226. Denial of visas to confiscators of American property.*  
*Sec. 2227. Inadmissibility of any alien supporting an international child abductor.*  
*Sec. 2228. Haiti; exclusion of certain aliens; reporting requirements.*

CHAPTER 3—REFUGEES AND MIGRATION

SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS

- Sec. 2231. Migration and refugee assistance.*

SUBCHAPTER B—AUTHORITIES

- Sec. 2241. United States policy regarding the involuntary return of refugees.*  
*Sec. 2242. United States policy with respect to the involuntary return of persons in danger of subjection to torture.*  
*Sec. 2243. Reprogramming of migration and refugee assistance funds.*

*Sec. 2244. Eligibility for refugee status.*

*Sec. 2245. Reports to Congress concerning Cuban emigration policies.*

**TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE;  
DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE**

**CHAPTER 1—ORGANIZATION OF THE DEPARTMENT OF STATE**

*Sec. 2301. Coordinator for Counterterrorism.*

*Sec. 2302. Elimination of Deputy Assistant Secretary of State for Burdensharing.*

*Sec. 2303. Personnel management.*

*Sec. 2304. Diplomatic security.*

*Sec. 2305. Number of senior official positions authorized for the Department of State.*

*Sec. 2306. Nomination of Under Secretaries and Assistant Secretaries of State.*

**CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE**

*Sec. 2311. Foreign Service reform.*

*Sec. 2312. Retirement benefits for involuntary separation.*

*Sec. 2313. Authority of Secretary to separate convicted felons from the Foreign Service.*

*Sec. 2314. Career counseling.*

*Sec. 2315. Limitations on management assignments.*

*Sec. 2316. Availability pay for certain criminal investigators within the Diplomatic Security Service.*

*Sec. 2317. Nonovertime differential pay.*

*Sec. 2318. Report concerning minorities and the Foreign Service.*

**TITLE XXIV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS**

**CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS**

*Sec. 2401. International information activities and educational and cultural exchange programs.*

**CHAPTER 2—AUTHORITIES AND ACTIVITIES**

*Sec. 2411. Retention of interest.*

*Sec. 2412. Use of selected program fees.*

*Sec. 2413. Muskie Fellowship Program.*

*Sec. 2414. Working Group on United States Government-Sponsored International Exchanges and Training.*

*Sec. 2415. Educational and cultural exchanges and scholarships for Tibetans and Burmese.*

*Sec. 2416. United States-Japan Commission.*

*Sec. 2417. Surrogate broadcasting study.*

*Sec. 2418. Radio broadcasting to Iran in the Farsi language.*

*Sec. 2419. Authority to administer summer travel and work programs.*

*Sec. 2420. Permanent administrative authorities regarding appropriations.*

*Sec. 2421. Voice of America broadcasts.*

*TITLE XXV—INTERNATIONAL ORGANIZATIONS OTHER THAN  
UNITED NATIONS*

- Sec. 2501. International conferences and contingencies.*  
*Sec. 2502. Restriction relating to United States accession to any new international criminal tribunal.*  
*Sec. 2503. United States membership in the Bureau of the Interparliamentary Union.*  
*Sec. 2504. Service in international organizations.*  
*Sec. 2505. Reports regarding foreign travel.*

*TITLE XXVI—UNITED STATES ARMS CONTROL AND DISARMAMENT  
AGENCY*

- Sec. 2601. Authorization of appropriations.*  
*Sec. 2602. Statutory construction.*

*TITLE XXVII—EUROPEAN SECURITY ACT OF 1997*

- Sec. 2701. Short title.*  
*Sec. 2702. Statement of policy.*  
*Sec. 2703. Authorities relating to NATO enlargement.*  
*Sec. 2704. Sense of Congress with respect to the Treaty on Conventional Armed Forces in Europe.*  
*Sec. 2705. Restrictions and requirements relating to ballistic missile defense.*

*TITLE XXVIII—MISCELLANEOUS PROVISIONS*

- Sec. 2801. Report on relations with Vietnam.*  
*Sec. 2802. Reports on determinations under title IV of the LIBERTAD Act.*

*SUBDIVISION 3—UNITED NATIONS REFORM*

*TITLE XXX—GENERAL PROVISIONS*

- Sec. 3001. Short title.*  
*Sec. 3002. Definitions.*  
*Sec. 3003. Nondelegation of certification requirements.*

*TITLE XXXI—AUTHORIZATION OF APPROPRIATIONS*

- Sec. 3101. Contributions to international organizations.*  
*Sec. 3102. Contributions for international peacekeeping activities.*

*TITLE XXXII—UNITED NATIONS ACTIVITIES*

- Sec. 3201. United Nations policy on Israel and the Palestinians.*  
*Sec. 3202. Data on costs incurred in support of United Nations peacekeeping operations.*  
*Sec. 3203. Reimbursement for goods and services provided by the United States to the United Nations.*  
*Sec. 3204. United States policy regarding United Nations peacekeeping operations.*  
*Sec. 3205. Reform in budget decisionmaking procedures of the United Nations and its specialized agencies.*  
*Sec. 3206. Continued extension of privileges, exemptions, and immunities of the International Organizations Immunities Act to UNIDO.*

*Sec. 3207. Sense of the Congress regarding compliance with child and spousal support obligations by United Nations personnel.*

**TITLE XXXIII—ARREARS PAYMENTS AND REFORM**

**CHAPTER 1—ARREARAGES TO THE UNITED NATIONS**

**SUBCHAPTER A—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS**

*Sec. 3301. Authorization of appropriations.*

*Sec. 3302. Obligation and expenditure of funds.*

*Sec. 3303. Forgiveness of amounts owed by the United Nations to the United States.*

**SUBCHAPTER B—UNITED STATES SOVEREIGNTY**

*Sec. 3311. Certification requirements.*

**SUBCHAPTER C—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS**

*Sec. 3321. Certification requirements.*

**SUBCHAPTER D—BUDGET AND PERSONNEL REFORM**

*Sec. 3331. Certification requirements.*

**CHAPTER 2—MISCELLANEOUS PROVISIONS**

*Sec. 3341. Statutory construction on relation to existing laws.*

*Sec. 3342. Prohibition on payments relating to UNIDO and other international organizations from which the United States has withdrawn or rescinded funding.*

1 **SUBDIVISION 1—CONSOLIDA-**  
 2 **TION OF FOREIGN AFFAIRS**  
 3 **AGENCIES**

4 **TITLE XI—GENERAL PROVISIONS**

5 **SEC. 1101. SHORT TITLE.**

6 *This subdivision may be cited as the “Foreign Affairs*  
 7 *Agencies Consolidation Act of 1997”.*

8 **SEC. 1102. PURPOSES.**

9 *The purposes of this subdivision are—*

10 *(1) to strengthen—*

1           (A) the coordination of United States for-  
2           eign policy; and

3           (B) the leading role of the Secretary of  
4           State in the formulation and articulation of  
5           United States foreign policy;

6           (2) to consolidate and reinvigorate the foreign af-  
7           fairs functions of the United States within the De-  
8           partment of State by—

9           (A) abolishing the United States Arms Con-  
10          trol and Disarmament Agency, the United States  
11          Information Agency, and the United States  
12          International Development Cooperation Agency,  
13          and transferring the functions of these agencies  
14          to the Department of State while preserving the  
15          special missions and skills of these agencies;

16          (B) transferring certain functions of the  
17          Agency for International Development to the De-  
18          partment of State; and

19          (C) providing for the reorganization of the  
20          Department of State to maximize the efficient  
21          use of resources, which may lead to budget sav-  
22          ings, eliminated redundancy in functions, and  
23          improvement in the management of the Depart-  
24          ment of State;

1           (3) *to ensure that programs critical to the pro-*  
2 *motion of United States national interests be main-*  
3 *tained;*

4           (4) *to assist congressional efforts to balance the*  
5 *Federal budget and reduce the Federal debt;*

6           (5) *to ensure that the United States maintains*  
7 *effective representation abroad within budgetary re-*  
8 *straints; and*

9           (6) *to encourage United States foreign affairs*  
10 *agencies to maintain a high percentage of the best*  
11 *qualified, most competent United States citizens serv-*  
12 *ing in the United States Government.*

13 **SEC. 1103. DEFINITIONS.**

14 *In this subdivision:*

15           (1) *ACDA.*—*The term “ACDA” means the Unit-*  
16 *ed States Arms Control and Disarmament Agency.*

17           (2) *AID.*—*The term “AID” means the United*  
18 *States Agency for International Development.*

19           (3) *AGENCY; FEDERAL AGENCY.*—*The term*  
20 *“agency” or “Federal agency” means an Executive*  
21 *agency as defined in section 105 of title 5, United*  
22 *States Code.*

23           (4) *APPROPRIATE CONGRESSIONAL COMMIT-*  
24 *TEES.*—*The term “appropriate congressional commit-*  
25 *tees” means the Committee on International Relations*

1        *and the Committee on Appropriations of the House of*  
2        *Representatives and the Committee on Foreign Rela-*  
3        *tions and the Committee on Appropriations of the*  
4        *Senate.*

5            (5) *COVERED AGENCY.*—*The term “covered agen-*  
6        *cy” means any of the following agencies: ACDA,*  
7        *USIA, IDCA, and AID.*

8            (6) *DEPARTMENT.*—*The term “Department”*  
9        *means the Department of State.*

10          (7) *FUNCTION.*—*The term “function” means any*  
11        *duty, obligation, power, authority, responsibility,*  
12        *right, privilege, activity, or program.*

13          (8) *IDCA.*—*The term “IDCA” means the United*  
14        *States International Development Cooperation Agen-*  
15        *cy.*

16          (9) *OFFICE.*—*The term “office” includes any of-*  
17        *fice, administration, agency, institute, unit, organiza-*  
18        *tional entity, or component thereof.*

19          (10) *SECRETARY.*—*The term “Secretary” means*  
20        *the Secretary of State.*

21          (11) *USIA.*—*The term “USIA” means the Unit-*  
22        *ed States Information Agency.*



1 **SEC. 1104. REPORT ON BUDGETARY COST SAVINGS RESULT-**  
2 **ING FROM REORGANIZATION.**

3 *The Secretary of State shall submit a report, together*  
4 *with the congressional presentation document for the budget*  
5 *of the Department of State for each of the fiscal years 1999,*  
6 *2000, and 2001, to the appropriate congressional commit-*  
7 *tees describing the total anticipated and achieved cost sav-*  
8 *ings in budget outlays and budget authority related to the*  
9 *reorganization implemented under this subdivision, includ-*  
10 *ing cost savings by each of the following categories:*

11 *(1) Reductions in personnel.*

12 *(2) Administrative consolidation, including pro-*  
13 *curement.*

14 *(3) Program consolidation.*

15 *(4) Consolidation of real properties and leases.*

16 **TITLE XII—UNITED STATES**  
17 **ARMS CONTROL AND DISAR-**  
18 **MAMENT AGENCY**  
19 **CHAPTER 1—GENERAL PROVISIONS**

20 **SEC. 1201. EFFECTIVE DATE.**

21 *This title, and the amendments made by this title,*  
22 *shall take effect on the earlier of—*

23 *(1) October 1, 1998; or*

24 *(2) the date of abolition of the United States*  
25 *Arms Control and Disarmament Agency pursuant to*  
26 *the reorganization plan described in section 1601.*

1     **CHAPTER 2—ABOLITION AND TRANSFER**  
2                                   **OF FUNCTIONS**

3     **SEC. 1211. ABOLITION OF UNITED STATES ARMS CONTROL**  
4                                   **AND DISARMAMENT AGENCY.**

5             *The United States Arms Control and Disarmament*  
6     *Agency is abolished.*

7     **SEC. 1212. TRANSFER OF FUNCTIONS TO SECRETARY OF**  
8                                   **STATE.**

9             *There are transferred to the Secretary of State all func-*  
10    *tions of the Director of the United States Arms Control and*  
11    *Disarmament Agency, and all functions of the United*  
12    *States Arms Control and Disarmament Agency and any of-*  
13    *fice or component of such agency, under any statute, reorga-*  
14    *nization plan, Executive order, or other provision of law,*  
15    *as of the day before the effective date of this title.*

16    **SEC. 1213. UNDER SECRETARY FOR ARMS CONTROL AND**  
17                                   **INTERNATIONAL SECURITY.**

18             *Section 1(b) of the State Department Basic Authorities*  
19    *Act of 1956 (22 U.S.C. 2651(b)) is amended—*

20                    (1) *by striking “There” and inserting the follow-*  
21    *ing:*

22                            “(1) *IN GENERAL.—There*”; and

23                            (2) *by adding at the end the following:*

24                            “(2) *UNDER SECRETARY FOR ARMS CONTROL*  
25    *AND INTERNATIONAL SECURITY.—There shall be in*

1        *the Department of State, among the Under Secretar-*  
2        *ies authorized by paragraph (1), an Under Secretary*  
3        *for Arms Control and International Security, who*  
4        *shall assist the Secretary and the Deputy Secretary in*  
5        *matters related to international security policy, arms*  
6        *control, and nonproliferation. Subject to the direction*  
7        *of the President, the Under Secretary may attend and*  
8        *participate in meetings of the National Security*  
9        *Council in his role as advisor on arms control and*  
10       *nonproliferation matters.”.*

### 11    **CHAPTER 3—CONFORMING AMENDMENTS**

#### 12    **SEC. 1221. REFERENCES.**

13        *Except as otherwise provided in section 1223 or 1225,*  
14        *any reference in any statute, reorganization plan, Execu-*  
15        *tive order, regulation, agreement, determination, or other*  
16        *official document or proceeding to—*

17                *(1) the Director of the United States Arms Con-*  
18        *trol and Disarmament Agency, the Director of the*  
19        *Arms Control and Disarmament Agency, or any other*  
20        *officer or employee of the United States Arms Control*  
21        *and Disarmament Agency or the Arms Control and*  
22        *Disarmament Agency shall be deemed to refer to the*  
23        *Secretary of State; or*

24                *(2) the United States Arms Control and Disar-*  
25        *mament Agency or the Arms Control and Disar-*

1        *mament Agency shall be deemed to refer to the De-*  
2        *partment of State.*

3        **SEC. 1222. REPEALS.**

4        *The following sections of the Arms Control and Disar-*  
5        *mament Act (22 U.S.C. 2551 et seq.) are repealed: Sections*  
6        *21 through 26 (22 U.S.C. 2561–2566), section 35 (22 U.S.C.*  
7        *2575), section 42 (22 U.S.C. 2582), section 43 (22 U.S.C.*  
8        *2583), sections 45 through 50 (22 U.S.C. 2585–2593), sec-*  
9        *tion 53 (22 U.S.C. 2593c), section 54 (22 U.S.C. 2593d),*  
10       *and section 63 (22 U.S.C. 2595b).*

11       **SEC. 1223. AMENDMENTS TO THE ARMS CONTROL AND DIS-**  
12       **ARMAMENT ACT.**

13       *The Arms Control and Disarmament Act (22 U.S.C.*  
14       *2551 et seq.) is amended—*

15                *(1) in section 2 (22 U.S.C. 2551)—*

16                        *(A) in the first undesignated paragraph, by*  
17                        *striking “creating a new agency of peace to deal*  
18                        *with” and inserting “addressing”;*

19                        *(B) by striking the second undesignated*  
20                        *paragraph; and*

21                        *(C) in the third undesignated paragraph—*

22                                *(i) by striking “This organization”*  
23                                *and inserting “The Secretary of State”;*

24                                *(ii) by striking “It shall have” and in-*  
25                                *serting “The Secretary shall have”;*

1                   (iii) by striking “and the Secretary of  
2                   State”;

3                   (iv) by inserting “, nonproliferation,”  
4                   after “arms control” in paragraph (1);

5                   (v) by striking paragraph (2);

6                   (vi) by redesignating paragraphs (3)  
7                   through (5) as paragraphs (2) through (4),  
8                   respectively; and

9                   (vii) by striking “, as appropriate,” in  
10                  paragraph (3) (as redesignated);

11                 (2) in section 3 (22 U.S.C. 2552), by striking  
12                 subsection (c);

13                 (3) in the heading for title II, by striking “**OR-**  
14                 **GANIZATION**” and inserting “**SPECIAL REP-**  
15                 **RESENTATIVES AND VISITING SCHOL-**  
16                 **ARS**”;

17                 (4) in section 27 (22 U.S.C. 2567)—

18                         (A) by striking the third sentence;

19                         (B) in the fourth sentence, by striking “,  
20                         acting through the Director”; and

21                         (C) in the fifth sentence, by striking “Agen-  
22                         cy” and inserting “Department of State”;

23                 (5) in section 28 (22 U.S.C. 2568)—

24                         (A) by striking “Director” each place it ap-  
25                         pears and inserting “Secretary of State”;

1                   (B) *in the second sentence—*

2                   (i) *by striking “Agency” each place it*  
3                   *appears and inserting “Department of*  
4                   *State”; and*

5                   (ii) *by striking “Agency’s” and insert-*  
6                   *ing “Department of State’s”; and*

7                   (C) *by striking the fourth sentence;*

8                   (6) *in section 31 (22 U.S.C. 2571)—*

9                   (A) *by inserting “this title in” after “pow-*  
10                   *ers in”;*

11                   (B) *by striking “Director” each place it ap-*  
12                   *pears and inserting “Secretary of State”;*

13                   (C) *by striking “insure” each place it ap-*  
14                   *pears and inserting “ensure”;*

15                   (D) *in the second sentence, by striking “in*  
16                   *accordance with procedures established under*  
17                   *section 35 of this Act”;*

18                   (E) *in the fourth sentence by striking “The*  
19                   *authority” and all that follows through “disar-*  
20                   *mament:” and inserting the following: “The au-*  
21                   *thority of the Secretary under this Act with re-*  
22                   *spect to research, development, and other studies*  
23                   *concerning arms control, nonproliferation, and*  
24                   *disarmament shall be limited to participation in*  
25                   *the following:”;* and

1           (F) in subsection (l), by inserting “and” at  
2           the end;

3           (7) in section 32 (22 U.S.C. 2572)—

4           (A) by striking “Director” and inserting  
5           “Secretary of State”; and

6           (B) by striking “subsection” and inserting  
7           “section”;

8           (8) in section 33(a) (22 U.S.C. 2573(a))—

9           (A) by striking “the Secretary of State,”;  
10          and

11          (B) by striking “Director” and inserting  
12          “Secretary of State”;

13          (9) in section 34 (22 U.S.C. 2574)—

14          (A) in subsection (a)—

15               (i) in the first sentence, by striking  
16               “Director” and inserting “Secretary of  
17               State”;

18               (ii) in the first sentence, by striking  
19               “and the Secretary of State”;

20               (iii) in the first sentence, by inserting  
21               “, nonproliferation,” after “in the fields of  
22               arms control”;

23               (iv) in the first sentence, by striking  
24               “and shall have primary responsibility,  
25               whenever directed by the President, for the

1           *preparation, conduct, and management of*  
2           *the United States participation in inter-*  
3           *national negotiations and implementation*  
4           *fora in the field of nonproliferation”;*

5                   *(v) in the second sentence, by striking*  
6                   *“section 27” and inserting “section 201”;*  
7                   *and*

8                   *(vi) in the second sentence, by striking*  
9                   *“the” after “serve as”;*

10                   *(B) by striking subsection (b);*

11                   *(C) by redesignating subsection (c) as sub-*  
12                   *section (b); and*

13                   *(D) in subsection (b) (as redesignated)—*

14                           *(i) in the text above paragraph (1), by*  
15                           *striking “Director” and inserting “Sec-*  
16                           *retary of State”;*

17                           *(ii) by striking paragraph (1); and*

18                           *(iii) by redesignating paragraphs (2)*  
19                           *and (3) as paragraphs (1) and (2), respec-*  
20                           *tively;*

21                   *(10) in section 36 (22 U.S.C. 2576)—*

22                           *(A) by striking “Director” each place it ap-*  
23                           *pears and inserting “Secretary of State”; and*



1           (B) by striking “, in accordance with the  
2           procedures established pursuant to section 35 of  
3           this Act,”;

4           (11) in section 37 (22 U.S.C. 2577)—

5           (A) by striking “Director” and “Agency”  
6           each place it appears and inserting “Secretary of  
7           State” or “Department of State”, respectively;  
8           and

9           (B) by striking subsection (d);

10          (12) in section 38 (22 U.S.C. 2578)—

11          (A) by striking “Director” each place it ap-  
12          pears and inserting “Secretary of State”; and

13          (B) by striking subsection (c);

14          (13) in section 41 (22 U.S.C. 2581)—

15          (A) by striking “In the performance of his  
16          functions, the Director” and inserting “In addi-  
17          tion to any authorities otherwise available, the  
18          Secretary of State in the performance of func-  
19          tions under this Act”;

20          (B) by striking “Agency”, “Agency’s”, “Di-  
21          rector”, and “Director’s” each place they appear  
22          and inserting “Department of State”, “Depart-  
23          ment of State’s”, “Secretary of State”, or “Sec-  
24          retary of State’s”, as appropriate;

1           (C) in subsection (a), by striking the sen-  
2           tence that begins “It is the intent”;

3           (D) in subsection (b)—

4                 (i) by striking “appoint officers and  
5                 employees, including attorneys, for the  
6                 Agency in accordance with the provisions of  
7                 title 5, United States Code, governing ap-  
8                 pointment in the competitive service, and  
9                 fix their compensation in accordance with  
10                chapter 51 and with subchapter III of chap-  
11                ter 53 of such title, relating to classification  
12                and General Schedule pay rates, except that  
13                the Director may, to the extent the Director  
14                determines necessary to the discharge of his  
15                responsibilities,”;

16               (ii) in paragraph (1), by striking “ex-  
17               ception” and inserting “subsection”; and

18               (iii) in paragraph (2)—

19                     (I) by striking “exception” and  
20                     inserting “subsection”; and

21                     (II) by striking “ceiling” and in-  
22                     serting “positions allocated to carry  
23                     out the purpose of this Act”;

24           (E) by striking subsection (g);

1           (F) by redesignating subsections (h), (i),  
2           and (j) as subsections (g), (h), and (i), respec-  
3           tively;

4           (G) by amending subsection (f) to read as  
5           follows:

6           “(f) establish a scientific and policy advisory  
7           board to advise with and make recommendations to  
8           the Secretary of State on United States arms control,  
9           nonproliferation, and disarmament policy and activi-  
10          ties. A majority of the board shall be composed of in-  
11          dividuals who have a demonstrated knowledge and  
12          technical expertise with respect to arms control, non-  
13          proliferation, and disarmament matters and who  
14          have distinguished themselves in any of the fields of  
15          physics, chemistry, mathematics, biology, or engineer-  
16          ing, including weapons engineering. The members of  
17          the board may receive the compensation and reim-  
18          bursement for expenses specified for consultants by  
19          subsection (d) of this section;” and

20          (H) in subsection (h) (as redesignated), by  
21          striking “Deputy Director” and inserting  
22          “Under Secretary for Arms Control and Inter-  
23          national Security”;

24          (14) in section 44 (22 U.S.C. 2584)—

1           (A) by striking “CONFLICT-OF-INTEREST  
2           AND”;

3           (B) by striking “The members” and all that  
4           follows through “(5 U.S.C. 2263), or any other”  
5           and inserting “Members of advisory boards and  
6           consultants may serve as such without regard to  
7           any”; and

8           (C) by inserting at the end the following  
9           new sentence: “This section shall apply only to  
10          individuals carrying out activities related to  
11          arms control, nonproliferation, and disar-  
12          mament.”;

13          (15) in section 51 (22 U.S.C. 2593a)—

14           (A) in subsection (a)—

15           (i) in paragraphs (1) and (3), by in-  
16           serting “, nonproliferation,” after “arms  
17           control” each place it appears;

18           (ii) by striking “Director, in consulta-  
19           tion with the Secretary of State,” and in-  
20           serting “Secretary of State with the concur-  
21           rence of the Director of Central Intelligence  
22           and in consultation with”;

23           (iii) by striking “the Chairman of the  
24           Joint Chiefs of Staff, and the Director of

1           *Central Intelligence*” and inserting “and  
2           *the Chairman of the Joint Chiefs of Staff*”;

3           (iv) by striking paragraphs (2) and  
4           (4); and

5           (v) by redesignating paragraphs (3),  
6           (5), (6), and (7) as paragraphs (2) through  
7           (5), respectively; and

8           (B) by adding at the end of subsection (b)  
9           the following: “The portions of this report de-  
10           scribed in paragraphs (4) and (5) of subsection  
11           (a) shall summarize in detail, at least in classi-  
12           fied annexes, the information, analysis, and con-  
13           clusions relevant to possible noncompliance by  
14           other nations that are provided by United States  
15           intelligence agencies.”;

16           (16) in section 52 (22 U.S.C. 2593b), by striking  
17           “Director” and inserting “Secretary of State”;

18           (17) in section 61 (22 U.S.C. 2593a)—

19           (A) in paragraph (1), by striking “United  
20           States Arms Control and Disarmament Agency”  
21           and inserting “Department of State”;

22           (B) by striking paragraph (2);

23           (C) by redesignating paragraphs (3)  
24           through (7) as paragraphs (2) through (6), re-  
25           spectively;

1           (D) in paragraph (4) (as redesignated), by  
2 striking “paragraph (4)” and inserting “para-  
3 graph (3)”; and

4           (E) in paragraph (6) (as redesignated), by  
5 striking “United States Arms Control and Dis-  
6 armament Agency and the”;

7 (18) in section 62 (22 U.S.C. 2595a)—

8           (A) in subsection (c)—

9                 (i) in the subsection heading, by strik-  
10 ing “DIRECTOR” and inserting “SEC-  
11 RETARY OF STATE”; and

12                 (ii) by striking “2(d), 22, and 34(c)”  
13 and inserting “102(3) and 304(b)”; and

14           (B) by striking “Director” and inserting  
15 “Secretary of State”;

16 (19) in section 64 (22 U.S.C. 2595b-1)—

17           (A) by striking the section title and insert-  
18 ing “**SEC. 503. REVIEW OF CERTAIN RE-**  
19 **PROGRAMMING NOTIFICATIONS.**”;

20           (B) by striking subsection (a); and

21           (C) in subsection (b)—

22                 (i) by striking “(b) REVIEW OF CER-  
23 TAIN REPROGRAMMING NOTIFICATIONS.—”;

24           and

1                   (ii) by striking “Foreign Affairs” and  
2                   inserting “International Relations”;  
3                   (20) in section 65(1) (22 U.S.C. 2595c(1)) by in-  
4                   serting “of America” after “United States”; and  
5                   (21) by redesignating sections 1, 2, 3, 27, 28, 31,  
6                   32, 33, 34, 36, 37, 38, 39, 41, 44, 51, 52, 61, 62, 64,  
7                   and 65, as amended by this section, as sections 101,  
8                   102, 103, 201, 202, 301, 302, 303, 304, 305, 306, 307,  
9                   308, 401, 402, 403, 404, 501, 502, 503, and 504, re-  
10                  spectively.

11 **SEC. 1224. COMPENSATION OF OFFICERS.**

12                  Title 5, United States Code, is amended—

13                  (1) in section 5313, by striking “Director of the  
14                  United States Arms Control and Disarmament Agen-  
15                  cy.”;

16                  (2) in section 5314, by striking “Deputy Direc-  
17                  tor of the United States Arms Control and Disar-  
18                  mament Agency.”;

19                  (3) in section 5315—

20                         (A) by striking “Assistant Directors, United  
21                         States Arms Control and Disarmament Agency

22                         (4).”; and

23                         (B) by striking “Special Representatives of  
24                         the President for arms control, nonproliferation,  
25                         and disarmament matters, United States Arms

1           *Control and Disarmament Agency*”, and insert-  
2           ing “*Special Representatives of the President for*  
3           *arms control, nonproliferation, and disarmament*  
4           *matters, Department of State*”; and  
5           (4) in section 5316, by striking “*General Counsel*  
6           *of the United States Arms Control and Disarmament*  
7           *Agency*.”.

8   **SEC. 1225. ADDITIONAL CONFORMING AMENDMENTS.**

9           (a) *ARMS EXPORT CONTROL ACT*.—*The Arms Export*  
10          *Control Act is amended—*

11                 (1) in section 36(b)(1)(D) (22 U.S.C.  
12                 2776(b)(1)(D)), by striking “*Director of the Arms*  
13                 *Control and Disarmament Agency in consultation*  
14                 *with the Secretary of State and the Secretary of De-*  
15                 *fense*” and inserting “*Secretary of State in consulta-*  
16                 *tion with the Secretary of Defense and the Director*  
17                 *of Central Intelligence*”;

18                 (2) in section 38(a)(2) (22 U.S.C. 2778(a)(2))—

19                         (A) in the first sentence, by striking “*be*  
20                         *made in coordination with the Director of the*  
21                         *United States Arms Control and Disarmament*  
22                         *Agency, taking into account the Director’s assess-*  
23                         *ment as to*” and inserting “*take into account*”;  
24                         and

25                         (B) by striking the second sentence;



1           (3) *in section 42(a) (22 U.S.C. 2791(a))—*

2                 (A) *in paragraph (1)(C), by striking “the*  
3                 *assessment of the Director of the United States*  
4                 *Arms Control and Disarmament Agency as to”;*

5                 (B) *by striking “(1)” after “(a)”;* and

6                 (C) *by striking paragraph (2);*

7           (4) *in section 71(a) (22 U.S.C. 2797(a)), by*  
8           *striking “, the Director of the Arms Control and Dis-*  
9           *armament Agency,”;*

10           (5) *in section 71(b)(1) (22 U.S.C. 2797(b)(1)),*  
11           *by striking “and the Director of the United States*  
12           *Arms Control and Disarmament Agency”;*

13           (6) *in section 71(b)(2) (22 U.S.C. 2797(b)(2))—*

14                 (A) *by striking “, the Secretary of Com-*  
15                 *merce, and the Director of the United States*  
16                 *Arms Control and Disarmament Agency” and*  
17                 *inserting “and the Secretary of Commerce”;* and

18                 (B) *by striking “or the Director”;*

19           (7) *in section 71(c) (22 U.S.C. 2797(c)), by*  
20           *striking “with the Director of the United States Arms*  
21           *Control and Disarmament Agency,”;* and

22           (8) *in section 73(d) (22 U.S.C. 2797b(d)), by*  
23           *striking “, the Secretary of Commerce, and the Direc-*  
24           *tor of the United States Arms Control and Disar-*

1        *mament Agency” and inserting “and the Secretary of*  
2        *Commerce”.*

3        (b) *FOREIGN ASSISTANCE ACT.—Section 511 of the*  
4        *Foreign Assistance Act of 1961 (22 U.S.C. 2321d) is amend-*  
5        *ed by striking “be made in coordination with the Director*  
6        *of the United States Arms Control and Disarmament Agen-*  
7        *cy and shall take into account his opinion as to” and in-*  
8        *serting “take into account”.*

9        (c) *UNITED STATES INSTITUTE OF PEACE ACT.—*

10            (1) *Section 1706(b) of the United States Insti-*  
11            *tute of Peace Act (22 U.S.C. 4605(b)) is amended—*

12                    (A) *by striking paragraph (3);*

13                    (B) *by redesignating paragraphs (4) and*  
14                    *(5) as paragraphs (3) and (4), respectively; and*

15                    (C) *in paragraph (4) (as redesignated), by*  
16                    *striking “Eleven” and inserting “Twelve”.*

17            (2) *Section 1707(d)(2) of that Act (22 U.S.C.*  
18            *4606(d)(2)) is amended by striking “, Director of the*  
19            *Arms Control and Disarmament Agency”.*

20        (d) *ATOMIC ENERGY ACT OF 1954.—The Atomic En-*  
21        *ergy Act of 1954 is amended—*

22            (1) *in section 57b. (42 U.S.C. 2077(b))—*

23                    (A) *in the first sentence, by striking “the*  
24                    *Arms Control and Disarmament Agency,”; and*

1           (B) in the second sentence, by striking “the  
2           Director of the Arms Control and Disarmament  
3           Agency,”;

4           (2) in section 109b. (42 U.S.C. 2129(b)), by  
5           striking “and the Director”;

6           (3) in section 111b. (42 U.S.C. 2131(b)) by strik-  
7           ing “the Arms Control and Disarmament Agency, the  
8           Nuclear Regulatory Commission,” and inserting “the  
9           Nuclear Regulatory Commission”;

10          (4) in section 123 (42 U.S.C. 2153)—

11           (A) in subsection a., in the third sentence—

12           (i) by striking “and in consultation  
13           with the Director of the Arms Control and  
14           Disarmament Agency (‘the Director’)”;

15           (ii) by inserting “and” after “En-  
16           ergy,”;

17           (iii) by striking “Commission, and the  
18           Director, who” and inserting “Commission.  
19           The Secretary of State”; and

20           (iv) after “nuclear explosive purpose.”,  
21           by inserting the following new sentence:  
22           “Each Nuclear Proliferation Assessment  
23           Statement prepared pursuant to this Act  
24           shall be accompanied by a classified annex,  
25           prepared in consultation with the Director

1           of *Central Intelligence*, summarizing rel-  
2           evant classified information.”;

3           (B) in subsection d., in the first proviso—

4                 (i) by striking “ *Nuclear Proliferation*  
5                 *Assessment Statement prepared by the Di-*  
6                 *rector of the Arms Control and Disar-*  
7                 *mament Agency,*” and inserting “*Nuclear*  
8                 *Proliferation Assessment Statement pre-*  
9                 *pared by the Secretary of State, and any*  
10                *annexes thereto,*”; and

11               (ii) by striking “*has been*” and insert-  
12               ing “*have been*”; and

13           (C) in the first undesignated paragraph fol-  
14           lowing subsection d., by striking “*the Arms Con-*  
15           *trol and Disarmament Agency,*”;

16           (5) in section 126a.(1), by striking “*the Director*  
17           *of the Arms Control and Disarmament Agency, and*  
18           *the Nuclear Regulatory Commission*” and inserting  
19           “*and the Nuclear Regulatory Commission,*”;

20           (6) in section 131a. (42 U.S.C. 2160(a))—

21               (A) in paragraph (1)—

22                 (i) in the first sentence, by striking  
23                 “*the Director,*”;

24                 (ii) in the third sentence, by striking  
25                 “*the Director declares that he intends*” and

1            *inserting “the Secretary of State is re-*  
2            *quired”;* and

3            *(iii) in the third sentence, by striking*  
4            *“the Director’s declaration” and inserting*  
5            *“the requirement to prepare a Nuclear Pro-*  
6            *liferation Assessment Statement”;*

7            *(B) in paragraph (2)—*

8            *(i) by striking “Director’s view” and*  
9            *inserting “view of the Secretary of State,*  
10           *Secretary of Energy, Secretary of Defense,*  
11           *or the Commission”;* and

12           *(ii) by striking “he may prepare” and*  
13           *inserting “the Secretary of State, in con-*  
14           *sultation with such Secretary or the Com-*  
15           *mission, shall prepare”;* and

16           *(7) in section 131c. (42 U.S.C. 2160(c))—*

17           *(A) in the first sentence, by striking “, the*  
18           *Director of the Arms Control and Disarmament*  
19           *Agency,”;*

20           *(B) in the sixth and seventh sentences, by*  
21           *striking “Director” each place it appears and in-*  
22           *serting “Secretary of State”;* and

23           *(C) in the seventh sentence, by striking “Di-*  
24           *rector’s” and inserting “Secretary of State’s”.*

1       (e) *NUCLEAR NON-PROLIFERATION ACT OF 1978.*—

2 *The Nuclear Non-Proliferation Act of 1978 is amended—*

3       (1) *in section 4 (22 U.S.C. 3203)—*

4             (A) *by striking paragraph (2); and*

5             (B) *by redesignating paragraphs (3)*  
6 *through (8) as paragraphs (2) through (7), re-*  
7 *spectively;*

8       (2) *in section 102 (22 U.S.C. 3222), by striking*  
9 *“; the Secretary of State, and the Director of the*  
10 *Arms Control and Disarmament Agency” and insert-*  
11 *ing “and the Secretary of State”;*

12       (3) *in section 304(d) (42 U.S.C. 2156a), by*  
13 *striking “the Secretary of Defense, and the Director,”*  
14 *and inserting “and the Secretary of Defense,”;*

15       (4) *in section 309 (42 U.S.C. 2139a)—*

16             (A) *in subsection (b), by striking “the De-*  
17 *partment of Commerce, and the Arms Control*  
18 *and Disarmament Agency” and inserting “and*  
19 *the Department of Commerce”;* and

20             (B) *in subsection (c), by striking “the Arms*  
21 *Control and Disarmament Agency,”;*

22       (5) *in section 406 (42 U.S.C. 2160a), by insert-*  
23 *ing “, or any annexes thereto,” after “Statement”;*  
24 *and*

25       (6) *in section 602 (22 U.S.C. 3282)—*

1                   (A) in subsection (c), by striking “the Arms  
2                   Control and Disarmament Agency,”; and

3                   (B) in subsection (e), by striking “and the  
4                   Director”.

5           (f) *STATE DEPARTMENT BASIC AUTHORITIES ACT OF*  
6 *1956.—Section 23(a) of the State Department basic Au-*  
7 *thorities Act of 1956 (22 U.S.C. 2695(a)) is amended by*  
8 *striking “the Agency for International Development, and*  
9 *the Arms Control and Disarmament Agency” and inserting*  
10 *“and the Agency for International Development”.*

11           (g) *FOREIGN RELATIONS AUTHORIZATION ACT OF*  
12 *1972.—Section 502 of the Foreign Relations Authorization*  
13 *Act of 1972 (2 U.S.C. 194a) is amended by striking “the*  
14 *United States Arms Control and Disarmament Agency,”.*

15           (h) *TITLE 49.—Section 40118(d) of title 49, United*  
16 *States Code, is amended by striking “, or the Director of*  
17 *the Arms Control and Disarmament Agency”.*

18           ***TITLE XIII—UNITED STATES***  
19           ***INFORMATION AGENCY***  
20           ***CHAPTER 1—GENERAL PROVISIONS***

21           ***SEC. 1301. EFFECTIVE DATE.***

22           *This title, and the amendments made by this title,*  
23 *shall take effect on the earlier of—*

24                   (1) *October 1, 1999; or*

1           (2) *the date of abolition of the United States In-*  
2           *formation Agency pursuant to the reorganization*  
3           *plan described in section 1601.*

4           **CHAPTER 2—ABOLITION AND TRANSFER**  
5                                   **OF FUNCTIONS**

6           **SEC. 1311. ABOLITION OF UNITED STATES INFORMATION**  
7                                   **AGENCY.**

8           *The United States Information Agency (other than the*  
9           *Broadcasting Board of Governors and the International*  
10          *Broadcasting Bureau) is abolished.*

11          **SEC. 1312. TRANSFER OF FUNCTIONS.**

12          (a) *IN GENERAL.*—*There are transferred to the Sec-*  
13          *retary of State all functions of the Director of the United*  
14          *States Information Agency and all functions of the United*  
15          *States Information Agency and any office or component of*  
16          *such agency, under any statute, reorganization plan, Exec-*  
17          *utive order, or other provision of law, as of the day before*  
18          *the effective date of this title.*

19          (b) *EXCEPTION.*—*Subsection (a) does not apply to the*  
20          *Broadcasting Board of Governors, the International Broad-*  
21          *casting Bureau, or any function performed by the Board*  
22          *or the Bureau.*



1 **SEC. 1313. UNDER SECRETARY OF STATE FOR PUBLIC**  
2 **DIPLOMACY.**

3 *Section 1(b) of the State Department Basic Authorities*  
4 *Act of 1956 (22 U.S.C. 2651a(b)), as amended by this divi-*  
5 *sion, is further amended by adding at the end the following*  
6 *new paragraph:*

7 “(3) *UNDER SECRETARY FOR PUBLIC DIPLO-*  
8 *MACY.—There shall be in the Department of State,*  
9 *among the Under Secretaries authorized by para-*  
10 *graph (1), an Under Secretary for Public Diplomacy,*  
11 *who shall have primary responsibility to assist the*  
12 *Secretary and the Deputy Secretary in the formation*  
13 *and implementation of United States public diplo-*  
14 *macy policies and activities, including international*  
15 *educational and cultural exchange programs, infor-*  
16 *mation, and international broadcasting.”.*

17 **SEC. 1314. ABOLITION OF OFFICE OF INSPECTOR GENERAL**  
18 **OF UNITED STATES INFORMATION AGENCY**  
19 **AND TRANSFER OF FUNCTIONS.**

20 (a) *ABOLITION OF OFFICE.—The Office of Inspector*  
21 *General of the United States Information Agency is*  
22 *abolished.*

23 (b) *AMENDMENTS TO INSPECTOR GENERAL ACT OF*  
24 *1978.—Section 11 of the Inspector General Act of 1978 (5*  
25 *U.S.C. App.) is amended—*

1           (1) *in paragraph (1), by striking “the Office of*  
2 *Personnel Management, the United States Informa-*  
3 *tion Agency” and inserting “or the Office of Person-*  
4 *nel Management”*; and

5           (2) *in paragraph (2), by striking “the United*  
6 *States Information Agency,”*.

7           (c) *EXECUTIVE SCHEDULE.—Section 5315 of title 5,*  
8 *United States Code, is amended by striking the following:*  
9           *“Inspector General, United States Information*  
10 *Agency.”*.

11          (d) *AMENDMENTS TO PUBLIC LAW 103–236.—Sub-*  
12 *sections (i) and (j) of section 308 of the United States Inter-*  
13 *national Broadcasting Act of 1994 (22 U.S.C. 6207 (i) and*  
14 *(j)) are amended—*

15           (1) *by striking “Inspector General of the United*  
16 *States Information Agency” each place it appears*  
17 *and inserting “Inspector General of the Department*  
18 *of State and the Foreign Service”*; and

19           (2) *by striking “, the Director of the United*  
20 *States Information Agency,”*.

21          (e) *TRANSFER OF FUNCTIONS.—There are transferred*  
22 *to the Office of the Inspector General of the Department of*  
23 *State and the Foreign Service the functions that the Office*  
24 *of Inspector General of the United States Information Agen-*  
25 *cy exercised before the effective date of this title (including*

1 *all related functions of the Inspector General of the United*  
2 *States Information Agency).*

### 3 **CHAPTER 3—INTERNATIONAL**

### 4 **BROADCASTING**

#### 5 **SEC. 1321. CONGRESSIONAL FINDINGS AND DECLARATION**

#### 6 **OF PURPOSE.**

7 *Congress finds that—*

8 *(1) it is the policy of the United States to pro-*  
9 *mote the right of freedom of opinion and expression,*  
10 *including the freedom “to seek, receive, and impart*  
11 *information and ideas through any media and re-*  
12 *gardless of frontiers”, in accordance with Article 19*  
13 *of the Universal Declaration of Human Rights;*

14 *(2) open communication of information and*  
15 *ideas among the peoples of the world contributes to*  
16 *international peace and stability, and the promotion*  
17 *of such communication is in the interests of the Unit-*  
18 *ed States;*

19 *(3) it is in the interest of the United States to*  
20 *support broadcasting to other nations consistent with*  
21 *the requirements of this chapter and the United*  
22 *States International Broadcasting Act of 1994; and*

23 *(4) international broadcasting is, and should re-*  
24 *main, an essential instrument of United States for-*  
25 *ign policy.*

1 **SEC. 1322. CONTINUED EXISTENCE OF BROADCASTING**  
2 **BOARD OF GOVERNORS.**

3 *Section 304(a) of the United States International*  
4 *Broadcasting Act of 1994 (22 U.S.C. 6203(a)) is amended*  
5 *to read as follows:*

6 “(a) *CONTINUED EXISTENCE WITHIN EXECUTIVE*  
7 *BRANCH.—*

8 “(1) *IN GENERAL.—The Broadcasting Board of*  
9 *Governors shall continue to exist within the Executive*  
10 *branch of Government as an entity described in sec-*  
11 *tion 104 of title 5, United States Code.*

12 “(2) *RETENTION OF EXISTING BOARD MEM-*  
13 *BERS.—The members of the Broadcasting Board of*  
14 *Governors appointed by the President pursuant to*  
15 *subsection (b)(1)(A) before the effective date of title*  
16 *XIII of the Foreign Affairs Agencies Consolidation*  
17 *Act of 1997 and holding office as of that date may*  
18 *serve the remainder of their terms of office without re-*  
19 *appointment.*

20 “(3) *INSPECTOR GENERAL AUTHORITIES.—*

21 “(A) *IN GENERAL.—The Inspector General*  
22 *of the Department of State and the Foreign*  
23 *Service shall exercise the same authorities with*  
24 *respect to the Broadcasting Board of Governors*  
25 *and the International Broadcasting Bureau as*  
26 *the Inspector General exercises under the Inspec-*

1           *tor General Act of 1978 and section 209 of the*  
2           *Foreign Service Act of 1980 with respect to the*  
3           *Department of State.*

4           “(B) *RESPECT FOR JOURNALISTIC INTEG-*  
5           *RITY OF BROADCASTERS.—The Inspector General*  
6           *shall respect the journalistic integrity of all the*  
7           *broadcasters covered by this title and may not*  
8           *evaluate the philosophical or political perspec-*  
9           *tives reflected in the content of broadcasts.”.*

10 **SEC. 1323. CONFORMING AMENDMENTS TO THE UNITED**  
11                   **STATES INTERNATIONAL BROADCASTING ACT**  
12                   **OF 1994.**

13           (a) *REFERENCES IN SECTION.—Whenever in this sec-*  
14           *tion an amendment or repeal is expressed as an amendment*  
15           *or repeal of a provision, the reference shall be deemed to*  
16           *be made to the United States International Broadcasting*  
17           *Act of 1994 (22 U.S.C. 6201 et seq.).*

18           (b) *SUBSTITUTION OF SECRETARY OF STATE.—Sec-*  
19           *tions 304(b)(1)(B), 304(b) (2) and (3), 304(c), and 304(e)*  
20           *(22 U.S.C. 6203(b)(1)(B), 6203(b) (2) and (3), 6203(c), and*  
21           *6203(e)) are amended by striking “Director of the United*  
22           *States Information Agency” each place it appears and in-*  
23           *serting “Secretary of State”.*

24           (c) *SUBSTITUTION OF ACTING SECRETARY OF*  
25           *STATE.—Section 304(c) (22 U.S.C. 6203(c)) is amended by*

1 *striking “acting Director of the agency” and inserting “Act-*  
2 *ing Secretary of State”.*

3       (d) *STANDARDS AND PRINCIPLES OF INTERNATIONAL*  
4 *BROADCASTING.—Section 303(b) (22 U.S.C. 6202(b)) is*  
5 *amended—*

6           (1) *in paragraph (3), by inserting “, including*  
7 *editorials, broadcast by the Voice of America, which*  
8 *present the views of the United States Government”*  
9 *after “policies”;*

10          (2) *by redesignating paragraphs (4) through (9)*  
11 *as paragraphs (5) through (10), respectively; and*

12          (3) *by inserting after paragraph (3) the*  
13 *following:*

14           “*(4) the capability to provide a surge capacity*  
15 *to support United States foreign policy objectives dur-*  
16 *ing crises abroad;”;*

17       (e) *AUTHORITIES OF THE BOARD.—Section 305(a) (22*  
18 *U.S.C. 6204(a)) is amended—*

19           (1) *in paragraph (1)—*

20               (A) *by striking “direct and”; and*

21               (B) *by striking “and the Television Broad-*  
22 *casting to Cuba Act” and inserting “, the Tele-*  
23 *vision Broadcasting to Cuba Act, and Worldnet*  
24 *Television, except as provided in section 306(b)”;*

1           (2) in paragraph (4), by inserting “, after con-  
2           sultation with the Secretary of State,” after  
3           “annually,”;

4           (3) in paragraph (9)—

5                 (A) by striking “, through the Director of  
6                 the United States Information Agency,”; and

7                 (B) by adding at the end the following new  
8                 sentence: “Each annual report shall place special  
9                 emphasis on the assessment described in para-  
10                graph (2).”;

11           (4) in paragraph (12)—

12                 (A) by striking “1994 and 1995” and in-  
13                 serting “1998 and 1999”; and

14                 (B) by striking “to the Board for Inter-  
15                 national Broadcasting for such purposes for fis-  
16                 cal year 1993” and inserting “to the Board and  
17                 the International Broadcasting Bureau for such  
18                 purposes for fiscal year 1997”; and

19           (5) by adding at the end the following new para-  
20           graphs:

21                 “(15)(A) To procure temporary and intermittent  
22                 personal services to the same extent as is authorized  
23                 by section 3109 of title 5, United States Code, at rates  
24                 not to exceed the daily equivalent of the rate provided  
25                 for positions classified above grade GS-15 of the Gen-

1 *eral Schedule under section 5108 of title 5, United*  
2 *States Code.*

3 *“(B) To allow those providing such services,*  
4 *while away from their homes or their regular places*  
5 *of business, travel expenses (including per diem in*  
6 *lieu of subsistence) as authorized by section 5703 of*  
7 *title 5, United States Code, for persons in the Govern-*  
8 *ment service employed intermittently, while so em-*  
9 *ployed.*

10 *“(16) To procure, pursuant to section 1535 of*  
11 *title 31, United States Code (commonly known as the*  
12 *‘Economy Act’), such goods and services from other*  
13 *departments or agencies for the Board and the Inter-*  
14 *national Broadcasting Bureau as the Board deter-*  
15 *mines are appropriate.*

16 *“(17) To utilize the provisions of titles III, IV,*  
17 *V, VII, VIII, IX, and X of the United States Informa-*  
18 *tion and Educational Exchange Act of 1948, and sec-*  
19 *tion 6 of Reorganization Plan Number 2 of 1977, as*  
20 *in effect on the day before the effective date of title*  
21 *XIII of the Foreign Affairs Agencies Consolidation*  
22 *Act of 1997, to the extent the Board considers nec-*  
23 *essary in carrying out the provisions and purposes of*  
24 *this title.*



1           “(18) To utilize the authorities of any other stat-  
2           ute, reorganization plan, Executive order, regulation,  
3           agreement, determination, or other official document  
4           or proceeding that had been available to the Director  
5           of the United States Information Agency, the Bureau,  
6           or the Board before the effective date of title XIII of  
7           the Foreign Affairs Consolidation Act of 1997 for car-  
8           rying out the broadcasting activities covered by this  
9           title.”.

10          (f) *DELEGATION OF AUTHORITY.*—Section 305 (22  
11 *U.S.C. 6204*) is amended—

12           (1) by redesignating subsections (b), (c), and (d)  
13           as subsections (c), (d), and (e), respectively; and

14           (2) by inserting after subsection (a) the following  
15           new subsection:

16          “(b) *DELEGATION OF AUTHORITY.*—The Board may  
17          delegate to the Director of the International Broadcasting  
18          Bureau, or any other officer or employee of the United  
19          States, to the extent the Board determines to be appropriate,  
20          the authorities provided in this section, except those au-  
21          thorities provided in paragraph (1), (2), (3), (4), (5), (6),  
22          (9), or (11) of subsection (a).”.

23          (g) *BROADCASTING BUDGETS.*—Section 305(c)(1) (as  
24          redesignated) is amended—

25           (1) by striking “(1)” before “The Director”; and

1           (2) by striking “the Director of the United States  
2           Information Agency for the consideration of the Di-  
3           rector as a part of the Agency’s budget submission  
4           to”.

5           (h) *REPEAL*.—Section 305(c)(2) (as redesignated) is  
6           repealed.

7           (i) *IMPLEMENTATION*.—Section 305(d) (as redesi-  
8           gnated) is amended to read as follows:

9           “(d) *PROFESSIONAL INDEPENDENCE OF BROAD-*  
10          *CASTERS*.—The Secretary of State and the Board, in carry-  
11          ing out their functions, shall respect the professional inde-  
12          pendence and integrity of the International Broadcasting  
13          Bureau, its broadcasting services, and the grantees of the  
14          Board.”.

15          (j) *FOREIGN POLICY GUIDANCE*.—Section 306 (22  
16          U.S.C. 6205) is amended—

17                 (1) in the section heading, by striking “**FOR-**  
18                 **EIGN POLICY GUIDANCE**” and inserting “**ROLE**  
19                 **OF THE SECRETARY OF STATE**”;

20                 (2) by inserting “(a) *FOREIGN POLICY GUID-*  
21                 *ANCE*.—” immediately before “To”;

22                 (3) by striking “State, acting through the Direc-  
23                 tor of the United States Information Agency,” and  
24                 inserting “State”;

1           (4) by inserting before the period at the end the  
2 following: “, as the Secretary may deem appro-  
3 priate”; and

4           (5) by adding at the end the following:

5           “(b) *CERTAIN WORLDNET PROGRAMMING.*—*The Sec-*  
6 *retary of State is authorized to use Worldnet broadcasts for*  
7 *the purposes of continuing interactive dialogues with for-*  
8 *eign media and other similar overseas public diplomacy*  
9 *programs sponsored by the Department of State. The Chair-*  
10 *man of the Broadcasting Board of Governors shall provide*  
11 *access to Worldnet for this purpose on a nonreimbursable*  
12 *basis.”.*

13          (k) *INTERNATIONAL BROADCASTING BUREAU.*—*Sec-*  
14 *tion 307 (22 U.S.C. 6206) is amended—*

15           (1) in subsection (a), by striking “within the  
16 United States Information Agency” and inserting  
17 “under the Board”;

18           (2) in subsection (b)(1), by striking “Chairman  
19 of the Board, in consultation with the Director of the  
20 United States Information Agency and with the con-  
21 currence of a majority of the Board” and inserting  
22 “President, by and with the advice and consent of the  
23 Senate”;

24           (3) by redesignating subsection (b)(1) as sub-  
25 section (b);

1           (4) by striking subsection (b)(2); and

2           (5) by adding at the end the following new sub-  
3       section:

4       “(c) *RESPONSIBILITIES OF THE DIRECTOR.*—The Di-  
5       rector shall organize and chair a coordinating committee  
6       to examine and make recommendations to the Board on  
7       long-term strategies for the future of international broad-  
8       casting, including the use of new technologies, further con-  
9       solidation of broadcast services, and consolidation of cur-  
10      rently existing public affairs and legislative relations func-  
11      tions in the various international broadcasting entities. The  
12      coordinating committee shall include representatives of  
13      Radio Free Asia, RFE/RL, Incorporated, the Broadcasting  
14      Board of Governors, and, as appropriate, the Office of Cuba  
15      Broadcasting, the Voice of America, and Worldnet.”.

16      (l) *REPEALS.*—The following provisions of law are re-  
17      pealed:

18           (1) Subsections (k) and (l) of section 308 (22  
19      U.S.C. 6207 (k), (l)).

20           (2) Section 310 (22 U.S.C. 6209).

21      **SEC. 1324. AMENDMENTS TO THE RADIO BROADCASTING TO**

22                                      **CUBA ACT.**

23      *The Radio Broadcasting to Cuba Act (22 U.S.C. 1465*  
24      *et seq.) is amended—*

1           (1) *by striking “United States Information*  
2 *Agency” each place it appears and inserting “Broad-*  
3 *casting Board of Governors”;*

4           (2) *by striking “Agency” each place it appears*  
5 *and inserting “Board”;*

6           (3) *by striking “the Director of the United States*  
7 *Information Agency” each place it appears and in-*  
8 *serting “the Broadcasting Board of Governors”;*

9           (4) *in section 4 (22 U.S.C. 1465b), by striking*  
10 *“the Voice of America” and inserting “the Inter-*  
11 *national Broadcasting Bureau”;*

12           (5) *in section 5 (22 U.S.C. 1465c)—*

13                 (A) *by striking “Board” each place it ap-*  
14 *pears and inserting “Advisory Board”; and*

15                 (B) *in subsection (a), by striking the first*  
16 *sentence and inserting “There is established*  
17 *within the Office of the President the Advisory*  
18 *Board for Cuba Broadcasting (in this Act re-*  
19 *ferred to as the ‘Advisory Board’).”;* and

20           (6) *by striking any other reference to “Director”*  
21 *not amended by paragraph (3) each place it appears*  
22 *and inserting “Board”.*

1 **SEC. 1325. AMENDMENTS TO THE TELEVISION BROADCAST-**  
2 **ING TO CUBA ACT.**

3 *The Television Broadcasting to Cuba Act (22 U.S.C.*  
4 *1465aa et seq.) is amended—*

5 *(1) in section 243(a) (22 U.S.C. 1465bb(a)) and*  
6 *section 246 (22 U.S.C. 1465dd), by striking “United*  
7 *States Information Agency” each place it appears*  
8 *and inserting “Broadcasting Board of Governors”;*

9 *(2) in section 243(c) (22 U.S.C. 1465bb(c))—*

10 *(A) in the subsection heading, by striking*  
11 *“USIA”; and*

12 *(B) by striking “USIA Television” and in-*  
13 *serting “the Television”;*

14 *(3) in section 244(c) (22 U.S.C. 1465cc(c)) and*  
15 *section 246 (22 U.S.C. 1465dd), by striking “Agency”*  
16 *each place it appears and inserting “Board”;*

17 *(4) in section 244 (22 U.S.C. 1465cc)—*

18 *(A) in the section heading, by striking “OF*  
19 ***THE UNITED STATES INFORMATION AGEN-***  
20 ***CY”;***

21 *(B) in subsection (a)—*

22 *(i) in the first sentence, by striking*  
23 *“The Director of the United States Informa-*  
24 *tion Agency shall establish” and inserting*  
25 *“There is”; and*

26 *(ii) in the second sentence—*

1                   (I) by striking “Director of the  
2                   United States Information Agency”  
3                   and inserting “Broadcasting Board of  
4                   Governors”; and

5                   (II) by striking “the Director of  
6                   the Voice of America” and inserting  
7                   “the International Broadcasting Bu-  
8                   reau”;

9                   (C) in subsection (b)—

10                   (i) by striking “Agency facilities” and  
11                   inserting “Board facilities”; and

12                   (ii) by striking “Information Agency”  
13                   and inserting “International”; and

14                   (D) in the heading of subsection (c), by  
15                   striking “USIA”; and

16                   (5) in section 245(d) (22 U.S.C. 1465c note), by  
17                   striking “Board” and inserting “Advisory Board”.

18 **SEC. 1326. TRANSFER OF BROADCASTING RELATED FUNDS,**

19 **PROPERTY, AND PERSONNEL.**

20                   (a) *TRANSFER AND ALLOCATION OF PROPERTY AND*  
21 *APPROPRIATIONS.*—

22                   (1) *IN GENERAL.*—*The assets, liabilities (includ-*  
23 *ing contingent liabilities arising from suits continued*  
24 *with a substitution or addition of parties under sec-*  
25 *tion 1327(d)), contracts, property, records, and unex-*

1 *pended balance of appropriations, authorizations, al-*  
2 *locations, and other funds employed, held, used, aris-*  
3 *ing from, available to, or to be made available in con-*  
4 *nection with the functions and offices of USIA trans-*  
5 *ferred to the Broadcasting Board of Governors by this*  
6 *chapter shall be transferred to the Broadcasting*  
7 *Board of Governors for appropriate allocation.*

8 (2) *ADDITIONAL TRANSFERS.*—*In addition to the*  
9 *transfers made under paragraph (1), there shall be*  
10 *transferred to the Chairman of the Broadcasting*  
11 *Board of Governors the assets, contracts, property,*  
12 *records, and unexpended balance of appropriations,*  
13 *authorizations, allocations, and other funds, as deter-*  
14 *mined by the Secretary, in concurrence with the*  
15 *Broadcasting Board of Governors, to support the*  
16 *functions transferred by this chapter.*

17 (b) *TRANSFER OF PERSONNEL.*—*Notwithstanding any*  
18 *other provision of law—*

19 (1) *except as provided in subsection (c), all per-*  
20 *sonnel and positions of USIA employed or main-*  
21 *tained to carry out the functions transferred by this*  
22 *chapter to the Broadcasting Board of Governors shall*  
23 *be transferred to the Broadcasting Board of Governors*  
24 *at the same grade or class and the same rate of basic*



1        *pay or basic salary rate and with the same tenure*  
2        *held immediately preceding transfer; and*

3            *(2) the personnel and positions of USIA, as de-*  
4        *termined by the Secretary of State, with the concur-*  
5        *rence of the Broadcasting Board of Governors and the*  
6        *Director of USIA, to support the functions transferred*  
7        *by this chapter shall be transferred to the Broadcast-*  
8        *ing Board of Governors, including the International*  
9        *Broadcasting Bureau, at the same grade or class and*  
10       *the same rate of basic pay or basic salary rate and*  
11       *with the same tenure held immediately preceding*  
12       *transfer.*

13       *(c) TRANSFER AND ALLOCATION OF PROPERTY, AP-*  
14       *PROPRIATIONS, AND PERSONNEL ASSOCIATED WITH*  
15       *WORLDNET.—USIA personnel responsible for carrying out*  
16       *interactive dialogs with foreign media and other similar*  
17       *overseas public diplomacy programs using the Worldnet tel-*  
18       *evision broadcasting system, and funds associated with such*  
19       *personnel, shall be transferred to the Department of State*  
20       *in accordance with the provisions of title XVI of this sub-*  
21       *division.*

22       *(d) INCIDENTAL TRANSFERS.—The Director of the Of-*  
23       *fice of Management and Budget, when requested by the*  
24       *Broadcasting Board of Governors, is authorized to make*  
25       *such incidental dispositions of personnel, assets, liabilities,*

1 *grants, contracts, property, records, and unexpended bal-*  
2 *ances of appropriations, authorizations, allocations, and*  
3 *other funds held, used, arising from, available to, or to be*  
4 *made available in connection with functions and offices*  
5 *transferred from USIA, as may be necessary to carry out*  
6 *the provisions of this section.*

7 **SEC. 1327. SAVINGS PROVISIONS.**

8       (a) *CONTINUING LEGAL FORCE AND EFFECT.*—*All or-*  
9 *ders, determinations, rules, regulations, permits, agree-*  
10 *ments, grants, contracts, certificates, licenses, registrations,*  
11 *privileges, and other administrative actions—*

12           (1) *that have been issued, made, granted, or al-*  
13 *lowed to become effective by the President, any Fed-*  
14 *eral agency or official thereof, or by a court of com-*  
15 *petent jurisdiction, in the performance of functions*  
16 *exercised by the Broadcasting Board of Governors of*  
17 *the United States Information Agency on the day be-*  
18 *fore the effective date of this title, and*

19           (2) *that are in effect at the time this title takes*  
20 *effect, or were final before the effective date of this*  
21 *title and are to become effective on or after the effec-*  
22 *tive date of this title,*

23 *shall continue in effect according to their terms until modi-*  
24 *fied, terminated, superseded, set aside, or revoked in accord-*  
25 *ance with law by the President, the Broadcasting Board*

1 of Governors, or other authorized official, a court of com-  
2 petent jurisdiction, or by operation of law.

3 (b) *PENDING PROCEEDINGS.*—

4 (1) *IN GENERAL.*—The provisions of this chapter,  
5 or amendments made by this chapter, shall not affect  
6 any proceedings, including notices of proposed rule-  
7 making, or any application for any license, permit,  
8 certificate, or financial assistance pending before the  
9 Broadcasting Board of Governors of the United States  
10 Information Agency at the time this title takes effect,  
11 with respect to functions exercised by the Board as of  
12 the effective date of this title but such proceedings and  
13 applications shall be continued.

14 (2) *ORDERS, APPEALS, AND PAYMENTS.*—Orders  
15 shall be issued in such proceedings, appeals shall be  
16 taken therefrom, and payments shall be made pursu-  
17 ant to such orders, as if this chapter had not been en-  
18 acted, and orders issued in any such proceedings shall  
19 continue in effect until modified, terminated, super-  
20 seded, or revoked by a duly authorized official, by a  
21 court of competent jurisdiction, or by operation of  
22 law.

23 (3) *STATUTORY CONSTRUCTION.*—Nothing in this  
24 subsection shall be deemed to prohibit the discontinu-  
25 ance or modification of any such proceeding under

1        *the same terms and conditions and to the same extent*  
2        *that such proceeding could have been discontinued or*  
3        *modified if this chapter had not been enacted.*

4        *(c) NONABATEMENT OF PROCEEDINGS.—No suit, ac-*  
5        *tion, or other proceeding commenced by or against any offi-*  
6        *cer in the official capacity of such individual as an officer*  
7        *of the Broadcasting Board of Governors, or any commission*  
8        *or component thereof, shall abate by reason of the enactment*  
9        *of this chapter. No cause of action by or against the Broad-*  
10       *casting Board of Governors, or any commission or compo-*  
11       *nent thereof, or by or against any officer thereof in the offi-*  
12       *cial capacity of such officer, shall abate by reason of the*  
13       *enactment of this chapter.*

14       *(d) CONTINUATION OF PROCEEDINGS WITH SUBSTI-*  
15       *TUTION OF PARTIES.—*

16            *(1) SUBSTITUTION OF PARTIES.—If, before the*  
17        *effective date of this title, USIA or the Broadcasting*  
18        *Board of Governors, or any officer thereof in the offi-*  
19        *cial capacity of such officer, is a party to a suit*  
20        *which is related to the functions transferred by this*  
21        *chapter, then effective on such date such suit shall be*  
22        *continued with the Broadcasting Board of Governors*  
23        *or other appropriate official of the Board substituted*  
24        *or added as a party.*

1           (2) *LIABILITY OF THE BOARD.*—*The Board shall*  
2           *participate in suits continued under paragraph (1)*  
3           *where the Broadcasting Board of Governors or other*  
4           *appropriate official of the Board is added as a party*  
5           *and shall be liable for any judgments or remedies in*  
6           *those suits or proceedings arising from the exercise of*  
7           *the functions transferred by this chapter to the same*  
8           *extent that USIA would have been liable if such judg-*  
9           *ment or remedy had been rendered on the day before*  
10          *the abolition of USIA.*

11          (e) *ADMINISTRATIVE ACTIONS RELATING TO PROMUL-*  
12          *GATION OF REGULATIONS.*—*Any administrative action re-*  
13          *lating to the preparation or promulgation of a regulation*  
14          *by the Broadcasting Board of Governors relating to a func-*  
15          *tion exercised by the Board before the effective date of this*  
16          *title may be continued by the Board with the same effect*  
17          *as if this chapter had not been enacted.*

18          (f) *REFERENCES.*—*Reference in any other Federal*  
19          *law, Executive order, rule, regulation, or delegation of au-*  
20          *thority, or any document of or relating to the Broadcasting*  
21          *Board of Governors of the United States Information Agen-*  
22          *cy with regard to functions exercised before the effective date*  
23          *of this title, shall be deemed to refer to the Board.*

1 **SEC. 1328. REPORT ON THE PRIVATIZATION OF RFE/RL,**  
2 **INCORPORATED.**

3 *Not later than March 1 of each year, the Broadcasting*  
4 *Board of Governors shall submit to the appropriate congres-*  
5 *sional committees a report on the progress of the Board and*  
6 *of RFE/RL, Incorporated, on any steps taken to further the*  
7 *policy declared in section 312(a) of the Foreign Relations*  
8 *Authorization Act, Fiscal Years 1994 and 1995. The report*  
9 *under this subsection shall include the following:*

10 (1) *Efforts by RFE/RL, Incorporated, to termi-*  
11 *nate individual language services.*

12 (2) *A detailed description of steps taken with re-*  
13 *gard to section 312(a) of that Act.*

14 (3) *An analysis of prospects for privatization*  
15 *over the coming year.*

16 (4) *An assessment of the extent to which United*  
17 *States Government funding may be appropriate in*  
18 *the year 2000 and subsequent years for surrogate*  
19 *broadcasting to the countries to which RFE/RL, In-*  
20 *corporated, broadcast during the year. This assess-*  
21 *ment shall include an analysis of the environment for*  
22 *independent media in those countries, noting the ex-*  
23 *tent of government control of the media, the ability of*  
24 *independent journalists and news organizations to*  
25 *operate, relevant domestic legislation, level of govern-*  
26 *ment harassment and efforts to censor, and other in-*

1        *dications of whether the people of such countries enjoy*  
2        *freedom of expression.*

3        **CHAPTER 4—CONFORMING AMENDMENTS**

4        **SEC. 1331. REFERENCES.**

5        *(a) IN GENERAL.—Except as otherwise provided in*  
6        *this subdivision, any reference in any statute, reorganiza-*  
7        *tion plan, Executive order, regulation, agreement, deter-*  
8        *mination, or other official document or proceeding to—*

9                *(1) the Director of the United States Information*  
10        *Agency or the Director of the International Commu-*  
11        *nication Agency shall be deemed to refer to the Sec-*  
12        *retary of State; and*

13                *(2) the United States Information Agency,*  
14        *USIA, or the International Communication Agency*  
15        *shall be deemed to refer to the Department of State.*

16        *(b) CONTINUING REFERENCES TO USIA OR DIREC-*  
17        *TOR.—Subsection (a) shall not apply to section 146 (a), (b),*  
18        *or (c) of the Foreign Relations Authorization Act, Fiscal*  
19        *Years 1990 and 1991 (22 U.S.C. 4069a(f), 4069b(g), or*  
20        *4069c(f)).*

21        **SEC. 1332. AMENDMENTS TO TITLE 5, UNITED STATES**

22                **CODE.**

23        *Title 5, United States Code, is amended—*

24                *(1) in section 5313, by striking “Director of the*  
25        *United States Information Agency.”;*

1           (2) *in section 5315—*

2                   (A) *by striking “Deputy Director of the*  
3                   *United States Information Agency.”; and*

4                   (B) *by striking “Director of the Inter-*  
5                   *national Broadcasting Bureau, the United States*  
6                   *Information Agency.” and inserting “Director of*  
7                   *the International Broadcasting Bureau.”; and*

8           (3) *in section 5316—*

9                   (A) *by striking “Deputy Director, Policy*  
10                   *and Plans, United States Information Agency.”;*

11                   *and*

12                   (B) *by striking “Associate Director (Policy*  
13                   *and Plans), United States Information Agency.”.*

14 **SEC. 1333. APPLICATION OF CERTAIN LAWS.**

15           (a) *APPLICATION TO FUNCTIONS OF DEPARTMENT OF*  
16 *STATE.—Section 501 of Public Law 80–402 (22 U.S.C.*  
17 *1461), section 202 of Public Law 95–426 (22 U.S.C. 1461–*  
18 *1), and section 208 of Public Law 99–93 (22 U.S.C. 1461–*  
19 *1a) shall not apply to public affairs and other information*  
20 *dissemination functions of the Secretary of State as carried*  
21 *out prior to any transfer of functions pursuant to this sub-*  
22 *division.*

23           (b) *APPLICATION TO FUNCTIONS TRANSFERRED TO*  
24 *DEPARTMENT OF STATE.—Section 501 of Public Law 80–*  
25 *402 (22 U.S.C. 1461), section 202 of Public Law 95–426*



1 (22 U.S.C. 1461–1), and section 208 of Public Law 99–  
2 93 (22 U.S.C. 1461–1a) shall apply only to public diplo-  
3 macy programs, personnel and support of the Director of  
4 the United States Information Agency as carried out prior  
5 to any transfer of functions pursuant to this subdivision  
6 to the same extent that such programs were covered by these  
7 provisions prior to such transfer.

8 (c) *LIMITATION ON USE OF FUNDS.*—Except as pro-  
9 vided in section 501 of Public Law 80–402 and section 208  
10 of Public Law 99–93, funds specifically authorized to be  
11 appropriated for such public diplomacy programs shall not  
12 be used to influence public opinion in the United States,  
13 and no program material prepared using such funds shall  
14 be distributed or disseminated in the United States.

15 (d) *REPORTING REQUIREMENTS.*—The report submit-  
16 ted pursuant to section 1601(f) of this subdivision shall in-  
17 clude a detailed statement of the manner in which the spe-  
18 cial mission of public diplomacy carried out by USIA prior  
19 to the transfer of functions under this subdivision shall be  
20 preserved within the Department of State, including the  
21 planned duties and responsibilities of any new bureaus that  
22 will perform such public diplomacy functions. Such report  
23 shall also include the best available estimates of—

24 (1) the amounts to be expended by the Depart-  
25 ment of State for public affairs programs during fis-

1       *cal year 1998, and on the personnel and support costs*  
2       *for such programs;*

3               *(2) the amounts to be expended by USIA for its*  
4       *public diplomacy programs during fiscal year 1998,*  
5       *and on the personnel and support costs for such pro-*  
6       *grams; and*

7               *(3) the amounts, including funds to be trans-*  
8       *ferred from USIA and funds appropriated to the De-*  
9       *partment, that will be allocated for the programs de-*  
10       *scribed in paragraphs (1) and (2), respectively, dur-*  
11       *ing the fiscal year in which the transfer of functions*  
12       *from USIA to the Department occurs.*

13       *(e) CONGRESSIONAL PRESENTATION DOCUMENT.—The*  
14       *Department of State’s Congressional Presentation Docu-*  
15       *ment for fiscal year 2000 and each fiscal year thereafter*  
16       *shall include—*

17               *(1) the aggregated amounts that the Department*  
18       *will spend on such public diplomacy programs and*  
19       *on costs of personnel for such programs, and a de-*  
20       *tailed description of the goals and purposes for which*  
21       *such funds shall be expended; and*

22               *(2) the amount of funds allocated to and the po-*  
23       *sitions authorized for such public diplomacy pro-*  
24       *grams, including bureaus to be created upon the*  
25       *transfer of functions from USIA to the Department.*

1 **SEC. 1334. ABOLITION OF UNITED STATES ADVISORY**  
2 **COMMISSION ON PUBLIC DIPLOMACY.**

3 (a) *ABOLITION.*—*The United States Advisory Commis-*  
4 *sion on Public Diplomacy is abolished.*

5 (b) *REPEALS.*—*Section 604 of the United States Infor-*  
6 *mation and Educational Exchange Act of 1948 (22 U.S.C.*  
7 *1469) and section 8 of Reorganization Plan Numbered 2*  
8 *of 1977 are repealed.*

9 **SEC. 1335. CONFORMING AMENDMENTS.**

10 (a) *The United States Information and Educational*  
11 *Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is*  
12 *amended—*

13 (1) *in section 505 (22 U.S.C. 1464a)—*

14 (A) *by striking “Director of the United*  
15 *States Information Agency” each place it ap-*  
16 *pears and inserting “Broadcasting Board of*  
17 *Governors”;*

18 (B) *by striking “United States Information*  
19 *Agency” each place it appears and inserting*  
20 *“Broadcasting Board of Governors”;*

21 (C) *in subsection (b)—*

22 (i) *by striking “Agency’s” and all that*  
23 *follows through ““USIA-TV”)” and inserting*  
24 *“television broadcasts of the United States*  
25 *International Television Service”; and*

1                   (ii) in paragraphs (1), (2), and (3), by  
2                   striking “USIA-TV” each place it appears  
3                   and inserting “The United States Inter-  
4                   national Television Service”; and

5                   (D) in subsections (d) and (e), by striking  
6                   “USIA-TV” each place it appears and inserting  
7                   “the United States International Television  
8                   Service”;

9                   (2) in section 506(c) (22 U.S.C. 1464b(c))—

10                  (A) by striking “Director of the United  
11                  States Information Agency” and inserting  
12                  “Broadcasting Board of Governors”;

13                  (B) by striking “Agency” and inserting  
14                  “Board”; and

15                  (C) by striking “Director” and inserting  
16                  “Board”.

17                  (3) in section 705 (22 U.S.C. 1477c)—

18                  (A) by striking subsections (a) and (c); and

19                  (B) in subsection (b)—

20                         (i) by striking “(b) In addition, the  
21                         United State Information Agency” and in-  
22                         serting “The Department of State”; and

23                         (ii) by striking “program grants” and  
24                         inserting “grants for overseas public diplo-  
25                         macy programs”;

1 (4) in section 801(7) (22 U.S.C. 1471(7))—

2 (A) by striking “Agency” and inserting  
3 “overseas public diplomacy”; and

4 (B) by inserting “other” after “together  
5 with”; and

6 (5) in section 812 (22 U.S.C. 1475g)—

7 (A) by striking “United States Information  
8 Agency post” each place it appears and inserting  
9 “overseas public diplomacy post”;

10 (B) in subsection (a), by striking “United  
11 States Information Agency” the first place it ap-  
12 pears and inserting “Department of State”;

13 (C) in subsection (b), by striking “Director  
14 of the United States Information Agency” and  
15 inserting “Secretary of State”; and

16 (D) in the section heading, by striking  
17 “USIA” and inserting “**OVERSEAS PUBLIC DI-**  
18 **PLOMACY**”.

19 (b) Section 212 of the Foreign Relations Authorization  
20 Act, Fiscal Years 1992 and 1993 (22 U.S.C. 1475h) is  
21 amended—

22 (1) by striking “United States Information  
23 Agency” each place it appears and inserting “Depart-  
24 ment of State”;

1           (2) *in subsection (a), by inserting “for carrying*  
2 *out its overseas public diplomacy functions” after*  
3 *“grants”;*

4           (3) *in subsection (b)—*

5                 (A) *by striking “a grant” the first time it*  
6 *appears and inserting “an overseas public diplo-*  
7 *macy grant”;* and

8                 (B) *in paragraph (1), by inserting “such”*  
9 *before “a grant” the first place it appears;*

10           (4) *in subsection (c)(1), by inserting “overseas*  
11 *public diplomacy” before “grants”;*

12           (5) *in subsection (c)(3), by inserting “such” be-*  
13 *fore “grant”;* and

14           (6) *by striking subsection (d).*

15           (c) *Section 602 of the National and Community Serv-*  
16 *ice Act of 1990 (22 U.S.C. 2452a) is amended—*

17                 (1) *in the second sentence of subsection (a), by*  
18 *striking “United States Information Agency” and in-*  
19 *serting “Department of State”;* and

20           (2) *in subsection (b)—*

21                 (A) *by striking “appropriations account of*  
22 *the United States Information Agency” and in-*  
23 *serting “appropriate appropriations account of*  
24 *the Department of State”;* and

1                   (B) by striking “and the United States In-  
2                   formation Agency”.

3           (d) Section 305 of Public Law 97–446 (19 U.S.C.  
4 2604) is amended in the first sentence, by striking “, after  
5 consultation with the Director of the United States Infor-  
6 mation Agency,”.

7           (e) Section 601 of Public Law 103–227 (20 U.S.C.  
8 5951(a)) is amended by striking “of the Director of the  
9 United States Information Agency and with” and inserting  
10 “and”.

11          (f) Section 1003(b) of the Fascell Fellowship Act (22  
12 U.S.C. 4902(b)) is amended—

13                   (1) in the text above paragraph (1), by striking  
14                   “9 members” and inserting “7 members”;

15                   (2) in paragraph (4), by striking “Six” and in-  
16                   serting “Five”;

17                   (3) by striking paragraph (3); and

18                   (4) by redesignating paragraph (4) as para-  
19                   graph (3).

20          (g) Section 803 of the Intelligence Authorization Act,  
21 Fiscal Year 1992 (50 U.S.C. 1903) is amended—

22                   (1) in subsection (b)—

23                                   (A) by striking paragraph (6); and

24                                   (B) by redesignating paragraphs (7) and

25                                   (8) as paragraphs (6) and (7), respectively; and

1           (2) *in subsection (c), by striking “subsection*  
2 *(b)(7)” and inserting “subsection (b)(6)”.*

3           (h) *Section 7 of the Federal Triangle Development Act*  
4 *(40 U.S.C. 1106) is amended—*

5           (1) *in subsection (c)(1)—*

6                 (A) *in the text above subparagraph (A), by*  
7 *striking “15 members” and inserting “14 mem-*  
8 *bers”;*

9                 (B) *by striking subparagraph (F); and*

10                (C) *by redesignating subparagraphs (G)*  
11 *through (J) as subparagraphs (F) through (I),*  
12 *respectively;*

13           (2) *in paragraphs (3) and (5) of subsection (c),*  
14 *by striking “paragraph (1)(J)” each place it appears*  
15 *and inserting “paragraph (1)(I)”;* and

16           (3) *in subsection (d)(3) and subsection (e), by*  
17 *striking “the Administrator and the Director of the*  
18 *United States Information Agency” each place it ap-*  
19 *pears and inserting “and the Administrator”.*

20           (i) *Section 3 of the Woodrow Wilson Memorial Act of*  
21 *1968 (Public Law 90–637; 20 U.S.C. 80f) is amended—*

22           (1) *in subsection (b)—*

23                 (A) *in the text preceding paragraph (1), by*  
24 *striking “19 members” and inserting “17 mem-*  
25 *bers”;*



1                   (B) by striking paragraph (7);

2                   (C) by striking “10” in paragraph (10) and  
3                   inserting “9”; and

4                   (D) by redesignating paragraphs (8)  
5                   through (10) as paragraphs (7) through (9), re-  
6                   spectively; and

7                   (2) in subsection (c), by striking “(9)” and in-  
8                   serting “(8)”.

9                   (j) Section 624 of Public Law 89–329 (20 U.S.C.  
10                  1131c) is amended by striking “the United States Informa-  
11                  tion Agency,”

12                  (k) The Foreign Service Act of 1980 (22 U.S.C. 3901  
13                  et seq.) is amended—

14                   (1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)),  
15                   by striking “Director of the United States Informa-  
16                   tion Agency” and inserting “Broadcasting Board of  
17                   Governors”;

18                   (2) in section 210 (22 U.S.C. 3930), by striking  
19                   “United States Information Agency” and inserting  
20                   “Broadcasting Board of Governors”;

21                   (3) in section 1003(a) (22 U.S.C. 4103(a)), by  
22                   striking “United States Information Agency” and in-  
23                   serting “Broadcasting Board of Governors”; and

1           (4) *in section 1101(c) (22 U.S.C. 4131(c)), by*  
2           *striking “the United States Information Agency,” and*  
3           *inserting “Broadcasting Board of Governors,”.*

4           *(l) The Department of State Basic Authorities Act of*  
5           *1956, as amended by this division, is further amended—*

6           (1) *in section 23(a) (22 U.S.C. 2695(a)), by*  
7           *striking “United States Information Agency” and in-*  
8           *serting “Broadcasting Board of Governors”;*

9           (2) *in section 25(f) (22 U.S.C. 2697(f))—*

10           (A) *by striking “Director of the United*  
11           *States Information Agency” and inserting*  
12           *“Broadcasting Board of Governors”; and*

13           (B) *by striking “with respect to their re-*  
14           *spective agencies” and inserting “with respect to*  
15           *the Board and the Agency”;*

16           (3) *in section 26(b) (22 U.S.C. 2698(b)), as*  
17           *amended by this division—*

18           (A) *by striking “Director of the United*  
19           *States Information Agency, the chairman of the*  
20           *Board for International Broadcasting,” and in-*  
21           *serting “Broadcasting Board of Governors,”; and*

22           (B) *by striking “with respect to their re-*  
23           *spective agencies” and inserting “with respect to*  
24           *the Board and the Agency”; and*

1           (4) in section 32 (22 U.S.C. 2704), as amended  
2           by this division, by striking “the Director of the Unit-  
3           ed States Information Agency” and inserting “the  
4           Broadcasting Board of Governors”.

5           (m) Section 507(b)(3) of Public Law 103–317 (22  
6           U.S.C. 2669a(b)(3)) is amended by striking “, the United  
7           States Information Agency,”.

8           (n) Section 502 of Public Law 92–352 (2 U.S.C. 194a)  
9           is amended by striking “the United States Information  
10          Agency,”.

11          (o) Section 6 of Public Law 104–288 (22 U.S.C.  
12          2141d) is amended—

13                 (1) in subsection (a), by striking “Director of the  
14                 United States Information Agency,”; and

15                 (2) in subsection (b), by striking “the Director of  
16                 the United States Information Agency” and inserting  
17                 “the Under Secretary of State for Public Diplomacy”.

18          (p) Section 40118(d) of title 49, United States Code,  
19          is amended by striking “, the Director of the United States  
20          Information Agency,”.

21          (q) Section 155 of Public Law 102–138 is amended—

22                 (1) by striking the comma before “Department of  
23                 Commerce” and inserting “and”; and

24                 (2) by striking “, and the United States Infor-  
25                 mation Agency”.

1       (r) *Section 107 of the Cuban Liberty and Democratic*  
2 *Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is*  
3 *amended by striking “Director of the United States Infor-*  
4 *mation Agency” each place it appears and inserting “Di-*  
5 *rector of the International Broadcasting Bureau”.*

6 **SEC. 1336. REPEALS.**

7       *The following provisions are repealed:*

8           (1) *Sections 701 (22 U.S.C. 1476), 704 (22*  
9 *U.S.C. 1477b), 807 (22 U.S.C. 1475b), 808 (22 U.S.C.*  
10 *1475c), 811 (22 U.S.C. 1475f), and 1009 (22 U.S.C.*  
11 *1440) of the United States Information and Edu-*  
12 *catinal Exchange Act of 1948.*

13           (2) *Section 106(c) of the Mutual Educational*  
14 *and Cultural Exchange Act of 1961 (22 U.S.C.*  
15 *2456(c)).*

16           (3) *Section 565(e) of the Anti-Economic Dis-*  
17 *crimination Act of 1994 (22 U.S.C. 2679c(e)).*

18           (4) *Section 206(b) of Public Law 102–138.*

19           (5) *Section 2241 of Public Law 104–66.*

20           (6) *Sections 1 through 6 of Reorganization Plan*  
21 *Numbered 2 of 1977 (91 Stat. 636).*

22           (7) *Section 207 of the Foreign Relations Author-*  
23 *ization Act, Fiscal Years 1988 and 1989 (Public Law*  
24 *100–204; 22 U.S.C. 1463 note).*

1 **TITLE XIV—UNITED STATES**  
2 **INTERNATIONAL DEVELOP-**  
3 **MENT COOPERATION AGENCY**  
4 **CHAPTER 1—GENERAL PROVISIONS**

5 **SEC. 1401. EFFECTIVE DATE.**

6 *This title, and the amendments made by this title,*  
7 *shall take effect on the earlier of—*

8 *(1) October 1, 1998; or*

9 *(2) the date of abolition of the United States*  
10 *International Development Cooperation Agency pur-*  
11 *suant to the reorganization plan described in section*  
12 *1601.*

13 **CHAPTER 2—ABOLITION AND TRANSFER**  
14 **OF FUNCTIONS**

15 **SEC. 1411. ABOLITION OF UNITED STATES INTERNATIONAL**  
16 **DEVELOPMENT COOPERATION AGENCY.**

17 *(a) IN GENERAL.—Except for the components specified*  
18 *in subsection (b), the United States International Develop-*  
19 *ment Cooperation Agency (including the Institute for Sci-*  
20 *entific and Technological Cooperation) is abolished.*

21 *(b) AID AND OPIC EXEMPTED.—Subsection (a) does*  
22 *not apply to the Agency for International Development or*  
23 *the Overseas Private Investment Corporation.*

24 **SEC. 1412. TRANSFER OF FUNCTIONS AND AUTHORITIES.**

25 *(a) ALLOCATION OF FUNDS.—*

1           (1) *ALLOCATION TO THE SECRETARY OF*  
2           *STATE.—Funds made available under the categories*  
3           *of assistance deemed allocated to the Director of the*  
4           *International Development Cooperation Agency under*  
5           *section 1–801 of Executive Order No. 12163 (22*  
6           *U.S.C. 2381 note) as of October 1, 1997, shall be allo-*  
7           *cated to the Secretary of State on and after the effec-*  
8           *tive date of this title without further action by the*  
9           *President.*

10           (2) *PROCEDURES FOR REALLOCATIONS OR*  
11           *TRANSFERS.—The Secretary of State may allocate or*  
12           *transfer as appropriate any funds received under*  
13           *paragraph (1) in the same manner as previously pro-*  
14           *vided for the Director of the International Develop-*  
15           *ment Cooperation Agency under section 1–802 of that*  
16           *Executive Order, as in effect on October 1, 1997.*

17           (b) *WITH RESPECT TO THE OVERSEAS PRIVATE IN-*  
18           *VESTMENT CORPORATION.—There are transferred to the Ad-*  
19           *ministrator of the Agency for International Development all*  
20           *functions of the Director of the United States International*  
21           *Development Cooperation Agency as of the day before the*  
22           *effective date of this title with respect to the Overseas Pri-*  
23           *vate Investment Corporation.*

24           (c) *OTHER ACTIVITIES.—The authorities and func-*  
25           *tions transferred to the United States International Devel-*

1 *opment Cooperation Agency or the Director of that Agency*  
2 *by section 6 of Reorganization Plan Numbered 2 of 1979*  
3 *shall, to the extent such authorities and functions have not*  
4 *been repealed, be transferred to those agencies or heads of*  
5 *agencies, as the case may be, in which those authorities and*  
6 *functions were vested by statute as of the day before the*  
7 *effective date of such reorganization plan.*

8 **SEC. 1413. STATUS OF AID.**

9 *(a) IN GENERAL.—Unless abolished pursuant to the*  
10 *reorganization plan submitted under section 1601, and ex-*  
11 *cept as provided in section 1412, there is within the Execu-*  
12 *tive branch of Government the United States Agency for*  
13 *International Development as an entity described in section*  
14 *104 of title 5, United States Code.*

15 *(b) RETENTION OF OFFICERS.—Nothing in this section*  
16 *shall require the reappointment of any officer of the United*  
17 *States serving in the Agency for International Development*  
18 *of the United States International Development Coopera-*  
19 *tion Agency as of the day before the effective date of this*  
20 *title.*

21 **CHAPTER 3—CONFORMING AMENDMENTS**

22 **SEC. 1421. REFERENCES.**

23 *Except as otherwise provided in this subdivision, any*  
24 *reference in any statute, reorganization plan, Executive*  
25 *order, regulation, agreement, determination, or other offi-*

1 *cial document or proceeding to the United States Inter-*  
2 *national Development Cooperation Agency (IDCA) or to the*  
3 *Director or any other officer or employee of IDCA—*

4           (1) *insofar as such reference relates to any func-*  
5 *tion or authority transferred under section 1412(a),*  
6 *shall be deemed to refer to the Secretary of State;*

7           (2) *insofar as such reference relates to any func-*  
8 *tion or authority transferred under section 1412(b),*  
9 *shall be deemed to refer to the Administrator of the*  
10 *Agency for International Development;*

11           (3) *insofar as such reference relates to any func-*  
12 *tion or authority transferred under section 1412(c),*  
13 *shall be deemed to refer to the head of the agency to*  
14 *which such function or authority is transferred under*  
15 *such section; and*

16           (4) *insofar as such reference relates to any func-*  
17 *tion or authority not transferred by this title, shall be*  
18 *deemed to refer to the President or such agency or*  
19 *agencies as may be specified by Executive order.*

20 **SEC. 1422. CONFORMING AMENDMENTS.**

21           (a) *TERMINATION OF REORGANIZATION PLANS AND*  
22 *DELEGATIONS.—The following shall cease to be effective:*

23           (1) *Reorganization Plan Numbered 2 of 1979 (5*  
24 *U.S.C. App.).*



1           (2) *Section 1–101 through 1–103, sections 1–401*  
2 *through 1–403, section 1–801(a), and such other pro-*  
3 *visions that relate to the United States International*  
4 *Development Cooperation Agency or the Director of*  
5 *IDCA, of Executive Order No. 12163 (22 U.S.C. 2381*  
6 *note; relating to administration of foreign assistance*  
7 *and related functions).*

8           (3) *The International Development Cooperation*  
9 *Agency Delegation of Authority Numbered 1 (44 Fed.*  
10 *Reg. 57521), except for section 1–6 of such Delegation*  
11 *of Authority.*

12           (4) *Section 3 of Executive Order No. 12884 (58*  
13 *Fed. Reg. 64099; relating to the delegation of func-*  
14 *tions under the Freedom for Russia and Emerging*  
15 *Eurasian Democracies and Open Markets Support*  
16 *Act of 1992, the Foreign Assistance Act of 1961, the*  
17 *Foreign Operations, Export Financing and Related*  
18 *Programs Appropriations Act, 1993, and section 301*  
19 *of title 3, United States Code).*

20           (b) *OTHER STATUTORY AMENDMENTS AND REPEAL.—*

21           (1) *TITLE 5.—Section 7103(a)(2)(B)(iv) of title*  
22 *5, United States Code, is amended by striking “Unit-*  
23 *ed States International Development Cooperation*  
24 *Agency” and inserting “Agency for International De-*  
25 *velopment”.*

1           (2) *INSPECTOR GENERAL ACT OF 1978*.—Section  
2       8A of the *Inspector General Act of 1978* (5 U.S.C.  
3       App. 3) is amended—

4           (A) in subsection (a)—

5               (i) by striking “Development” through  
6               “(1) shall” and inserting “Development  
7               shall”;

8               (ii) by striking “; and” at the end of  
9               subsection (a)(1) and inserting a period;  
10              and

11              (iii) by striking paragraph (2);

12           (B) by striking subsections (c) and (f); and

13           (C) by redesignating subsections (d), (e),  
14           (g), and (h) as subsections (c), (d), (e), and (f),  
15           respectively.

16           (3) *STATE DEPARTMENT BASIC AUTHORITIES*  
17       *ACT OF 1956*.—The *State Department Basic Authori-*  
18       *ties Act of 1956* is amended—

19           (A) in section 25(f) (22 U.S.C. 2697(f)), as  
20           amended by this division, by striking “Director  
21           of the United States International Development  
22           Cooperation Agency” and inserting “Adminis-  
23           trator of the Agency for International Develop-  
24           ment”;

1           (B) in section 26(b) (22 U.S.C. 2698(b)), as  
2 amended by this division, by striking “Director  
3 of the United States International Development  
4 Cooperation Agency” and inserting “Adminis-  
5 trator of the Agency for International Develop-  
6 ment”; and

7           (C) in section 32 (22 U.S.C. 2704), by  
8 striking “Director of the United States Inter-  
9 national Development Cooperation Agency” and  
10 inserting “Administrator of the Agency for Inter-  
11 national Development”.

12           (4) FOREIGN SERVICE ACT OF 1980.—The For-  
13 eign Service Act of 1980 is amended—

14           (A) in section 202(a)(1) (22 U.S.C.  
15 3922(a)(1)), by striking “Director of the United  
16 States International Development Cooperation  
17 Agency” and inserting “Administrator of the  
18 Agency for International Development”;

19           (B) in section 210 (22 U.S.C. 3930), by  
20 striking “United States International Develop-  
21 ment Cooperation Agency” and inserting “Agen-  
22 cy for International Development”;

23           (C) in section 1003(a) (22 U.S.C. 4103(a)),  
24 by striking “United States International Devel-

1            *opment Cooperation Agency” and inserting*  
2            *“Agency for International Development”; and*  
3            *(D) in section 1101(c) (22 U.S.C. 4131(c)),*  
4            *by striking “United States International Devel-*  
5            *opment Cooperation Agency” and inserting*  
6            *“Agency for International Development”.*

7            (5) *REPEAL.—Section 413 of Public Law 96–53*  
8            *(22 U.S.C. 3512) is repealed.*

9            (6) *TITLE 49.—Section 40118(d) of title 49,*  
10           *United States Code, is amended by striking “the Di-*  
11           *rector of the United States International Development*  
12           *Cooperation Agency” and inserting “or the Adminis-*  
13           *trator of the Agency for International Development”.*

14           (7) *EXPORT ADMINISTRATION ACT OF 1979.—Sec-*  
15           *tion 2405(g) of the Export Administration Act of*  
16           *1979 (50 U.S.C. App. 2405(g)) is amended—*

17           (A) *by striking “Director of the United*  
18           *States International Development Cooperation*  
19           *Agency” each place it appears and inserting*  
20           *“Administrator of the Agency for International*  
21           *Development”; and*

22           (B) *in the fourth sentence, by striking “Di-*  
23           *rector” and inserting “Administrator”.*

1           **TITLE XV—AGENCY FOR**  
2           **INTERNATIONAL DEVELOPMENT**

3           **CHAPTER 1—GENERAL PROVISIONS**

4           **SEC. 1501. EFFECTIVE DATE.**

5           *This title, and the amendments made by this title,*  
6           *shall take effect on the earlier of—*

7                     (1) *October 1, 1998; or*

8                     (2) *the date of reorganization of the Agency for*  
9           *International Development pursuant to the reorga-*  
10          *nization plan described in section 1601.*

11          **CHAPTER 2—REORGANIZATION AND**  
12          **TRANSFER OF FUNCTIONS**

13          **SEC. 1511. REORGANIZATION OF AGENCY FOR INTER-**  
14          **NATIONAL DEVELOPMENT.**

15           (a) *IN GENERAL.*—*The Agency for International De-*  
16          *velopment shall be reorganized in accordance with this sub-*  
17          *division and the reorganization plan transmitted pursuant*  
18          *to section 1601.*

19           (b) *FUNCTIONS TO BE TRANSFERRED.*—*The reorga-*  
20          *nization of the Agency for International Development shall*  
21          *provide, at a minimum, for the transfer to and consolida-*  
22          *tion with the Department of State of the following functions*  
23          *of AID:*

24                     (1) *The Press office.*

25                     (2) *Certain administrative functions.*

1           **CHAPTER 3—AUTHORITIES OF THE**  
2                           **SECRETARY OF STATE**

3   **SEC. 1521. DEFINITION OF UNITED STATES ASSISTANCE.**

4           *In this chapter, the term “United States assistance”*  
5   *means development and other economic assistance, includ-*  
6   *ing assistance made available under the following provi-*  
7   *sions of law:*

8                   (1) *Chapter 1 of part I of the Foreign Assistance*  
9                   *Act of 1961 (relating to development assistance).*

10                   (2) *Chapter 4 of part II of the Foreign Assist-*  
11                   *ance Act of 1961 (relating to the economic support*  
12                   *fund).*

13                   (3) *Chapter 10 of part I of the Foreign Assist-*  
14                   *ance Act of 1961 (relating to the Development Fund*  
15                   *for Africa).*

16                   (4) *Chapter 11 of part I of the Foreign Assist-*  
17                   *ance Act of 1961 (relating to assistance for the inde-*  
18                   *pendent states of the former Soviet Union).*

19                   (5) *The Support for East European Democracy*  
20                   *Act (22 U.S.C. 5401 et seq.).*

21   **SEC. 1522. ADMINISTRATOR OF AID REPORTING TO THE**  
22                           **SECRETARY OF STATE.**

23           *The Administrator of the Agency for International De-*  
24   *velopment, appointed pursuant to section 624(a) of the For-*  
25   *eign Assistance Act of 1961 (22 U.S.C. 2384(a)), shall re-*

1 port to and be under the direct authority and foreign policy  
2 guidance of the Secretary of State.

3 **SEC. 1523. ASSISTANCE PROGRAMS COORDINATION AND**  
4 **OVERSIGHT.**

5 (a) *AUTHORITY OF THE SECRETARY OF STATE.*—

6 (1) *IN GENERAL.*—Under the direction of the  
7 President, the Secretary of State shall coordinate all  
8 United States assistance in accordance with this sec-  
9 tion, except as provided in paragraphs (2) and (3).

10 (2) *EXPORT PROMOTION ACTIVITIES.*—Coordina-  
11 tion of activities relating to promotion of exports of  
12 United States goods and services shall continue to be  
13 primarily the responsibility of the Secretary of Com-  
14 merce.

15 (3) *INTERNATIONAL ECONOMIC ACTIVITIES.*—Co-  
16 ordination of activities relating to United States par-  
17 ticipation in international financial institutions and  
18 relating to organization of multilateral efforts aimed  
19 at currency stabilization, currency convertibility, debt  
20 reduction, and comprehensive economic reform pro-  
21 grams shall continue to be primarily the responsibil-  
22 ity of the Secretary of the Treasury.

23 (4) *AUTHORITIES AND POWERS OF THE SEC-*  
24 *RETARY OF STATE.*—The powers and authorities of  
25 the Secretary provided in this chapter are in addition

1       to the powers and authorities provided to the Sec-  
2       retary under any other Act, including section 101(b)  
3       and section 622(c) of the Foreign Assistance Act of  
4       1961 (22 U.S.C. 2151(b), 2382(c)).

5       (b) *COORDINATION ACTIVITIES.*—Coordination activi-  
6       ties of the Secretary of State under subsection (a) shall in-  
7       clude—

8               (1) approving an overall assistance and eco-  
9       nomic cooperation strategy;

10              (2) ensuring program and policy coordination  
11       among agencies of the United States Government in  
12       carrying out the policies set forth in the Foreign As-  
13       sistance Act of 1961, the Arms Export Control Act,  
14       and other relevant assistance Acts;

15              (3) pursuing coordination with other countries  
16       and international organizations; and

17              (4) resolving policy, program, and funding dis-  
18       putes among United States Government agencies.

19       (c) *STATUTORY CONSTRUCTION.*—Nothing in this sec-  
20       tion may be construed to lessen the accountability of any  
21       Federal agency administering any program, project, or ac-  
22       tivity of United States assistance for any funds made avail-  
23       able to the Federal agency for that purpose.

24       (d) *AUTHORITY TO PROVIDE PERSONNEL OF THE*  
25       *AGENCY FOR INTERNATIONAL DEVELOPMENT.*—The Ad-



1 *administrator of the Agency for International Development is*  
2 *authorized to detail to the Department of State on a non-*  
3 *reimbursable basis such personnel employed by the Agency*  
4 *as the Secretary of State may require to carry out this sec-*  
5 *tion.*

## 6 **TITLE XVI—TRANSITION**

### 7 **CHAPTER 1—REORGANIZATION PLAN**

#### 8 **SEC. 1601. REORGANIZATION PLAN AND REPORT.**

9 *(a) SUBMISSION OF PLAN AND REPORT.—Not later*  
10 *than 60 days after the date of the enactment of this Act,*  
11 *the President shall transmit to the appropriate congres-*  
12 *sional committees a reorganization plan and report regard-*  
13 *ing—*

14 *(1) the abolition of the United States Arms Con-*  
15 *trol and Disarmament Agency, the United States In-*  
16 *formation Agency, and the United States Inter-*  
17 *national Development Cooperation Agency in accord-*  
18 *ance with this subdivision;*

19 *(2) with respect to the Agency for International*  
20 *Development, the consolidation and streamlining of*  
21 *the Agency and the transfer of certain functions of the*  
22 *Agency to the Department in accordance with section*  
23 *1511;*

24 *(3) the termination of functions of each covered*  
25 *agency as may be necessary to effectuate the reorga-*

1        *nization under this subdivision, and the termination*  
2        *of the affairs of each agency abolished under this sub-*  
3        *division;*

4            *(4) the transfer to the Department of the func-*  
5        *tions and personnel of each covered agency consistent*  
6        *with the provisions of this subdivision; and*

7            *(5) the consolidation, reorganization, and*  
8        *streamlining of the Department in connection with*  
9        *the transfer of such functions and personnel in order*  
10       *to carry out such functions.*

11        *(b) COVERED AGENCIES.—The agencies covered by this*  
12       *section are the following:*

13            *(1) The United States Arms Control and Disar-*  
14        *mament Agency.*

15            *(2) The United States Information Agency.*

16            *(3) The United States International Develop-*  
17        *ment Cooperation Agency.*

18            *(4) The Agency for International Development.*

19        *(c) PLAN ELEMENTS.—The plan transmitted under*  
20       *subsection (a) shall contain, consistent with this subdivi-*  
21       *sion, such elements as the President deems appropriate, in-*  
22       *cluding elements that—*

23            *(1) identify the functions of each covered agency*  
24        *that will be transferred to the Department under the*  
25        *plan;*

1           (2) *specify the steps to be taken by the Secretary*  
2           *of State to reorganize internally the functions of the*  
3           *Department, including the consolidation of offices and*  
4           *functions, that will be required under the plan in*  
5           *order to permit the Department to carry out the func-*  
6           *tions transferred to it under the plan;*

7           (3) *specify the funds available to each covered*  
8           *agency that will be transferred to the Department as*  
9           *a result of the transfer of functions of such agency to*  
10          *the Department;*

11          (4) *specify the proposed allocations within the*  
12          *Department of unexpended funds transferred in con-*  
13          *nection with the transfer of functions under the plan;*  
14          *and*

15          (5) *specify the proposed disposition of the prop-*  
16          *erty, facilities, contracts, records, and other assets and*  
17          *liabilities of each covered agency in connection with*  
18          *the transfer of the functions of such agency to the De-*  
19          *partment.*

20          (d) *REORGANIZATION PLAN OF AGENCY FOR INTER-*  
21          *NATIONAL DEVELOPMENT.*—*In addition to applicable pro-*  
22          *visions of subsection (c), the reorganization plan transmit-*  
23          *ted under this section for the Agency for International De-*  
24          *velopment—*

1           (1) *may provide for the abolition of the Agency*  
2 *for International Development and the transfer of all*  
3 *its functions to the Department of State; or*

4           (2) *in lieu of the abolition and transfer of func-*  
5 *tions under paragraph (1)—*

6           (A) *shall provide for the transfer to and*  
7 *consolidation within the Department of the func-*  
8 *tions set forth in section 1511; and*

9           (B) *may provide for additional consolida-*  
10 *tion, reorganization, and streamlining of AID,*  
11 *including—*

12           (i) *the termination of functions and re-*  
13 *ductions in personnel of AID;*

14           (ii) *the transfer of functions of AID,*  
15 *and the personnel associated with such*  
16 *functions, to the Department; and*

17           (iii) *the consolidation, reorganization,*  
18 *and streamlining of the Department upon*  
19 *the transfer of such functions and personnel*  
20 *in order to carry out the functions trans-*  
21 *ferred.*

22           (e) *MODIFICATION OF PLAN.—The President may, on*  
23 *the basis of consultations with the appropriate congres-*  
24 *sional committees, modify or revise any part of the plan*

1 *transmitted under subsection (a) until that part of the plan*  
2 *becomes effective in accordance with subsection (g).*

3 (f) *REPORT.—The report accompanying the reorga-*  
4 *nization plan for the Department and the covered agencies*  
5 *submitted pursuant to this section shall describe the imple-*  
6 *mentation of the plan and shall include—*

7 (1) *a detailed description of—*

8 (A) *the actions necessary or planned to*  
9 *complete the reorganization,*

10 (B) *the anticipated nature and substance of*  
11 *any orders, directives, and other administrative*  
12 *and operational actions which are expected to be*  
13 *required for completing or implementing the re-*  
14 *organization, and*

15 (C) *any preliminary actions which have*  
16 *been taken in the implementation process;*

17 (2) *the number of personnel and positions of*  
18 *each covered agency (including civil service personnel,*  
19 *Foreign Service personnel, and detailees) that are ex-*  
20 *pected to be transferred to the Department, separated*  
21 *from service with such agency, or eliminated under*  
22 *the plan, and a projected schedule for such transfers,*  
23 *separations, and terminations;*

24 (3) *the number of personnel and positions of the*  
25 *Department (including civil service personnel, For-*

1        *eign Service personnel, and detailees) that are ex-*  
2        *pected to be transferred within the Department, sepa-*  
3        *rated from service with the Department, or eliminated*  
4        *under the plan, and a projected schedule for such*  
5        *transfers, separations, and terminations;*

6                *(4) a projected schedule for completion of the im-*  
7        *plementation process; and*

8                *(5) recommendations, if any, for legislation nec-*  
9        *essary to carry out changes made by this subdivision*  
10        *relating to personnel and to incidental transfers.*

11        *(g) EFFECTIVE DATE.—*

12                *(1) IN GENERAL.—The reorganization plan de-*  
13        *scribed in this section, including any modifications or*  
14        *revisions of the plan under subsection (e), shall be-*  
15        *come effective on the earlier of the date for the respec-*  
16        *tive covered agency specified in paragraph (2) or the*  
17        *date announced by the President under paragraph*  
18        *(3).*

19                *(2) STATUTORY EFFECTIVE DATES.—The effective*  
20        *dates under this paragraph for the reorganization*  
21        *plan described in this section are the following:*

22                        *(A) October 1, 1998, with respect to func-*  
23        *tions of the Agency for International Develop-*  
24        *ment described in section 1511.*

1           (B) October 1, 1998, with respect to the abo-  
2           lition of the United States Arms Control and  
3           Disarmament Agency and the United States  
4           International Development Cooperation Agency.

5           (C) October 1, 1999, with respect to the abo-  
6           lition of the United States Information Agency.

7           (3) *EFFECTIVE DATE BY PRESIDENTIAL DETER-*  
8           *MINATION.*—An effective date under this paragraph  
9           for a reorganization plan described in this section is  
10          such date as the President shall determine to be ap-  
11          propriate and announce by notice published in the  
12          Federal Register, which date may be not earlier than  
13          90 calendar days after the President has transmitted  
14          the reorganization plan to the appropriate congress-  
15          sional committees pursuant to subsection (a).

16          (4) *STATUTORY CONSTRUCTION.*—Nothing in this  
17          subsection may be construed to require the transfer of  
18          functions, personnel, records, balance of appropriati-  
19          ons, or other assets of a covered agency on a single  
20          date.

21          (5) *SUPERSEDES EXISTING LAW.*—Paragraph (1)  
22          shall apply notwithstanding section 905(b) of title 5,  
23          United States Code.

1       (h) *PUBLICATION.*—*The reorganization plan described*  
2 *in this section shall be printed in the Federal Register after*  
3 *the date upon which it first becomes effective.*

## 4                   **CHAPTER 2—REORGANIZATION**

### 5                               **AUTHORITY**

#### 6   **SEC. 1611. REORGANIZATION AUTHORITY.**

7       (a) *IN GENERAL.*—*The Secretary is authorized, subject*  
8 *to the requirements of this subdivision, to allocate or reallo-*  
9 *cate any function transferred to the Department under any*  
10 *title of this subdivision, and to establish, consolidate, alter,*  
11 *or discontinue such organizational entities within the De-*  
12 *partment as may be necessary or appropriate to carry out*  
13 *any reorganization under this subdivision, but this sub-*  
14 *section does not authorize the Secretary to modify the terms*  
15 *of any statute that establishes or defines the functions of*  
16 *any bureau, office, or officer of the Department.*

17       (b) *REQUIREMENTS AND LIMITATIONS ON REORGA-*  
18 *NIZATION PLAN.*—*The reorganization plan transmitted*  
19 *under section 1601 may not have the effect of—*

20               (1) *creating a new executive department;*

21               (2) *continuing a function beyond the period au-*  
22 *thorized by law for its exercise or beyond the time*  
23 *when it would have terminated if the reorganization*  
24 *had not been made;*



1           (3) *authorizing a Federal agency to exercise a*  
2           *function which is not authorized by law at the time*  
3           *the plan is transmitted to Congress;*

4           (4) *creating a new Federal agency which is not*  
5           *a component or part of an existing executive depart-*  
6           *ment or independent agency; or*

7           (5) *increasing the term of an office beyond that*  
8           *provided by law for the office.*

9   **SEC. 1612. TRANSFER AND ALLOCATION OF APPROPRIA-**  
10                                   **TIONS.**

11           (a) *IN GENERAL.—Except as otherwise provided in*  
12           *this subdivision, the assets, liabilities (including contingent*  
13           *liabilities arising from suits continued with a substitution*  
14           *or addition of parties under section 1615(e)), contracts,*  
15           *property, records, and unexpended balance of appropria-*  
16           *tions, authorizations, allocations, and other funds em-*  
17           *ployed, held, used, arising from, available to, or to be made*  
18           *available in connection with the functions and offices, or*  
19           *portions thereof, transferred by any title of this subdivision*  
20           *shall be transferred to the Secretary for appropriate alloca-*  
21           *tion.*

22           (b) *LIMITATION ON USE OF TRANSFERRED FUNDS.—*  
23           *Except as provided in subsection (c), unexpended and unob-*  
24           *ligated funds transferred pursuant to any title of this sub-*

1 *division shall be used only for the purposes for which the*  
2 *funds were originally authorized and appropriated.*

3 *(c) FUNDS TO FACILITATE TRANSITION.—*

4 *(1) CONGRESSIONAL NOTIFICATION.—Funds*  
5 *transferred pursuant to subsection (a) may be avail-*  
6 *able for the purposes of reorganization subject to noti-*  
7 *fication of the appropriate congressional committees*  
8 *in accordance with the procedures applicable to a re-*  
9 *programming of funds under section 34 of the State*  
10 *Department Basic Authorities Act of 1956 (22 U.S.C.*  
11 *2706).*

12 *(2) TRANSFER AUTHORITY.—Funds in any ac-*  
13 *count appropriated to the Department of State may*  
14 *be transferred to another such account for the pur-*  
15 *poses of reorganization, subject to notification of the*  
16 *appropriate congressional committees in accordance*  
17 *with the procedures applicable to a reprogramming of*  
18 *funds under section 34 of the State Department Basic*  
19 *Authorities Act of 1956 (22 U.S.C. 2706). The author-*  
20 *ity in this paragraph is in addition to any other*  
21 *transfer authority available to the Secretary of State*  
22 *and shall expire September 30, 2000.*

1 **SEC. 1613. TRANSFER, APPOINTMENT, AND ASSIGNMENT OF**  
2 **PERSONNEL.**

3 (a) *TRANSFER OF PERSONNEL FROM ACDA AND*  
4 *USIA.—Except as otherwise provided in title XIII—*

5 (1) *not later than the date of abolition of ACDA,*  
6 *all personnel and positions of ACDA, and*

7 (2) *not later than the date of abolition of USIA,*  
8 *all personnel and positions of USIA,*

9 *shall be transferred to the Department of State at the same*  
10 *grade or class and the same rate of basic pay or basic salary*  
11 *rate and with the same tenure held immediately preceding*  
12 *transfer.*

13 (b) *TRANSFER OF PERSONNEL FROM AID.—Except as*  
14 *otherwise provided in title XIII, not later than the date of*  
15 *transfer of any function of AID to the Department of State*  
16 *under this subdivision, all AID personnel performing such*  
17 *functions and all positions associated with such functions*  
18 *shall be transferred to the Department of State at the same*  
19 *grade or class and the same rate of basic pay or basic salary*  
20 *rate and with the same tenure held immediately preceding*  
21 *transfer.*

22 (c) *ASSIGNMENT AUTHORITY.—The Secretary, for a*  
23 *period of not more than 6 months commencing on the effec-*  
24 *tive date of the transfer to the Department of State of per-*  
25 *sonnel under subsections (a) and (b), is authorized to assign*  
26 *such personnel to any position or set of duties in the De-*

1 *partment of State regardless of the position held or duties*  
2 *performed by such personnel prior to transfer, except that,*  
3 *by virtue of such assignment, such personnel shall not have*  
4 *their grade or class or their rate of basic pay or basic salary*  
5 *rate reduced, nor their tenure changed. The Secretary shall*  
6 *consult with the relevant exclusive representatives (as de-*  
7 *fin ed in section 1002 of the Foreign Service Act and in sec-*  
8 *tion 7103 of title 5, United States Code) with regard to*  
9 *the exercise of this authority. This subsection does not au-*  
10 *thorize the Secretary to assign any individual to any posi-*  
11 *tion that by law requires appointment by the President, by*  
12 *and with the advice and consent of the Senate.*

13 *(d) SUPERSEDING OTHER PROVISIONS OF LAW.—Sub-*  
14 *sections (a) through (c) shall be exercised notwithstanding*  
15 *any other provision of law.*

16 **SEC. 1614. INCIDENTAL TRANSFERS.**

17 *The Director of the Office of Management and Budget,*  
18 *when requested by the Secretary, is authorized to make such*  
19 *incidental dispositions of personnel, assets, liabilities,*  
20 *grants, contracts, property, records, and unexpended bal-*  
21 *ances of appropriations, authorizations, allocations, and*  
22 *other funds held, used, arising from, available to, or to be*  
23 *made available in connection with such functions, as may*  
24 *be necessary to carry out the provisions of any title of this*  
25 *subdivision. The Director of the Office of Management and*

1 *Budget, in consultation with the Secretary, shall provide*  
2 *for the termination of the affairs of all entities terminated*  
3 *by this subdivision and for such further measures and dis-*  
4 *positions as may be necessary to effectuate the purposes of*  
5 *any title of this subdivision.*

6 **SEC. 1615. SAVINGS PROVISIONS.**

7       *(a) CONTINUING LEGAL FORCE AND EFFECT.—All or-*  
8 *ders, determinations, rules, regulations, permits, agree-*  
9 *ments, grants, contracts, certificates, licenses, registrations,*  
10 *privileges, and other administrative actions—*

11           *(1) that have been issued, made, granted, or al-*  
12 *lowed to become effective by the President, any Fed-*  
13 *eral agency or official thereof, or by a court of com-*  
14 *petent jurisdiction, in the performance of functions*  
15 *that are transferred under any title of this subdivi-*  
16 *sion; and*

17           *(2) that are in effect as of the effective date of*  
18 *such title, or were final before the effective date of*  
19 *such title and are to become effective on or after the*  
20 *effective date of such title,*

21 *shall continue in effect according to their terms until modi-*  
22 *fied, terminated, superseded, set aside, or revoked in accord-*  
23 *ance with law by the President, the Secretary, or other au-*  
24 *thorized official, a court of competent jurisdiction, or by*  
25 *operation of law.*

1       **(b) PENDING PROCEEDINGS.—**

2           **(1) IN GENERAL.—***The provisions of any title of*  
3 *this subdivision shall not affect any proceedings, in-*  
4 *cluding notices of proposed rulemaking, or any appli-*  
5 *cation for any license, permit, certificate, or financial*  
6 *assistance pending on the effective date of any title of*  
7 *this subdivision before any Federal agency, commis-*  
8 *sion, or component thereof, functions of which are*  
9 *transferred by any title of this subdivision. Such pro-*  
10 *ceedings and applications, to the extent that they re-*  
11 *late to functions so transferred, shall be continued.*

12           **(2) ORDERS, APPEALS, PAYMENTS.—***Orders shall*  
13 *be issued in such proceedings, appeals shall be taken*  
14 *therefrom, and payments shall be made pursuant to*  
15 *such orders, as if this subdivision had not been en-*  
16 *acted. Orders issued in any such proceedings shall*  
17 *continue in effect until modified, terminated, super-*  
18 *seded, or revoked by the Secretary, by a court of com-*  
19 *petent jurisdiction, or by operation of law.*

20           **(3) STATUTORY CONSTRUCTION.—***Nothing in this*  
21 *subdivision shall be deemed to prohibit the dis-*  
22 *continuance or modification of any such proceeding*  
23 *under the same terms and conditions and to the same*  
24 *extent that such proceeding could have been discon-*

1        *tinued or modified if this subdivision had not been*  
2        *enacted.*

3            (4) *REGULATIONS.—The Secretary is authorized*  
4        *to promulgate regulations providing for the orderly*  
5        *transfer of proceedings continued under this sub-*  
6        *section to the Department.*

7            (c) *NO EFFECT ON JUDICIAL OR ADMINISTRATIVE*  
8        *PROCEEDINGS.—Except as provided in subsection (e) and*  
9        *section 1327(d)—*

10           (1) *the provisions of this subdivision shall not*  
11        *affect suits commenced prior to the effective dates of*  
12        *the respective titles of this subdivision; and*

13           (2) *in all such suits, proceedings shall be had,*  
14        *appeals taken, and judgments rendered in the same*  
15        *manner and effect as if this subdivision had not been*  
16        *enacted.*

17           (d) *NONABATEMENT OF PROCEEDINGS.—No suit, ac-*  
18        *tion, or other proceeding commenced by or against any offi-*  
19        *cer in the official capacity of such individual as an officer*  
20        *of any Federal agency, or any commission or component*  
21        *thereof, functions of which are transferred by any title of*  
22        *this subdivision, shall abate by reason of the enactment of*  
23        *this subdivision. No cause of action by or against any Fed-*  
24        *eral agency, or any commission or component thereof, func-*  
25        *tions of which are transferred by any title of this subdivi-*

1 sion, or by or against any officer thereof in the official ca-  
2 pacity of such officer shall abate by reason of the enactment  
3 of this subdivision.

4 (e) *CONTINUATION OF PROCEEDING WITH SUBSTI-*  
5 *TUTION OF PARTIES.*—If, before the effective date of any  
6 title of this subdivision, any Federal agency, or officer  
7 thereof in the official capacity of such officer, is a party  
8 to a suit, and under this subdivision any function of such  
9 department, agency, or officer is transferred to the Sec-  
10 retary or any other official of the Department, then effective  
11 on such date such suit shall be continued with the Secretary  
12 or other appropriate official of the Department substituted  
13 or added as a party.

14 (f) *REVIEWABILITY OF ORDERS AND ACTIONS UNDER*  
15 *TRANSFERRED FUNCTIONS.*—Orders and actions of the Sec-  
16 retary in the exercise of functions transferred under any  
17 title of this subdivision shall be subject to judicial review  
18 to the same extent and in the same manner as if such orders  
19 and actions had been by the Federal agency or office, or  
20 part thereof, exercising such functions immediately preced-  
21 ing their transfer. Any statutory requirements relating to  
22 notice, hearings, action upon the record, or administrative  
23 review that apply to any function transferred by any title  
24 of this subdivision shall apply to the exercise of such func-  
25 tion by the Secretary.



1 **SEC. 1616. AUTHORITY OF SECRETARY OF STATE TO FACILI-**  
2 **TATE TRANSITION.**

3 *Notwithstanding any provision of this subdivision, the*  
4 *Secretary of State, with the concurrence of the head of the*  
5 *appropriate Federal agency exercising functions transferred*  
6 *under this subdivision, may transfer the whole or part of*  
7 *such functions prior to the effective dates established in this*  
8 *subdivision, including the transfer of personnel and funds*  
9 *associated with such functions.*

10 **SEC. 1617. FINAL REPORT.**

11 *Not later than January 1, 2001, the President, in con-*  
12 *sultation with the Secretary of the Treasury and the Direc-*  
13 *tor of the Office of Management and Budget, shall submit*  
14 *to the appropriate congressional committees a report which*  
15 *provides a final accounting of the finances and operations*  
16 *of the agencies abolished under this subdivision.*

17 **SUBDIVISION 2—FOREIGN**  
18 **RELATIONS AUTHORIZATION**  
19 **TITLE XX—GENERAL**  
20 **PROVISIONS**

21 **SEC. 2001. SHORT TITLE.**

22 *This subdivision may be cited as the “Foreign Rela-*  
23 *tions Authorization Act, Fiscal Years 1998 and 1999”.*

1 **SEC. 2002. DEFINITION OF APPROPRIATE CONGRESSIONAL**  
2 **COMMITTEES.**

3 *In this subdivision, the term “appropriate congress-*  
4 *sional committees” means the Committee on International*  
5 *Relations and the Committee on Appropriations of the*  
6 *House of Representatives and the Committee on Foreign Re-*  
7 *lations and the Committee on Appropriations of the Senate.*

8 **TITLE XXI—AUTHORIZATION OF**  
9 **APPROPRIATIONS FOR DE-**  
10 **PARTMENT OF STATE**

11 **SEC. 2101. ADMINISTRATION OF FOREIGN AFFAIRS.**

12 *The following amounts are authorized to be appro-*  
13 *priated for the Department of State under “Administration*  
14 *of Foreign Affairs” to carry out the authorities, functions,*  
15 *duties, and responsibilities in the conduct of the foreign af-*  
16 *fairs of the United States and for other purposes authorized*  
17 *by law, including the diplomatic security program:*

18 (1) **DIPLOMATIC AND CONSULAR PROGRAMS.—**

19 *For “Diplomatic and Consular Programs”, of the De-*  
20 *partment of State \$1,746,977,000 for the fiscal year*  
21 *1998.*

22 (2) **SALARIES AND EXPENSES.—**

23 (A) **AUTHORIZATION OF APPROPRIA-**  
24 **TIONS.—***For “Salaries and Expenses”, of the De-*  
25 *partment of State \$363,513,000 for the fiscal*  
26 *year 1998.*

1           (B) *LIMITATIONS.*—*Of the amounts author-*  
2           *ized to be appropriated by subparagraph (A)*  
3           *\$2,000,000 for fiscal year 1998 are authorized to*  
4           *be appropriated only for the recruitment of mi-*  
5           *norities for careers in the Foreign Service and*  
6           *international affairs.*

7           (3) *CAPITAL INVESTMENT FUND.*—*For “Capital*  
8           *Investment Fund”, of the Department of State*  
9           *\$86,000,000 for the fiscal year 1998.*

10           (4) *SECURITY AND MAINTENANCE OF BUILDINGS*  
11           *ABROAD.*—(A) *For “Security and Maintenance of*  
12           *Buildings Abroad”, \$404,000,000 for the fiscal year*  
13           *1998.*

14           (B) *Of the amounts authorized to be appro-*  
15           *priated for the period ending September 30, 1999, by*  
16           *subparagraph (A), up to \$90,000,000 are authorized*  
17           *to be appropriated for the renovation, acquisition,*  
18           *and construction of housing and secure diplomatic fa-*  
19           *cilities at the United States Embassy in Beijing, and*  
20           *the United States Consulate in Shanghai, the People’s*  
21           *Republic of China.*

22           (5) *REPRESENTATION ALLOWANCES.*—*For “Rep-*  
23           *resentation Allowances”, \$4,300,000 for the fiscal year*  
24           *1998.*

1           (6) *EMERGENCIES IN THE DIPLOMATIC AND CON-*  
2           *SULAR SERVICE.*—For “*Emergencies in the Diplo-*  
3           *matic and Consular Service*”, \$5,500,000 for the fis-  
4           *cal year 1998.*

5           (7) *OFFICE OF THE INSPECTOR GENERAL.*—For  
6           “*Office of the Inspector General*”, \$28,300,000 for the  
7           *fiscal year 1998.*

8           (8) *PAYMENT TO THE AMERICAN INSTITUTE IN*  
9           *TAIWAN.*—For “*Payment to the American Institute in*  
10          *Taiwan*”, \$14,490,000 for the fiscal year 1998.

11          (9) *PROTECTION OF FOREIGN MISSIONS AND OF-*  
12          *FICIALS.*—(A) For “*Protection of Foreign Missions*  
13          *and Officials*”, \$7,900,000 for the fiscal year 1998.

14                 (B) *Each amount appropriated pursuant to this*  
15          *paragraph is authorized to remain available through*  
16          *September 30 of the fiscal year following the fiscal*  
17          *year for which the amount appropriated was made.*

18          (10) *REPATRIATION LOANS.*—For “*Repatriation*  
19          *Loans*”, \$1,200,000 for the fiscal year 1998.

20 **SEC. 2102. INTERNATIONAL COMMISSIONS.**

21          *The following amounts are authorized to be appro-*  
22          *priated under “International Commissions” for the Depart-*  
23          *ment of State to carry out the authorities, functions, duties,*  
24          *and responsibilities in the conduct of the foreign affairs of*  
25          *the United States and for other purposes authorized by law:*

1           (1) *INTERNATIONAL BOUNDARY AND WATER COM-*  
2           *MISSION, UNITED STATES AND MEXICO.—For “Inter-*  
3           *national Boundary and Water Commission, United*  
4           *States and Mexico”—*

5                   (A) *for “Salaries and Expenses”*  
6                   *\$18,200,000 for the fiscal year 1998; and*

7                   (B) *for “Construction” \$6,463,000 for the*  
8                   *fiscal year 1998.*

9           (2) *INTERNATIONAL BOUNDARY COMMISSION,*  
10           *UNITED STATES AND CANADA.—For “International*  
11           *Boundary Commission, United States and Canada”,*  
12           *\$785,000 for the fiscal year 1998.*

13           (3) *INTERNATIONAL JOINT COMMISSION.—For*  
14           *“International Joint Commission”, \$3,225,000 for the*  
15           *fiscal year 1998.*

16           (4) *INTERNATIONAL FISHERIES COMMISSIONS.—*  
17           *For “International Fisheries Commissions”,*  
18           *\$14,549,000 for the fiscal year 1998.*

19 **SEC. 2103. GRANTS TO THE ASIA FOUNDATION.**

20           *Section 404 of The Asia Foundation Act (title IV of*  
21           *Public Law 98–164) is amended to read as follows:*

22           *“SEC. 404. There are authorized to be appropriated*  
23           *to the Secretary of State \$10,000,000 for the fiscal year*  
24           *1998 for grants to The Asia Foundation pursuant to this*  
25           *title.”.*

1 **TITLE XXII—DEPARTMENT OF**  
 2 **STATE AUTHORITIES AND AC-**  
 3 **TIVITIES**

4 **CHAPTER 1—AUTHORITIES AND**  
 5 **ACTIVITIES**

6 **SEC. 2201. REIMBURSEMENT OF DEPARTMENT OF STATE**  
 7 **FOR ASSISTANCE TO OVERSEAS EDU-**  
 8 **CATIONAL FACILITIES.**

9 *Section 29 of the State Department Basic Authorities*  
 10 *Act of 1956 (22 U.S.C. 2701) is amended by adding at the*  
 11 *end the following: “Notwithstanding any other provision of*  
 12 *law, where the child of a United States citizen employee*  
 13 *of an agency of the United States Government who is sta-*  
 14 *tioned outside the United States attends an educational fa-*  
 15 *cility assisted by the Secretary of State under this section,*  
 16 *the head of that agency is authorized to reimburse, or credit*  
 17 *with advance payment, the Department of State for funds*  
 18 *used in providing assistance to such educational facilities,*  
 19 *by grant or otherwise, under this section.”.*

20 **SEC. 2202. REVISION OF DEPARTMENT OF STATE REWARDS**  
 21 **PROGRAM.**

22 *Section 36 of the State Department Basic Authorities*  
 23 *Act of 1956 (22 U.S.C. 2708) is amended to read as follows:*

24 **“SEC. 36. DEPARTMENT OF STATE REWARDS PROGRAM.**

25 **“(a) ESTABLISHMENT.—**

1           “(1) *IN GENERAL.*—*There is established a pro-*  
2           *gram for the payment of rewards to carry out the*  
3           *purposes of this section.*

4           “(2) *PURPOSE.*—*The rewards program shall be*  
5           *designed to assist in the prevention of acts of inter-*  
6           *national terrorism, international narcotics traffick-*  
7           *ing, and other related criminal acts.*

8           “(3) *IMPLEMENTATION.*—*The rewards program*  
9           *shall be administered by the Secretary of State, in*  
10          *consultation, as appropriate, with the Attorney Gen-*  
11          *eral.*

12          “(b) *REWARDS AUTHORIZED.*—*In the sole discretion*  
13          *of the Secretary (except as provided in subsection (c)(2))*  
14          *and in consultation, as appropriate, with the Attorney Gen-*  
15          *eral, the Secretary may pay a reward to any individual*  
16          *who furnishes information leading to—*

17                 “(1) *the arrest or conviction in any country of*  
18                 *any individual for the commission of an act of inter-*  
19                 *national terrorism against a United States person or*  
20                 *United States property;*

21                 “(2) *the arrest or conviction in any country of*  
22                 *any individual conspiring or attempting to commit*  
23                 *an act of international terrorism against a United*  
24                 *States person or United States property;*

1           “(3) the arrest or conviction in any country of  
2           any individual for committing, primarily outside the  
3           territorial jurisdiction of the United States, any nar-  
4           cotics-related offense if that offense involves or is a  
5           significant part of conduct that involves—

6                   “(A) a violation of United States narcotics  
7           laws such that the individual would be a major  
8           violation of such laws;

9                   “(B) the killing or kidnapping of—

10                           “(i) any officer, employee, or contract  
11                           employee of the United States Government  
12                           while such individual is engaged in official  
13                           duties, or on account of that individual’s of-  
14                           ficial duties, in connection with the enforce-  
15                           ment of United States narcotics laws or the  
16                           implementing of United States narcotics  
17                           control objectives; or

18                           “(ii) a member of the immediate fam-  
19                           ily of any such individual on account of  
20                           that individual’s official duties, in connec-  
21                           tion with the enforcement of United States  
22                           narcotics laws or the implementing of Unit-  
23                           ed States narcotics control objectives; or

24                   “(C) an attempt or conspiracy to commit  
25           any act described in subparagraph (A) or (B);



1           “(4) the arrest or conviction in any country of  
2           any individual aiding or abetting in the commission  
3           of an act described in paragraph (1), (2), or (3); or

4           “(5) the prevention, frustration, or favorable res-  
5           olution of an act described in paragraph (1), (2), or  
6           (3).

7           “(c) COORDINATION.—

8           “(1) PROCEDURES.—To ensure that the payment  
9           of rewards pursuant to this section does not duplicate  
10          or interfere with the payment of informants or the ob-  
11          taining of evidence or information, as authorized to  
12          the Department of Justice, the offering, administra-  
13          tion, and payment of rewards under this section, in-  
14          cluding procedures for—

15                  “(A) identifying individuals, organizations,  
16                  and offenses with respect to which rewards will  
17                  be offered;

18                  “(B) the publication of rewards;

19                  “(C) the offering of joint rewards with for-  
20                  eign governments;

21                  “(D) the receipt and analysis of data; and

22                  “(E) the payment and approval of pay-  
23                  ment,

1     *shall be governed by procedures developed by the Sec-*  
2     *retary of State, in consultation with the Attorney*  
3     *General.*

4             “(2) *PRIOR APPROVAL OF ATTORNEY GENERAL*  
5     *REQUIRED.—Before making a reward under this sec-*  
6     *tion in a matter over which there is Federal criminal*  
7     *jurisdiction, the Secretary of State shall obtain the*  
8     *concurrence of the Attorney General.*

9             “(d) *FUNDING.—*

10            “(1) *AUTHORIZATION OF APPROPRIATIONS.—*  
11     *Notwithstanding section 102 of the Foreign Relations*  
12     *Authorization Act, Fiscal Years 1986 and 1987 (Pub-*  
13     *lic Law 99–93; 99 Stat. 408), but subject to para-*  
14     *graph (2), there are authorized to be appropriated to*  
15     *the Department of State from time to time such*  
16     *amounts as may be necessary to carry out this sec-*  
17     *tion.*

18            “(2) *LIMITATION.—No amount of funds may be*  
19     *appropriated under paragraph (1) which, when added*  
20     *to the unobligated balance of amounts previously ap-*  
21     *propriated to carry out this section, would cause such*  
22     *amounts to exceed \$15,000,000.*

23            “(3) *ALLOCATION OF FUNDS.—To the maximum*  
24     *extent practicable, funds made available to carry out*  
25     *this section should be distributed equally for the pur-*

1        *pose of preventing acts of international terrorism and*  
2        *for the purpose of preventing international narcotics*  
3        *trafficking.*

4            “(4) *PERIOD OF AVAILABILITY.*—*Amounts ap-*  
5        *propriated under paragraph (1) shall remain avail-*  
6        *able until expended.*

7            “(e) *LIMITATIONS AND CERTIFICATION.*—

8            “(1) *MAXIMUM AMOUNT.*—*No reward paid under*  
9        *this section may exceed \$2,000,000.*

10          “(2) *APPROVAL.*—*A reward under this section of*  
11        *more than \$100,000 may not be made without the ap-*  
12        *proval of the Secretary.*

13          “(3) *CERTIFICATION FOR PAYMENT.*—*Any re-*  
14        *ward granted under this section shall be approved*  
15        *and certified for payment by the Secretary.*

16          “(4) *NONDELEGATION OF AUTHORITY.*—*The au-*  
17        *thority to approve rewards of more than \$100,000 set*  
18        *forth in paragraph (2) may not be delegated.*

19          “(5) *PROTECTION MEASURES.*—*If the Secretary*  
20        *determines that the identity of the recipient of a re-*  
21        *ward or of the members of the recipient’s immediate*  
22        *family must be protected, the Secretary may take such*  
23        *measures in connection with the payment of the re-*  
24        *ward as he considers necessary to effect such protec-*  
25        *tion.*

1       “(f) *INELIGIBILITY.*—*An officer or employee of any en-*  
2 *tity of Federal, State, or local government or of a foreign*  
3 *government who, while in the performance of his or her offi-*  
4 *cial duties, furnishes information described in subsection*  
5 *(b) shall not be eligible for a reward under this section.*

6       “(g) *REPORTS.*—

7               “(1) *REPORTS ON PAYMENT OF REWARDS.*—*Not*  
8 *later than 30 days after the payment of any reward*  
9 *under this section, the Secretary shall submit a report*  
10 *to the appropriate congressional committees with re-*  
11 *spect to such reward. The report, which may be sub-*  
12 *mitted in classified form if necessary, shall specify the*  
13 *amount of the reward paid, to whom the reward was*  
14 *paid, and the acts with respect to which the reward*  
15 *was paid. The report shall also discuss the signifi-*  
16 *cance of the information for which the reward was*  
17 *paid in dealing with those acts.*

18               “(2) *ANNUAL REPORTS.*—*Not later than 60 days*  
19 *after the end of each fiscal year, the Secretary shall*  
20 *submit a report to the appropriate congressional com-*  
21 *mittees with respect to the operation of the rewards*  
22 *program. The report shall provide information on the*  
23 *total amounts expended during the fiscal year ending*  
24 *in that year to carry out this section, including*

1        *amounts expended to publicize the availability of re-*  
2        *wards.*

3        “(h) *PUBLICATION REGARDING REWARDS OFFERED*  
4 *BY FOREIGN GOVERNMENTS.*—*Notwithstanding any other*  
5 *provision of this section, in the sole discretion of the Sec-*  
6 *retary, the resources of the rewards program shall be avail-*  
7 *able for the publication of rewards offered by foreign govern-*  
8 *ments regarding acts of international terrorism which do*  
9 *not involve United States persons or property or a violation*  
10 *of the narcotics laws of the United States.*

11        “(i) *DETERMINATIONS OF THE SECRETARY.*—*A deter-*  
12 *mination made by the Secretary under this section shall*  
13 *be final and conclusive and shall not be subject to judicial*  
14 *review.*

15        “(j) *DEFINITIONS.*—*As used in this section:*

16                “(1) *ACT OF INTERNATIONAL TERRORISM.*—*The*  
17 *term ‘act of international terrorism’ includes—*

18                        “(A) *any act substantially contributing to*  
19 *the acquisition of unsafeguarded special nuclear*  
20 *material (as defined in paragraph (8) of section*  
21 *830 of the Nuclear Proliferation Prevention Act*  
22 *of 1994 (22 U.S.C. 3201 note)) or any nuclear*  
23 *explosive device (as defined in paragraph (4) of*  
24 *that section) by an individual, group, or non-nu-*

1           *clear-weapon state (as defined in paragraph (5)*  
2           *of that section); and*

3           “(B) *any act, as determined by the Sec-*  
4           *retary, which materially supports the conduct of*  
5           *international terrorism, including the counter-*  
6           *feiting of United States currency or the illegal*  
7           *use of other monetary instruments by an indi-*  
8           *vidual, group, or country supporting inter-*  
9           *national terrorism as determined for purposes of*  
10           *section 6(j)(1)(A) of the Export Administration*  
11           *Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).*

12           “(2) *APPROPRIATE CONGRESSIONAL COMMIT-*  
13           *TEES.—The term ‘appropriate congressional commit-*  
14           *tees’ means the Committee on International Relations*  
15           *and the Committee on Appropriations of the House of*  
16           *Representatives and the Committee on Foreign Rela-*  
17           *tions and the Committee on Appropriations of the*  
18           *Senate.*

19           “(3) *MEMBER OF THE IMMEDIATE FAMILY.—The*  
20           *term ‘member of the immediate family’, with respect*  
21           *to an individual, includes—*

22                   “(A) *a spouse, parent, brother, sister, or*  
23                   *child of the individual;*

24                   “(B) *a person with respect to whom the in-*  
25                   *dividual stands in loco parentis; and*

1           “(C) any person not covered by subpara-  
2           graph (A) or (B) who is living in the individ-  
3           ual’s household and is related to the individual  
4           by blood or marriage.

5           “(4) *REWARDS PROGRAM*.—The term ‘rewards  
6           program’ means the program established in subsection  
7           (a)(1).

8           “(5) *UNITED STATES NARCOTICS LAWS*.—The  
9           term ‘United States narcotics laws’ means the laws of  
10          the United States for the prevention and control of il-  
11          licit trafficking in controlled substances (as such term  
12          is defined in section 102(6) of the Controlled Sub-  
13          stances Act (21 U.S.C. 802(6))).

14          “(6) *UNITED STATES PERSON*.—The term ‘Unit-  
15          ed States person’ means—

16                 “(A) a citizen or national of the United  
17                 States; and

18                 “(B) an alien lawfully present in the Unit-  
19                 ed States.”.

20 **SEC. 2203. RETENTION OF ADDITIONAL DEFENSE TRADE**  
21 **CONTROLS REGISTRATION FEES.**

22          Section 45(a) of the State Department Basic Authori-  
23 ties Act of 1956 (22 U.S.C. 2717(a)) is amended—

24                 (1) by striking “\$700,000 of the” and inserting  
25                 “all”;

1           (2) *at the end of paragraph (1), by striking*  
2           *“and”;*

3           (3) *in paragraph (2)—*

4                 (A) *by striking “functions” and inserting*  
5                 *“functions, including compliance and enforce-*  
6                 *ment activities,”; and*

7                 (B) *by striking the period at the end and*  
8                 *inserting “; and”; and*

9           (4) *by adding at the end the following new para-*  
10           *graph:*

11                 *“(3) the enhancement of defense trade export*  
12                 *compliance and enforcement activities, including*  
13                 *compliance audits of United States and foreign par-*  
14                 *ties, the conduct of administrative proceedings, mon-*  
15                 *itoring of end-uses in cases of direct commercial arms*  
16                 *sales or other transfers, and cooperation in proceed-*  
17                 *ings for enforcement of criminal laws related to de-*  
18                 *fense trade export controls.”.*

19   **SEC. 2204. FEES FOR COMMERCIAL SERVICES.**

20           *Section 52(b) of the State Department Basic Authori-*  
21           *ties Act of 1956 (22 U.S.C. 2724(b)) is amended by adding*  
22           *at the end the following: “Funds deposited under this sub-*  
23           *section shall remain available for obligation through Sep-*  
24           *tember 30 of the fiscal year following the fiscal year in*  
25           *which the funds were deposited.”.*



1 **SEC. 2205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIM-**  
2 **BURSEMENT.**

3 (a) *FOREIGN AFFAIRS REIMBURSEMENT.*—

4 (1) *IN GENERAL.*—Section 701 of the Foreign  
5 Service Act of 1980 (22 U.S.C. 4021) is amended—

6 (A) by redesignating subsection (d)(4) as  
7 subsection (g); and

8 (B) by inserting after subsection (d) the fol-  
9 lowing new subsections:

10 “(e)(1) *The Secretary may provide appropriate train-*  
11 *ing or related services, except foreign language training,*  
12 *through the institution to any United States person (or any*  
13 *employee or family member thereof) that is engaged in busi-*  
14 *ness abroad.*

15 “(2) *The Secretary may provide job-related training*  
16 *or related services, including foreign language training,*  
17 *through the institution to a United States person under*  
18 *contract to provide services to the United States Govern-*  
19 *ment or to any employee thereof that is performing such*  
20 *services.*

21 “(3) *Training under this subsection may be provided*  
22 *only to the extent that space is available and only on a*  
23 *reimbursable or advance-of-funds basis. Reimbursements*  
24 *and advances shall be credited to the currently available*  
25 *applicable appropriation account.*

1       “(4) Training and related services under this sub-  
2 section is authorized only to the extent that it will not inter-  
3 fere with the institution’s primary mission of training em-  
4 ployees of the Department and of other agencies in the field  
5 of foreign relations.

6       “(5) In this subsection, the term ‘United States person’  
7 means—

8               “(A) any individual who is a citizen or national  
9 of the United States; or

10              “(B) any corporation, company, partnership, as-  
11 sociation, or other legal entity that is 50 percent or  
12 more beneficially owned by citizens or nationals of the  
13 United States.

14       “(f)(1) The Secretary is authorized to provide, on a  
15 reimbursable basis, training programs to Members of Con-  
16 gress or the Judiciary.

17       “(2) Employees of the legislative branch and employees  
18 of the judicial branch may participate, on a reimbursable  
19 basis, in training programs offered by the institution.

20       “(3) Reimbursements collected under this subsection  
21 shall be credited to the currently available applicable appro-  
22 priation account.

23       “(4) Training under this subsection is authorized only  
24 to the extent that it will not interfere with the institution’s

1 *primary mission of training employees of the Department*  
2 *and of other agencies in the field of foreign relations.”.*

3 (2) *EFFECTIVE DATE.*—*The amendments made*  
4 *by paragraph (1) shall take effect on October 1, 1997.*

5 (3) *TERMINATION OF PILOT PROGRAM.*—*Effective*  
6 *October 1, 2001, section 701 of the Foreign Service*  
7 *Act of 1980 (22 U.S.C. 4021), as amended by this*  
8 *subsection, is further amended—*

9 (A) *by striking subsections (e) and (f); and*

10 (B) *by redesignating subsection (g) as para-*  
11 *graph (4) of subsection (d).*

12 (b) *FEEES FOR USE OF NATIONAL FOREIGN AFFAIRS*  
13 *TRAINING CENTER.*—*Title I of the State Department Basic*  
14 *Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amend-*  
15 *ed by adding at the end the following new section:*

16 **“SEC. 53. FEES FOR USE OF THE NATIONAL FOREIGN AF-**  
17 **FAIRS TRAINING CENTER.**

18 *“The Secretary is authorized to charge a fee for use*  
19 *of the National Foreign Affairs Training Center of the De-*  
20 *partment of State. Amounts collected under this section (in-*  
21 *cluding reimbursements and surcharges) shall be deposited*  
22 *as an offsetting collection to any Department of State ap-*  
23 *propriation to recover the costs of such use and shall remain*  
24 *available for obligation until expended.”.*

1           (c) *REPORTING ON PILOT PROGRAM.*—Two years after  
2 the date of enactment of this Act, the Secretary of State  
3 shall submit a report to the appropriate congressional com-  
4 mittees containing—

5           (1) the number of persons who have taken advan-  
6 tage of the pilot program established under sub-  
7 sections (e) and (f) of section 701 of the Foreign Serv-  
8 ice Act of 1980 and section 53 of the State Depart-  
9 ment Basic Authorities Act of 1956, as added by this  
10 section;

11           (2) the business or government affiliation of such  
12 persons;

13           (3) the amount of fees collected; and

14           (4) the impact of the program on the primary  
15 mission of the National Foreign Affairs Training  
16 Center.

17 **SEC. 2206. FEE FOR USE OF DIPLOMATIC RECEPTION**  
18 **ROOMS.**

19           Title I of the State Department Basic Authorities Act  
20 of 1956 (22 U.S.C. 2651a et seq.), as amended by this divi-  
21 sion, is further amended by adding at the end the following  
22 new section:

23 **“SEC. 54. FEE FOR USE OF DIPLOMATIC RECEPTION ROOMS.**

24           “The Secretary is authorized to charge a fee for use  
25 of the diplomatic reception rooms of the Department of

1 *State. Amounts collected under this section (including reim-*  
2 *bursements and surcharges) shall be deposited as an offset-*  
3 *ting collection to any Department of State appropriation*  
4 *to recover the costs of such use and shall remain available*  
5 *for obligation until expended.”.*

6 **SEC. 2207. ACCOUNTING OF COLLECTIONS IN BUDGET**  
7 **PRESENTATION DOCUMENTS.**

8 *Title I of the State Department Basic Authorities Act*  
9 *of 1956 (22 U.S.C. 2651a et seq.), as amended by this divi-*  
10 *sion, is further amended by adding at the end the following*  
11 *new section:*

12 **“SEC. 55. ACCOUNTING OF COLLECTIONS IN BUDGET PRES-**  
13 **ENTATION DOCUMENTS.**

14 *“The Secretary shall include in the annual Congres-*  
15 *sional Presentation Document and the Budget in Brief a*  
16 *detailed accounting of the total collections received by the*  
17 *Department of State from all sources, including fee collec-*  
18 *tions. Reporting on total collections shall also cover collec-*  
19 *tions from the preceding fiscal year and the projected ex-*  
20 *penditures from all collections accounts.”.*

21 **SEC. 2208. OFFICE OF THE INSPECTOR GENERAL.**

22 *(a) PROCEDURES.—Section 209(c) of the Foreign*  
23 *Service Act of 1980 (22 U.S.C. 3929(c)) is amended by add-*  
24 *ing at the end the following:*

1           “(4) *The Inspector General shall develop and*  
2           *provide to employees—*

3                   “(A) *information detailing their rights to*  
4                   *counsel; and*

5                   “(B) *guidelines describing in general terms*  
6                   *the policies and procedures of the Office of In-*  
7                   *pector General with respect to individuals under*  
8                   *investigation other than matters exempt from*  
9                   *disclosure under other provisions of law.”.*

10           (b) *NOTICE.—Section 209(e) of the Foreign Service Act*  
11           *of 1980 (22 U.S.C. 3929(e)) is amended by adding at the*  
12           *end the following new paragraph:*

13                   “(3) *The Inspector General shall ensure that only offi-*  
14                   *cials from the Office of the Inspector General may partici-*  
15                   *pate in formal interviews or other formal meetings with the*  
16                   *individual who is the subject of an investigation, other than*  
17                   *an intelligence-related or sensitive undercover investigation,*  
18                   *or except in those situations when the Inspector General has*  
19                   *a reasonable basis to believe that such notice would cause*  
20                   *tampering with witnesses, destroying evidence, or endanger-*  
21                   *ing the lives of individuals, unless that individual receives*  
22                   *prior adequate notice regarding participation by officials*  
23                   *of any other agency, including the Department of Justice,*  
24                   *in such interviews or meetings.”.*

25           (c) *REPORT.—*

1           (1) *IN GENERAL.*—Not later than April 30, 1998,  
2           the Inspector General of the Department of State and  
3           the Foreign Service shall submit a report to the ap-  
4           propriate congressional committees which includes the  
5           following:

6                   (A) Detailed descriptions of the internal  
7                   guidance developed or used by the Office of the  
8                   Inspector General with respect to public disclo-  
9                   sure of any information related to an ongoing  
10                  investigation of any officer or employee of the  
11                  Department of State, the United States Informa-  
12                  tion Agency, or the United States Arms Control  
13                  and Disarmament Agency.

14                  (B) Detailed descriptions of those instances  
15                  for the year ending December 31, 1997, in which  
16                  any disclosure of information to the public by an  
17                  employee of the Office of Inspector General about  
18                  an ongoing investigation occurred, including de-  
19                  tails on the recipient of the information, the date  
20                  of the disclosure, and the internal clearance proc-  
21                  ess for the disclosure.

22           (2) *STATUTORY CONSTRUCTION.*—Disclosure of  
23           information to the public under this section shall not  
24           be construed to include information shared with Con-

1       gress by an employee of the Office of the Inspector  
2       General.

3       **SEC. 2209. CAPITAL INVESTMENT FUND.**

4       Section 135 of the Foreign Relations Authorization  
5       Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2684a) is  
6       amended—

7               (1) in subsection (a), by inserting “and enhance-  
8       ment” after “procurement”;

9               (2) in subsection (c), by striking “are authorized  
10       to” and inserting “shall”;

11              (3) in subsection (d), by striking “for expendi-  
12       ture to procure capital equipment and information  
13       technology” and inserting “for purposes of subsection  
14       (a)”; and

15              (4) by amending subsection (e) to read as fol-  
16       lows:

17       “(e) **REPROGRAMMING PROCEDURES.**—Funds credited  
18       to the Capital Investment Fund shall not be available for  
19       obligation or expenditure except in compliance with the  
20       procedures applicable to reprogramming notifications  
21       under section 34 of the State Department Basic Authorities  
22       Act of 1956 (22 U.S.C. 2706).”.



1 **SEC. 2210. CONTRACTING FOR LOCAL GUARDS SERVICES**  
2 **OVERSEAS.**

3 *Section 136(c) of the Foreign Relations Authorization*  
4 *Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864(c)) is*  
5 *amended—*

6 (1) *by amending paragraph (3) to read as fol-*  
7 *lows:*

8 “(3) *in evaluating proposals for such contracts,*  
9 *award contracts to the technically acceptable firm of-*  
10 *fering the lowest evaluated price, except that propos-*  
11 *als of United States persons and qualified United*  
12 *States joint venture persons (as defined in subsection*  
13 *(d)) shall be evaluated by reducing the bid price by*  
14 *10 percent;”;*

15 (2) *by inserting “and” at the end of paragraph*  
16 *(5);*

17 (3) *by striking “; and” at the end of paragraph*  
18 *(6) and inserting a period; and*

19 (4) *by striking paragraph (7).*

20 **SEC. 2211. AUTHORITY OF THE FOREIGN CLAIMS SETTLE-**  
21 **MENT COMMISSION.**

22 *Section 4(a) of the International Claims Settlement*  
23 *Act of 1949 (22 U.S.C. 1623(a)) is amended—*

24 (1) *by redesignating paragraphs (1) and (2) as*  
25 *subparagraphs (A) and (B), respectively;*

1           (2) *in the first sentence, by striking “(a) The”*  
2           *and all that follows through the period and inserting*  
3           *the following:*

4           “(a)(1) *The Commission shall have jurisdiction to re-*  
5           *ceive, examine, adjudicate, and render a final decision with*  
6           *respect to any claim of the Government of the United States*  
7           *or of any national of the United States—*

8           “(A) *included within the terms of the Yugoslav*  
9           *Claims Agreement of 1948;*

10           “(B) *included within the terms of any claims*  
11           *agreement concluded on or after March 10, 1954, be-*  
12           *tween the Government of the United States and a for-*  
13           *foreign government (exclusive of governments against*  
14           *which the United States declared the existence of a*  
15           *state of war during World War II) similarly provid-*  
16           *ing for the settlement and discharge of claims of the*  
17           *Government of the United States and of nationals of*  
18           *the United States against a foreign government, aris-*  
19           *ing out of the nationalization or other taking of prop-*  
20           *erty, by the agreement of the Government of the Unit-*  
21           *ed States to accept from that government a sum in*  
22           *en bloc settlement thereof; or*

23           “(C) *included in a category of claims against a*  
24           *foreign government which is referred to the Commis-*  
25           *sion by the Secretary of State.”; and*

1           (3) by redesignating the second sentence as para-  
2           graph (2).

3 **SEC. 2212. EXPENSES RELATING TO CERTAIN INTER-**  
4           **NATIONAL CLAIMS AND PROCEEDINGS.**

5           (a) *RECOVERY OF CERTAIN EXPENSES.*—*The Depart-*  
6 *ment of State Appropriation Act of 1937 (22 U.S.C. 2661)*  
7 *is amended in the fifth undesignated paragraph under the*  
8 *heading entitled “INTERNATIONAL FISHERIES COMMISSION”*  
9 *by inserting “(including such expenses as salaries and other*  
10 *personnel expenses)” after “extraordinary expenses”.*

11          (b) *PROCUREMENT OF SERVICES.*—*Section 38(c) of the*  
12 *State Department Basic Authorities Act of 1956 (22 U.S.C.*  
13 *2710(c)) is amended in the first sentence by inserting “per-*  
14 *sonal and” before “other support services”.*

15 **SEC. 2213. GRANTS TO REMEDY INTERNATIONAL ABDUC-**  
16           **TIONS OF CHILDREN.**

17          *Section 7 of the International Child Abduction Rem-*  
18 *edies Act (42 U.S.C. 11606; Public Law 100–300) is*  
19 *amended by adding at the end the following new subsection:*

20          “(e) *GRANT AUTHORITY.*—*The United States Central*  
21 *Authority is authorized to make grants to, or enter into con-*  
22 *tracts or agreements with, any individual, corporation,*  
23 *other Federal, State, or local agency, or private entity or*  
24 *organization in the United States for purposes of accom-*

1 *plishing its responsibilities under the Convention and this*  
2 *Act.”.*

3 **SEC. 2214. COUNTERDRUG AND ANTICRIME ACTIVITIES OF**  
4 **THE DEPARTMENT OF STATE.**

5 *(a) COUNTERDRUG AND LAW ENFORCEMENT STRAT-*  
6 *EGY.—*

7 *(1) REQUIREMENT.—Not later than 180 days*  
8 *after the date of enactment of this Act, the Secretary*  
9 *of State shall establish, implement, and submit to*  
10 *Congress a comprehensive, long-term strategy to carry*  
11 *out the counterdrug responsibilities of the Department*  
12 *of State in a manner consistent with the National*  
13 *Drug Control Strategy. The strategy shall involve all*  
14 *elements of the Department in the United States and*  
15 *abroad.*

16 *(2) OBJECTIVES.—In establishing the strategy,*  
17 *the Secretary shall—*

18 *(A) coordinate with the Office of National*  
19 *Drug Control Policy in the development of clear,*  
20 *specific, and measurable counterdrug objectives*  
21 *for the Department that support the goals and*  
22 *objectives of the National Drug Control Strategy;*

23 *(B) develop specific and, to the maximum*  
24 *extent practicable, quantifiable measures of per-*  
25 *formance relating to the objectives, including an-*

1            *nual and long-term measures of performance, for*  
2            *purposes of assessing the success of the Depart-*  
3            *ment in meeting the objectives;*

4            *(C) assign responsibilities for meeting the*  
5            *objectives to appropriate elements of the Depart-*  
6            *ment;*

7            *(D) develop an operational structure within*  
8            *the Department that minimizes impediments to*  
9            *meeting the objectives;*

10           *(E) ensure that every United States ambas-*  
11           *sador or chief of mission is fully briefed on the*  
12           *strategy, and works to achieve the objectives; and*

13           *(F) ensure that—*

14           *(i) all budgetary requests and transfers*  
15           *of equipment (including the financing of*  
16           *foreign military sales and the transfer of ex-*  
17           *cess defense articles) relating to inter-*  
18           *national counterdrug efforts conforms with*  
19           *the objectives; and*

20           *(ii) the recommendations of the De-*  
21           *partment regarding certification determina-*  
22           *tions made by the President on March 1 as*  
23           *to the counterdrug cooperation, or adequate*  
24           *steps on its own, of each major illicit drug*  
25           *producing and drug trafficking country to*

1           *achieve full compliance with the goals and*  
2           *objectives established by the United Nations*  
3           *Convention Against Illicit Traffic in Nar-*  
4           *cotic Drugs and Psychotropic Substances*  
5           *also conform to meet such objectives.*

6           (3) *REPORTS.*—*Not later than February 15 of*  
7           *each year subsequent to the submission of the strategy*  
8           *described in paragraph (1), the Secretary shall sub-*  
9           *mit to Congress an update of the strategy. The update*  
10          *shall include—*

11                 (A) *an outline of the proposed activities*  
12                 *with respect to the strategy during the succeeding*  
13                 *year, including the manner in which such activi-*  
14                 *ties will meet the objectives set forth in para-*  
15                 *graph (2); and*

16                 (B) *detailed information on how certifi-*  
17                 *cation determinations described in paragraph*  
18                 *(2)(F) made the previous year affected achieve-*  
19                 *ment of the objectives set forth in paragraph (2)*  
20                 *for the previous calendar year.*

21           (4) *LIMITATION ON DELEGATION.*—*The Secretary*  
22           *shall designate an official in the Department who re-*  
23           *ports directly to the Secretary to oversee the imple-*  
24           *mentation of the strategy throughout the Department.*

25           (b) *INFORMATION ON INTERNATIONAL CRIMINALS.*—

1           (1) *INFORMATION SYSTEM.*—*The Secretary shall,*  
2           *in consultation with the heads of appropriate United*  
3           *States law enforcement agencies, including the Attor-*  
4           *ney General and the Secretary of the Treasury, take*  
5           *appropriate actions to establish an information sys-*  
6           *tem or improve existing information systems contain-*  
7           *ing comprehensive information on serious crimes*  
8           *committed by foreign nationals. The information sys-*  
9           *tem shall be available to United States embassies and*  
10           *missions abroad for use in consideration of applica-*  
11           *tions for visas for entry into the United States.*

12           (2) *REPORT.*—*Not later than 180 days after the*  
13           *date of enactment of this Act, the Secretary shall sub-*  
14           *mit to the appropriate congressional committees a re-*  
15           *port on the actions taken under paragraph (1).*

16           (c) *OVERSEAS COORDINATION OF COUNTERDRUG AND*  
17           *ANTICRIME PROGRAMS, POLICY, AND ASSISTANCE.*—

18           (1) *STRENGTHENING COORDINATION.*—*The re-*  
19           *sponsibilities of every diplomatic mission of the Unit-*  
20           *ed States shall include the strengthening of coopera-*  
21           *tion between and among the United States and for-*  
22           *ign governmental entities and multilateral entities*  
23           *with respect to activities relating to international*  
24           *narcotics and crime.*

25           (2) *DESIGNATION OF OFFICERS.*—

1           (A) *IN GENERAL.*—*Consistent with existing*  
2           *memoranda of understanding between the De-*  
3           *partment of State and other departments and*  
4           *agencies of the United States, including the De-*  
5           *partment of Justice, the chief of mission of every*  
6           *diplomatic mission of the United States shall*  
7           *designate an officer or officers within the mission*  
8           *to carry out the responsibility of the mission*  
9           *under paragraph (1), including the coordination*  
10          *of counterdrug, law enforcement, rule of law, and*  
11          *administration of justice programs, policy, and*  
12          *assistance. Such officer or officers shall report to*  
13          *the chief of mission, or the designee of the chief*  
14          *of mission, on a regular basis regarding activi-*  
15          *ties undertaken in carrying out such responsibil-*  
16          *ity.*

17          (B) *REPORTS.*—*The chief of mission of*  
18          *every diplomatic mission of the United States*  
19          *shall submit to the Secretary on a regular basis*  
20          *a report on the actions undertaken by the mis-*  
21          *sion to carry out such responsibility.*

22          (3) *REPORT TO CONGRESS.*—*Not later than 180*  
23          *days after the date of enactment of this Act, the Sec-*  
24          *retary shall submit to the Committee on Foreign Re-*  
25          *lations of the Senate and the Committee on Inter-*





1           “(3) the status of child labor practices in each  
2 country, including—

3           “(A) whether such country has adopted poli-  
4 cies to protect children from exploitation in the  
5 workplace, including a prohibition of forced and  
6 bonded labor and policies regarding acceptable  
7 working conditions; and

8           “(B) the extent to which each country en-  
9 forces such policies, including the adequacy of  
10 the resources and oversight dedicated to such  
11 policies;”.

12 **SEC. 2217. REPORTS AND POLICY CONCERNING DIPLO-**  
13 **MATIC IMMUNITY.**

14           *Title I of the State Department Basic Authorities Act*  
15 *of 1956 (22 U.S.C. 2651a et seq.), as amended by this divi-*  
16 *sion, is further amended by adding at the end the following*  
17 *new section:*

18 **“SEC. 56. CRIMES COMMITTED BY DIPLOMATS.**

19           “(a) *ANNUAL REPORT CONCERNING DIPLOMATIC IM-*  
20 *MUNITY.—*

21           “(1) *REPORT TO CONGRESS.—The Secretary of*  
22 *State shall prepare and submit to the Congress, annu-*  
23 *ally, a report concerning diplomatic immunity enti-*  
24 *tled “Report on Cases Involving Diplomatic Immu-*  
25 *nity”.*

1           “(2) *CONTENT OF REPORT.*—*In addition to such*  
2 *other information as the Secretary of State may con-*  
3 *sider appropriate, the report under paragraph (1)*  
4 *shall include the following:*

5                   “(A) *The number of persons residing in the*  
6 *United States who enjoy full immunity from the*  
7 *criminal jurisdiction of the United States under*  
8 *laws extending diplomatic privileges and immu-*  
9 *nities.*

10                   “(B) *Each case involving an alien described*  
11 *in subparagraph (A) in which an appropriate*  
12 *authority of a State, a political subdivision of a*  
13 *State, or the United States reported to the De-*  
14 *partment of State that the authority had reason-*  
15 *able cause to believe the alien committed a seri-*  
16 *ous criminal offense within the United States,*  
17 *and any additional information provided to the*  
18 *Secretary relating to other serious criminal of-*  
19 *fenses that any such authority had reasonable*  
20 *cause to believe the alien committed before the*  
21 *period covered by the report. The Secretary may*  
22 *omit from such report any matter the provision*  
23 *of which the Secretary reasonably believes would*  
24 *compromise a criminal investigation or prosecu-*

1            *tion or which would directly compromise law en-*  
2            *forcement or intelligence sources or methods.*

3            *“(C) Each case described in subparagraph*  
4            *(B) in which the Secretary of State has certified*  
5            *that a person enjoys full immunity from the*  
6            *criminal jurisdiction of the United States under*  
7            *laws extending diplomatic privileges and immu-*  
8            *nities.*

9            *“(D) The number of United States citizens*  
10           *who are residing in a receiving state and who*  
11           *enjoy full immunity from the criminal jurisdic-*  
12           *tion of such state under laws extending diplo-*  
13           *matic privileges and immunities.*

14           *“(E) Each case involving a United States*  
15           *citizen under subparagraph (D) in which the*  
16           *United States has been requested by the govern-*  
17           *ment of a receiving state to waive the immunity*  
18           *from criminal jurisdiction of the United States*  
19           *citizen.*

20           *“(F) Whether the Secretary has made the*  
21           *notifications referred to in subsection (c) during*  
22           *the period covered by the report.*

23           *“(3) SERIOUS CRIMINAL OFFENSE DEFINED.—*  
24           *For the purposes of this section, the term ‘serious*  
25           *criminal offense’ means—*

1           “(A) any felony under Federal, State, or  
2 local law;

3           “(B) any Federal, State, or local offense  
4 punishable by a term of imprisonment of more  
5 than 1 year;

6           “(C) any crime of violence as defined for  
7 purposes of section 16 of title 18, United States  
8 Code; or

9           “(D)(i) driving under the influence of alco-  
10 hol or drugs;

11           “(ii) reckless driving; or

12           “(iii) driving while intoxicated.

13           “(b) UNITED STATES POLICY CONCERNING REFORM  
14 OF DIPLOMATIC IMMUNITY.—It is the sense of the Congress  
15 that the Secretary of State should explore, in appropriate  
16 fora, whether states should enter into agreements and adopt  
17 legislation—

18           “(1) to provide jurisdiction in the sending state  
19 to prosecute crimes committed in the receiving state  
20 by persons entitled to immunity from criminal juris-  
21 diction under laws extending diplomatic privileges  
22 and immunities; and

23           “(2) to provide that where there is probable cause  
24 to believe that an individual who is entitled to immu-  
25 nity from the criminal jurisdiction of the receiving



1           (2) *make every effort to ensure and promote the*  
2           *participation in the competition for such procurement*  
3           *of commercial private sector providers of satellite*  
4           *space segment who have no ownership or other con-*  
5           *nection with an intergovernmental satellite organiza-*  
6           *tion; and*

7           (3) *implement the competitive procedures re-*  
8           *quired by paragraphs (1) and (2) at the prime con-*  
9           *tracting level and, to the maximum extent prac-*  
10          *ticable, the subcontracting level.*

11 **SEC. 2219. REDUCTION OF REPORTING.**

12          (a) *REPEALS.—The following provisions of law are re-*  
13          *pealed:*

14               (1) *MODEL FOREIGN LANGUAGE COMPETENCE*  
15          *POSTS.—The second sentence of section 161(c) of the*  
16          *Foreign Relations Authorization Act, Fiscal Year*  
17          *1990 and 1991 (22 U.S.C. 4171 note).*

18               (2) *ACTIONS OF THE GOVERNMENT OF HAITI.—*  
19          *Section 705(c) of the International Security and De-*  
20          *velopment Cooperation Act of 1985 (Public Law 99–*  
21          *83).*

22               (3) *TRAINING FACILITY FOR THE FOREIGN SERV-*  
23          *ICE INSTITUTE.—Section 123(e)(2) of the Foreign Re-*  
24          *lations Authorization Act, Fiscal Years 1986 and*  
25          *1987 (Public Law 99–93).*

1           (4) *MILITARY ASSISTANCE FOR HAITI.*—Section  
2           203(c) of the *Special Foreign Assistance Act of 1986*  
3           (Public Law 99–529).

4           (5) *INTERNATIONAL SUGAR AGREEMENT, 1977.*—  
5           Section 5 of the Act entitled “An Act providing for  
6           the implementation of the *International Sugar Agree-*  
7           *ment, 1977, and for other purposes*” (Public Law 96–  
8           236; 7 U.S.C. 3605 and 3606).

9           (6) *AUDIENCE SURVEY OF WORLDNET PRO-*  
10          *GRAM.*—Section 209 (c) and (d) of the *Foreign Rela-*  
11          *tions Authorization Act, Fiscal Years 1988 and 1989*  
12          (Public Law 100–204).

13          (7) *RESEARCH ON THE NEAR AND MIDDLE*  
14          *EAST.*—Section 228(b) of the *Foreign Relations Au-*  
15          *thorization Act, Fiscal Years 1992 and 1993* (Public  
16          Law 102–138; 22 U.S.C. 2452 note).

17          (b) *PROGRESS TOWARD REGIONAL NONPROLIFERA-*  
18          *TION.*—Section 620F(c) of the *Foreign Assistance Act of*  
19          1961 (22 U.S.C. 2376(c); relating to periodic reports on  
20          progress toward regional nonproliferation) is amended by  
21          striking “Not later than April 1, 1993 and every six months  
22          thereafter,” and inserting “Not later than April 1 of each  
23          year,”.

24          (c) *REPORT ON PARTICIPATION BY UNITED STATES*  
25          *MILITARY PERSONNEL ABROAD IN UNITED STATES ELEC-*



1 TIONS.—Section 101(b)(6) of the Uniformed and Overseas  
2 Citizens Absentee Voting Act of 1986 (42 U.S.C.  
3 1973ff(b)(6)) is amended by striking “of voter participa-  
4 tion” and inserting “of uniformed services voter participa-  
5 tion, a general assessment of overseas nonmilitary partici-  
6 pation,”.

7 **CHAPTER 2—CONSULAR AUTHORITIES OF**  
8 **THE DEPARTMENT OF STATE**

9 **SEC. 2221. USE OF CERTAIN PASSPORT PROCESSING FEES**  
10 **FOR ENHANCED PASSPORT SERVICES.**

11 *For the fiscal year 1998, of the fees collected for expe-*  
12 *dited passport processing and deposited to an offsetting col-*  
13 *lection pursuant to title V of the Department of State and*  
14 *Related Agencies Appropriations Act for Fiscal Year 1995*  
15 *(Public Law 103–317; 22 U.S.C. 214 note), 30 percent shall*  
16 *be available only for enhancing passport services for United*  
17 *States citizens, improving the integrity and efficiency of the*  
18 *passport issuance process, improving the secure nature of*  
19 *the United States passport, investigating passport fraud,*  
20 *and deterring entry into the United States by terrorists,*  
21 *drug traffickers, or other criminals.*

1 **SEC. 2222. SURCHARGE FOR PROCESSING CERTAIN MA-**  
2 **CHINE READABLE VISAS.**

3 *Section 140(a) of the Foreign Relations Authorization*  
4 *Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is*  
5 *amended—*

6 (1) *in paragraph (2), by striking “providing*  
7 *consular services” and inserting “the Department of*  
8 *State’s border security program, including the costs of*  
9 *the installation and operation of the machine read-*  
10 *able visa and automated name-check process, improv-*  
11 *ing the quality and security of the United States*  
12 *passport, investigations of passport and visa fraud,*  
13 *and the technological infrastructure to support the*  
14 *programs referred to in this sentence”;*

15 (2) *by striking the first sentence of paragraph*  
16 *(3) and inserting “For the fiscal year 1998, any*  
17 *amount collected under paragraph (1) that exceeds*  
18 *\$140,000,000 may be made available only if a notifi-*  
19 *cation is submitted to Congress in accordance with*  
20 *the procedures applicable to reprogramming notifica-*  
21 *tions under section 34 of the State Department Basic*  
22 *Authorities Act of 1956.”; and*

23 (3) *by striking paragraphs (4) and (5).*

24 **SEC. 2223. CONSULAR OFFICERS.**

25 (a) **PERSONS AUTHORIZED TO ISSUE REPORTS OF**  
26 **BIRTHS ABROAD.**—*Section 33 of the State Department*

1 *Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended*  
2 *in paragraph (2) by adding at the end the following: “For*  
3 *purposes of this paragraph, the term ‘consular officer’ in-*  
4 *cludes any United States citizen employee of the Depart-*  
5 *ment of State who is designated by the Secretary of State*  
6 *to adjudicate nationality abroad pursuant to such regula-*  
7 *tions as the Secretary may prescribe.”.*

8       **(b) PROVISIONS APPLICABLE TO CONSULAR OFFI-**  
9 *CERS.—Section 1689 of the Revised Statutes (22 U.S.C.*  
10 *4191) is amended by inserting “and to such other United*  
11 *States citizen employees of the Department of State as may*  
12 *be designated by the Secretary of State pursuant to such*  
13 *regulations as the Secretary may prescribe” after “such offi-*  
14 *cers”.*

15       **(c) PERSONS AUTHORIZED TO AUTHENTICATE FOR-**  
16 *EIGN DOCUMENTS.—*

17               **(1) DESIGNATED UNITED STATES CITIZENS PER-**  
18 *FORMING NOTARIAL ACTS.—Section 1750 of the Re-*  
19 *vised Statutes, as amended (22 U.S.C. 4221) is fur-*  
20 *ther amended by inserting after the first sentence: “At*  
21 *any post, port, or place where there is no consular of-*  
22 *ficer, the Secretary of State may authorize any other*  
23 *officer or employee of the United States Government*  
24 *who is a United States citizen serving overseas, in-*  
25 *cluding any contract employee of the United States*

1        *Government, to perform such acts, and any such con-*  
2        *tractor so authorized shall not be considered to be a*  
3        *consular officer.”.*

4            (2) *DEFINITION OF CONSULAR OFFICERS.—Section*  
5        *3492(c) of title 18, United States Code, is*  
6        *amended by adding at the end the following: “For*  
7        *purposes of this section and sections 3493 through*  
8        *3496 of this title, the term ‘consular officers’ includes*  
9        *any United States citizen who is designated to per-*  
10       *form notarial functions pursuant to section 1750 of*  
11       *the Revised Statutes, as amended (22 U.S.C. 4221).”.*

12           (d) *PERSONS AUTHORIZED TO ADMINISTER OATHS.—*  
13        *Section 115 of title 35, United States Code, is amended by*  
14        *adding at the end the following: “For purposes of this sec-*  
15        *tion, a consular officer shall include any United States citi-*  
16        *zen serving overseas, authorized to perform notarial func-*  
17        *tions pursuant to section 1750 of the Revised Statutes, as*  
18        *amended (22 U.S.C. 4221).”.*

19           (e) *DEFINITION OF CONSULAR OFFICER.—Section*  
20        *101(a)(9) of the Immigration and Nationality Act (8*  
21        *U.S.C. 1101(a)(9)) is amended by—*

22            (1) *inserting “or employee” after “officer” the*  
23        *second place it appears; and*

1           (2) *inserting before the period at the end of the*  
2           *sentence “or, when used in title III, for the purpose*  
3           *of adjudicating nationality”.*

4           (f) *TRAINING FOR EMPLOYEES PERFORMING CON-*  
5           *SULAR FUNCTIONS.—Section 704 of the Foreign Service Act*  
6           *of 1980 (22 U.S.C. 4024) is amended by adding at the end*  
7           *the following new subsection:*

8           “(d)(1) *Before a United States citizen employee (other*  
9           *than a diplomatic or consular officer of the United States)*  
10          *may be designated by the Secretary of State, pursuant to*  
11          *regulation, to perform a consular function abroad, the Unit-*  
12          *ed States citizen employee shall—*

13                 “(A) *be required to complete successfully a pro-*  
14                 *gram of training essentially equivalent to the train-*  
15                 *ing that a consular officer who is a member of the*  
16                 *Foreign Service would receive for purposes of per-*  
17                 *forming such function; and*

18                 “(B) *be certified by an appropriate official of the*  
19                 *Department of State to be qualified by knowledge and*  
20                 *experience to perform such function.*

21           “(2) *As used in this subsection, the term ‘consular*  
22           *function’ includes the issuance of visas, the performance of*  
23           *notarial and other legalization functions, the adjudication*  
24           *of passport applications, the adjudication of nationality,*  
25           *and the issuance of citizenship documentation.”.*

1 **SEC. 2224. REPEAL OF OUTDATED CONSULAR RECEIPT RE-**  
2 **QUIREMENTS.**

3 *Sections 1726, 1727, and 1728 of the Revised Statutes*  
4 *of the United States (22 U.S.C. 4212, 4213, and 4214), as*  
5 *amended (relating to accounting for consular fees) are re-*  
6 *pealed.*

7 **SEC. 2225. ELIMINATION OF DUPLICATE FEDERAL REG-**  
8 **ISTER PUBLICATION FOR TRAVEL**  
9 **ADVISORIES.**

10 *(a) FOREIGN AIRPORTS.—Section 44908(a) of title 49,*  
11 *United States Code, is amended—*

12 *(1) by inserting “and” at the end of paragraph*

13 *(1);*

14 *(2) by striking paragraph (2); and*

15 *(3) by redesignating paragraph (3) as para-*  
16 *graph (2).*

17 *(b) FOREIGN PORTS.—Section 908(a) of the Inter-*  
18 *national Maritime and Port Security Act of 1986 (46*  
19 *U.S.C. App. 1804(a)) is amended by striking the second*  
20 *sentence, relating to Federal Register publication by the*  
21 *Secretary of State.*

22 **SEC. 2226. DENIAL OF VISAS TO CONFISCATORS OF AMER-**  
23 **ICAN PROPERTY.**

24 *(a) DENIAL OF VISAS.—Except as otherwise provided*  
25 *in section 401 of the Cuban Liberty and Democratic Soli-*  
26 *darity (LIBERTAD) Act of 1996 (Public Law 104–114),*

1 *and subject to subsection (b), the Secretary of State may*  
2 *deny the issuance of a visa to any alien who—*

3 *(1) through the abuse of position, including a*  
4 *governmental or political party position, converts or*  
5 *has converted for personal gain real property that has*  
6 *been confiscated or expropriated, a claim to which is*  
7 *owned by a national of the United States, or who is*  
8 *complicit in such a conversion; or*

9 *(2) induces any of the actions or omissions de-*  
10 *scribed in paragraph (1) by any person.*

11 *(b) EXCEPTIONS.—Subsection (a) shall not apply to—*

12 *(1) any country established by international*  
13 *mandate through the United Nations; or*

14 *(2) any territory recognized by the United States*  
15 *Government to be in dispute.*

16 *(c) REPORTING REQUIREMENT.—Not later than 6*  
17 *months after the date of enactment of this Act, and every*  
18 *12 months thereafter, the Secretary of State shall submit*  
19 *to the Speaker of the House of Representatives and to the*  
20 *chairman of the Committee on Foreign Relations of the Sen-*  
21 *ate a report, including—*

22 *(1) a list of aliens who have been denied a visa*  
23 *under this subsection; and*

24 *(2) a list of aliens who could have been denied*  
25 *a visa under subsection (a) but were issued a visa*

1       *and an explanation as to why each such visa was is-*  
2       *sued.*

3   **SEC. 2227. INADMISSIBILITY OF ANY ALIEN SUPPORTING AN**  
4                                   **INTERNATIONAL CHILD ABDUCTOR.**

5       *(a) AMENDMENT OF IMMIGRATION AND NATIONALITY*  
6   *ACT.—Section 212(a)(10)(C) of the Immigration and Na-*  
7   *tionality Act (8 U.S.C. 1182(a)(10)(C)) is amended by*  
8   *striking clause (i) and inserting the following:*

9                                   *“(i) ALIENS SUPPORTING ABDUCTORS*  
10                                   *AND RELATIVES OF ABDUCTORS.—Any alien*  
11                                   *who—*

12                                   *“(I) is known by the Secretary of*  
13                                   *State to have intentionally assisted an*  
14                                   *alien in the conduct described in clause*  
15                                   *(i),*

16                                   *“(II) is known by the Secretary of*  
17                                   *State to be intentionally providing ma-*  
18                                   *terial support or safe haven to an alien*  
19                                   *described in clause (i), or*

20                                   *“(III) is a spouse (other than the*  
21                                   *spouse who is the parent of the ab-*  
22                                   *ducted child), child (other than the ab-*  
23                                   *ducted child), parent, sibling, or agent*  
24                                   *of an alien described in clause (i), if*  
25                                   *such person has been designated by the*



1           *Secretary of State at the Secretary's*  
2           *sole and unreviewable discretion,*  
3           *is inadmissible until the child described in*  
4           *clause (i) is surrendered to the person*  
5           *granted custody by the order described in*  
6           *that clause, and such person and child are*  
7           *permitted to return to the United States or*  
8           *such person's place of residence.*

9           “(iii) *EXCEPTIONS.—Clauses (i) and*  
10          *(ii) shall not apply—*

11                 “(I) *to a government official of*  
12                 *the United States who is acting within*  
13                 *the scope of his or her official duties;*

14                 “(II) *to a government official of*  
15                 *any foreign government if the official*  
16                 *has been designated by the Secretary of*  
17                 *State at the Secretary's sole and*  
18                 *unreviewable discretion; or*

19                 “(III) *so long as the child is lo-*  
20                 *cated in a foreign state that is a party*  
21                 *to the Convention on the Civil Aspects*  
22                 *of International Child Abduction, done*  
23                 *at The Hague on October 25, 1980.”.*

1           (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
2 *section (a) shall apply to aliens seeking admission to the*  
3 *United States on or after the date of enactment of this Act.*

4 **SEC. 2228. HAITI; EXCLUSION OF CERTAIN ALIENS; REPORT-**  
5 **ING REQUIREMENTS.**

6           (a) *GROUND FOR EXCLUSION.*—*Except as provided*  
7 *in subsection (c), a consular officer shall not issue a visa*  
8 *to, and the Attorney General shall exclude from the United*  
9 *States, any alien who the Secretary of State, in the Sec-*  
10 *retary's sole and unreviewable discretion, has reason to be-*  
11 *lieve is a person who—*

12                 (1) *has been credibly alleged to have ordered,*  
13 *carried out, or materially assisted, in the*  
14 *extrajudicial and political killings of Antoine Izmerly,*  
15 *Guy Malary, Father Jean-Marie Vincent, Pastor*  
16 *Antoine Leroy, Jacques Fleurival, Mireille Durocher*  
17 *Bertin, Eugene Baillergeau, Michelange Hermann,*  
18 *Max Mayard, Romulus Dumarsais, Claude Yves*  
19 *Marie, Mario Beaubrun, Leslie Grimar, Joseph*  
20 *Chilove, Michel Gonzalez, and Jean-Hubert Feuille;*

21                 (2) *was included in the list presented to former*  
22 *president Jean-Bertrand Aristide by former National*  
23 *Security Council Advisor Anthony Lake in December*  
24 *1995, and acted upon by President Rene Preval;*

1           (3) was sought for an interview by the Federal  
2 Bureau of Investigation as part of its inquiry into  
3 the March 28, 1995, murder of Mireille Durocher  
4 Bertin and Eugene Baillergeau, Jr., and was credibly  
5 alleged to have ordered, carried out, or materially as-  
6 sisted, in those murders, per a June 28, 1995, letter  
7 to the then Minister of Justice of the Government of  
8 Haiti, Jean-Joseph Exume;

9           (4)(A) was a member of the Haitian High Com-  
10 mand during the period 1991–1994, who has been  
11 credibly alleged to have planned, ordered, or partici-  
12 pated with members of the Haitian Armed Forces in  
13 the September 1991 coup against the duly elected  
14 Government of Haiti or the subsequent murders of as  
15 many as three thousand Haitians during that period;  
16 or

17           (B) is an immediate relative of an individual  
18 described in subparagraph (A); or

19           (5) has been credibly alleged to have been a  
20 member of the paramilitary organization known as  
21 FRAPH who planned, ordered, or participated in  
22 acts of violence against the Haitian people.

23           (b) EXEMPTION.—Subsection (a) shall not apply where  
24 the Secretary of State finds, on a case by case basis, that  
25 the entry into the United States of the person who would

1 *otherwise be excluded under subsection (a) is necessary for*  
2 *medical reasons, or such person has cooperated fully with*  
3 *the investigation of the political murders or acts of violence*  
4 *described in subsection (a). If the Secretary of State exempts*  
5 *such a person, the Secretary shall notify the appropriate*  
6 *congressional committees in writing.*

7 *(c) REPORTING REQUIREMENT ON EXCLUSION OF*  
8 *CERTAIN HAITIAN ALIENS.—*

9 *(1) PREPARATION OF LIST.—The United States*  
10 *chief of mission in Haiti shall provide the Secretary*  
11 *of State a list of those who have been credibly alleged*  
12 *to have ordered or carried out the extrajudicial and*  
13 *political killings referred to in paragraph (1) of sub-*  
14 *section (a).*

15 *(2) SUBMISSION OF LIST TO CONGRESS.—Not*  
16 *later than 3 months after the date of enactment of this*  
17 *Act, the Secretary of State shall submit the list pro-*  
18 *vided under paragraph (1) to the appropriate con-*  
19 *gressional committees.*

20 *(3) LISTS OF VISA DENIALS AND EXCLUSIONS.—*  
21 *The Secretary of State shall submit to the Committee*  
22 *on Foreign Relations and the Committee on the Judi-*  
23 *ciary of the Senate and the Committee on Inter-*  
24 *national Relations and the Committee on the Judici-*  
25 *ary of the House of Representatives a list of aliens de-*

1        *nied visas, and the Attorney General shall submit to*  
2        *the appropriate congressional committees a list of*  
3        *aliens refused entry to the United States, as a result*  
4        *of subsection (a).*

5            *(4) DURATION FOR SUBMISSION OF LISTS.—The*  
6        *Secretary shall submit the list under paragraph (3)*  
7        *not later than six months after the date of enactment*  
8        *of this Act and not later than March 1 of each year*  
9        *thereafter as long as the Government of Haiti has not*  
10       *completed the investigation of the extrajudicial and*  
11       *political killings and has not prosecuted those impli-*  
12       *cated for the killings specified in paragraph (1) of*  
13       *subsection (a).*

14           *(d) REPORT ON THE COST OF UNITED STATES ACTIVI-*  
15       *TIES IN HAITI.—(1) Not later than January 1, 1998, and*  
16       *every 6 months thereafter, the President shall submit a re-*  
17       *port to Congress on the situation in Haiti, including—*

18            *(A) a listing of the units of the United States*  
19        *Armed Forces or Coast Guard and of the police and*  
20        *military units of other nations participating in oper-*  
21        *ations in and around Haiti;*

22            *(B) incidents of the use of force in Haiti involv-*  
23        *ing hostile acts against United States Armed Forces*  
24        *or Coast Guard personnel during the period covered*  
25        *by the report;*

1           (C) *the estimated cumulative program costs of*  
2 *all United States activities in Haiti during the pe-*  
3 *riod covered by the report, including—*

4                 (i) *the incremental cost of deployments of*  
5 *United States Armed Forces and Coast Guard*  
6 *personnel training, exercises, mobilization, and*  
7 *preparation activities, including the United*  
8 *States contribution to the training and transpor-*  
9 *tation of police and military units of other na-*  
10 *tions of any multilateral force involved in activi-*  
11 *ties in Haiti;*

12               (ii) *the costs of all other activities relating*  
13 *to United States policy toward Haiti, including*  
14 *humanitarian assistance, reconstruction assist-*  
15 *ance, assistance under part I of the Foreign As-*  
16 *sistance Act of 1961, and other financial assist-*  
17 *ance, and all other costs to the United States*  
18 *Government; and*

19           (D) *a detailed accounting of the source of funds*  
20 *obligated or expended to meet the costs described in*  
21 *paragraph (3), including—*

22                 (i) *in the case of amounts expended out of*  
23 *funds available to the Department of Defense*  
24 *budget, by military service or defense agency,*  
25 *line item, and program; and*

1           (ii) in the case of amounts expended out of  
2           funds available to departments and agencies  
3           other than the Department of Defense, by depart-  
4           ment or agency and program.

5           (2) *DEFINITION.*—In this section, the term “period  
6 covered by the report” means the 6-month period prior to  
7 the date the report is required to be submitted, except that,  
8 in the case of the initial report, the term means the period  
9 since the date of enactment of the Foreign Relations Author-  
10 ization Act, Fiscal Years 1998 and 1999.

## 11   **CHAPTER 3—REFUGEES AND MIGRATION**

### 12           **Subchapter A—Authorization of** 13           **Appropriations**

#### 14   **SEC. 2231. MIGRATION AND REFUGEE ASSISTANCE.**

15           (a) *MIGRATION AND REFUGEE ASSISTANCE.*—

16           (1) *AUTHORIZATION OF APPROPRIATIONS.*—  
17           There are authorized to be appropriated for “Migra-  
18           tion and Refugee Assistance” for authorized activities,  
19           \$650,000,000 for the fiscal year 1998 and  
20           \$704,500,000 for the fiscal year 1999.

21           (2) *LIMITATIONS.*—

22           (A) *LIMITATION REGARDING TIBETAN REFU-*  
23           *GEEES IN INDIA AND NEPAL.*—Of the amounts au-  
24           thorized to be appropriated in paragraph (1),  
25           \$1,000,000 for the fiscal year 1998 and

1           \$1,000,000 for the fiscal year 1999 are author-  
2           ized to be available only for humanitarian as-  
3           sistance, including food, medicine, clothing, and  
4           medical and vocational training, to Tibetan ref-  
5           ugees in India and Nepal who have fled Chinese-  
6           occupied Tibet.

7           (B) REFUGEES RESETTLING IN ISRAEL.—Of  
8           the amounts authorized to be appropriated in  
9           paragraph (1), \$80,000,000 for the fiscal year  
10          1998 and \$80,000,000 for the fiscal year 1999  
11          are authorized to be available for assistance for  
12          refugees resettling in Israel from other countries.

13          (C) HUMANITARIAN ASSISTANCE FOR DIS-  
14          PLACED BURMESE.—Of the amounts authorized  
15          to be appropriated in paragraph (1), \$1,500,000  
16          for the fiscal year 1998 and \$1,500,000 for the  
17          fiscal year 1999 for humanitarian assistance are  
18          authorized to be available, including food, medi-  
19          cine, clothing, and medical and vocational train-  
20          ing, to persons displaced as a result of civil con-  
21          flict in Burma, including persons still within  
22          Burma.

23          (b) AVAILABILITY OF FUNDS.—Funds appropriated  
24          pursuant to this section are authorized to remain available  
25          until expended.



**Subchapter B—Authorities****SEC. 2241. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.**

(a) *IN GENERAL.*—None of the funds made available by this subdivision shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) *MIGRATION AND REFUGEE ASSISTANCE.*—None of the funds made available by section 2231 of this division or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

1           (c) *INVOLUNTARY RETURN DEFINED.*—As used in this  
2 section, the term “to effect the involuntary return” means  
3 to require, by means of physical force or circumstances  
4 amounting to a threat thereof, a person to return to a coun-  
5 try against the person’s will, regardless of whether the per-  
6 son is physically present in the United States and regard-  
7 less of whether the United States acts directly or through  
8 an agent.

9   **SEC. 2242. UNITED STATES POLICY WITH RESPECT TO THE**  
10                           **INVOLUNTARY RETURN OF PERSONS IN DAN-**  
11                           **GER OF SUBJECTION TO TORTURE.**

12           (a) *POLICY.*—It shall be the policy of the United States  
13 not to expel, extradite, or otherwise effect the involuntary  
14 return of any person to a country in which there are sub-  
15 stantial grounds for believing the person would be in danger  
16 of being subjected to torture, regardless of whether the person  
17 is physically present in the United States.

18           (b) *REGULATIONS.*—Not later than 120 days after the  
19 date of enactment of this Act, the heads of the appropriate  
20 agencies shall prescribe regulations to implement the obliga-  
21 tions of the United States under Article 3 of the United  
22 Nations Convention Against Torture and Other Forms of  
23 Cruel, Inhuman or Degrading Treatment or Punishment,  
24 subject to any reservations, understandings, declarations,

1 *and provisos contained in the United States Senate resolu-*  
2 *tion of ratification of the Convention.*

3 (c) *EXCLUSION OF CERTAIN ALIENS.—To the maxi-*  
4 *imum extent consistent with the obligations of the United*  
5 *States under the Convention, subject to any reservations,*  
6 *understandings, declarations, and provisos contained in the*  
7 *United States Senate resolution of ratification of the Con-*  
8 *vention, the regulations described in subsection (b) shall ex-*  
9 *clude from the protection of such regulations aliens de-*  
10 *scribed in section 241(b)(3)(B) of the Immigration and Na-*  
11 *tionality Act (8 U.S.C. 1231(b)(3)(B)).*

12 (d) *REVIEW AND CONSTRUCTION.—Notwithstanding*  
13 *any other provision of law, and except as provided in the*  
14 *regulations described in subsection (b), no court shall have*  
15 *jurisdiction to review the regulations adopted to implement*  
16 *this section, and nothing in this section shall be construed*  
17 *as providing any court jurisdiction to consider or review*  
18 *claims raised under the Convention or this section, or any*  
19 *other determination made with respect to the application*  
20 *of the policy set forth in subsection (a), except as part of*  
21 *the review of a final order of removal pursuant to section*  
22 *242 of the Immigration and Nationality Act (8 U.S.C.*  
23 *1252).*

24 (e) *AUTHORITY TO DETAIN.—Nothing in this section*  
25 *shall be construed as limiting the authority of the Attorney*

1 *General to detain any person under any provision of law,*  
2 *including, but not limited to, any provision of the Immi-*  
3 *gration and Nationality Act.*

4 (f) *DEFINITIONS.—*

5 (1) *CONVENTION DEFINED.—In this section, the*  
6 *term “Convention” means the United Nations Con-*  
7 *vention Against Torture and Other Forms of Cruel,*  
8 *Inhuman or Degrading Treatment or Punishment,*  
9 *done at New York on December 10, 1984.*

10 (2) *SAME TERMS AS IN THE CONVENTION.—Ex-*  
11 *cept as otherwise provided, the terms used in this sec-*  
12 *tion have the meanings given those terms in the Con-*  
13 *vention, subject to any reservations, understandings,*  
14 *declarations, and provisos contained in the United*  
15 *States Senate resolution of ratification of the Conven-*  
16 *tion.*

17 **SEC. 2243. REPROGRAMMING OF MIGRATION AND REFUGEE**  
18 **ASSISTANCE FUNDS.**

19 *Section 34 of the State Department Basic Authorities*  
20 *Act of 1956 (22 U.S.C. 2706) is amended—*

21 (1) *in subsection (a)—*

22 (A) *by striking “Foreign Affairs” and in-*  
23 *serting “International Relations and the Com-*  
24 *mittee on Appropriations”; and*

1                   (B) by inserting “and the Committee on  
2                   Appropriations” after “Foreign Relations”; and  
3                   (2) by adding at the end the following new sub-  
4                   section:

5                   “(c) The Secretary of State may waive the notification  
6                   requirement of subsection (a), if the Secretary determines  
7                   that failure to do so would pose a substantial risk to human  
8                   health or welfare. In the case of any waiver under this sub-  
9                   section, notification to the Committee on Foreign Relations  
10                  and the Committee on Appropriations of the Senate and  
11                  the Committee on International Relations and the Commit-  
12                  tee on Appropriations of the House of Representatives shall  
13                  be provided as soon as practicable, but not later than 3  
14                  days after taking the action to which the notification re-  
15                  quirement was applicable, and shall contain an expla-  
16                  nation of the emergency circumstances.”.

17                  **SEC. 2244. ELIGIBILITY FOR REFUGEE STATUS.**

18                  Section 584 of the Foreign Operations, Export Financ-  
19                  ing, and Related Programs Appropriations Act, 1997 (Pub-  
20                  lic Law 104–208; 110 Stat. 3009–171) is amended—

21                         (1) in subsection (a)—

22                                 (A) by striking “For purposes” and insert-  
23                                 ing “Notwithstanding any other provision of  
24                                 law, for purposes”; and

1           (B) by striking “fiscal year 1997” and in-  
2           serting “fiscal years 1997 and 1998”; and

3           (2) by amending subsection (b) to read as fol-  
4           lows:

5           “(b) *ALIENS COVERED.*—

6           “(1) *IN GENERAL.*— *An alien described in this*  
7           *subsection is an alien who—*

8           “(A) *is the son or daughter of a qualified*  
9           *national;*

10           “(B) *is 21 years of age or older; and*

11           “(C) *was unmarried as of the date of ac-*  
12           *ceptance of the alien’s parent for resettlement*  
13           *under the Orderly Departure Program.*

14           “(2) *QUALIFIED NATIONAL.*—*For purposes of*  
15           *paragraph (1), the term ‘qualified national’ means a*  
16           *national of Vietnam who—*

17           “(A)(i) *was formerly interned in a reeduca-*  
18           *tion camp in Vietnam by the Government of the*  
19           *Socialist Republic of Vietnam; or*

20           “(i) *is the widow or widower of an indi-*  
21           *vidual described in clause (i); and*

22           “(B)(i) *qualified for refugee processing*  
23           *under the reeducation camp internees subpro-*  
24           *gram of the Orderly Departure Program; and*

1                   “(ii) on or after April 1, 1995, is or has  
2                   been accepted—

3                   “(I) for resettlement as a refugee; or

4                   “(II) for admission as an immigrant  
5                   under the Orderly Departure Program.”.

6 **SEC. 2245. REPORTS TO CONGRESS CONCERNING CUBAN**  
7                   **EMIGRATION POLICIES.**

8                   *Beginning not later than 6 months after the date of*  
9                   *enactment of this Act, and every 6 months thereafter, the*  
10                  *Secretary of State shall supplement the monthly report to*  
11                  *Congress entitled “Update on Monitoring of Cuban Migrant*  
12                  *Returnees” with additional information concerning the*  
13                  *methods employed by the Government of Cuba to enforce*  
14                  *the United States-Cuba agreement of September 1994 and*  
15                  *the treatment by the Government of Cuba of persons who*  
16                  *have returned to Cuba pursuant to the United States-Cuba*  
17                  *agreement of May 1995.*

1 **TITLE XXIII—ORGANIZATION OF**  
2 **THE DEPARTMENT OF STATE;**  
3 **DEPARTMENT OF STATE PER-**  
4 **SONNEL; THE FOREIGN**  
5 **SERVICE**

6 **CHAPTER 1—ORGANIZATION OF THE**  
7 **DEPARTMENT OF STATE**

8 **SEC. 2301. COORDINATOR FOR COUNTERTERRORISM.**

9 (a) *ESTABLISHMENT.*—Section 1 of the State Depart-  
10 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a) is  
11 amended by adding at the end the following new subsection:

12 “(f) *COORDINATOR FOR COUNTERTERRORISM.*—

13 “(1) *IN GENERAL.*—There is within the office of  
14 the Secretary of State a Coordinator for Counter-  
15 terrorism (in this paragraph referred to as the ‘Coor-  
16 dinator’) who shall be appointed by the President, by  
17 and with the advice and consent of the Senate.

18 “(2) *DUTIES.*—

19 “(A) *IN GENERAL.*—The Coordinator shall  
20 perform such duties and exercise such powers as  
21 the Secretary of State shall prescribe.

22 “(B) *DUTIES DESCRIBED.*—The principal  
23 duty of the Coordinator shall be the overall su-  
24 pervision (including policy oversight of re-  
25 sources) of international counterterrorism activi-





1           “(g) *QUALIFICATIONS OF OFFICER HAVING PRIMARY*  
2 *RESPONSIBILITY FOR PERSONNEL MANAGEMENT.*—*The of-*  
3 *ficer of the Department of State with primary responsibil-*  
4 *ity for assisting the Secretary of State with respect to mat-*  
5 *ters relating to personnel in the Department of State, or*  
6 *that officer’s principal deputy, shall have substantial pro-*  
7 *fessional qualifications in the field of human resource policy*  
8 *and management.”.*

9 **SEC. 2304. DIPLOMATIC SECURITY.**

10           *Section 1 of the State Department Basic Authorities*  
11 *Act of 1956 (22 U.S.C. 2651a), as amended by this division,*  
12 *is further amended by adding at the end the following new*  
13 *subsection:*

14           “(h) *QUALIFICATIONS OF OFFICER HAVING PRIMARY*  
15 *RESPONSIBILITY FOR DIPLOMATIC SECURITY.*—*The officer*  
16 *of the Department of State with primary responsibility for*  
17 *assisting the Secretary of State with respect to diplomatic*  
18 *security, or that officer’s principal deputy, shall have sub-*  
19 *stantial professional qualifications in the fields of (1) man-*  
20 *agement, and (2) Federal law enforcement, intelligence, or*  
21 *security.”.*

22 **SEC. 2305. NUMBER OF SENIOR OFFICIAL POSITIONS AU-**  
23 **THORIZED FOR THE DEPARTMENT OF STATE.**

24           (a) *UNDER SECRETARIES.*—

1           (1) *IN GENERAL.*—Section 1(b) of the State De-  
2           partment Basic Authorities Act of 1956 (22 U.S.C.  
3           2651a(b)) is amended by striking “5” and inserting  
4           “6”.

5           (2) *CONFORMING AMENDMENT TO TITLE 5.*—Sec-  
6           tion 5314 of title 5, United States Code, is amended  
7           by striking “Under Secretaries of State (5)” and in-  
8           serting “Under Secretaries of State (6)”.

9           (b) *ASSISTANT SECRETARIES.*—

10           (1) *IN GENERAL.*—Section 1(c)(1) of the State  
11           Department Basic Authorities Act of 1956 (22 U.S.C.  
12           2651a(c)(1)) is amended by striking “20” and insert-  
13           ing “24”.

14           (2) *CONFORMING AMENDMENT TO TITLE 5.*—Sec-  
15           tion 5315 of title 5, United States Code, is amended  
16           by striking “Assistant Secretaries of State (20)” and  
17           inserting “Assistant Secretaries of State (24)”.

18           (c) *DEPUTY ASSISTANT SECRETARIES.*—Section 1 of  
19           the State Department Basic Authorities Act of 1956 (22  
20           U.S.C. 2651a), as amended by this division, is further  
21           amended—

22           (1) by striking subsection (d); and

23           (2) by redesignating subsections (e), (f), (g), and

24           (h) as subsections (d), (e), (f), and (g), respectively.

1 **SEC. 2306. NOMINATION OF UNDER SECRETARIES AND AS-**  
2 **SISTANT SECRETARIES OF STATE.**

3 (a) *UNDER SECRETARIES OF STATE.*—Section 1(b) of  
4 *the State Department Basic Authorities Act of 1956 (22*  
5 *U.S.C. 2651a(c)), as amended by this division, is further*  
6 *amended by adding at the end the following new paragraph:*

7 “(4) *NOMINATION OF UNDER SECRETARIES.*—  
8 *Whenever the President submits to the Senate a nomi-*  
9 *nation of an individual for appointment to a position*  
10 *in the Department of State that is described in para-*  
11 *graph (1), the President shall designate the particular*  
12 *Under Secretary position in the Department of State*  
13 *that the individual shall have.”.*

14 (b) *ASSISTANT SECRETARIES OF STATE.*—Section 1(c)  
15 *of the State Department Basic Authorities Act of 1956 (22*  
16 *U.S.C. 2651a(c)), as amended by this division, is further*  
17 *amended by adding at the end the following new paragraph:*

18 “(3) *NOMINATION OF ASSISTANT SECRETAR-*  
19 *IES.*—*Whenever the President submits to the Senate a*  
20 *nomination of an individual for appointment to a*  
21 *position in the Department of State that is described*  
22 *in paragraph (1), the President shall designate the re-*  
23 *gional or functional bureau or bureaus of the Depart-*  
24 *ment of State with respect to which the individual*  
25 *shall have responsibility.”.*

1 **CHAPTER 2—PERSONNEL OF THE DEPART-**  
2 **MENT OF STATE; THE FOREIGN SERV-**  
3 **ICE**

4 **SEC. 2311. FOREIGN SERVICE REFORM.**

5 (a) *PERFORMANCE PAY.*—Section 405 of the Foreign  
6 Service Act of 1980 (22 U.S.C. 3965) is amended—

7 (1) in subsection (a), by striking “Members” and  
8 inserting “Subject to subsection (e), members”; and

9 (2) by adding at the end the following new sub-  
10 section:

11 “(e) Notwithstanding any other provision of law, the  
12 Secretary of State may provide for recognition of the meri-  
13 torious or distinguished service of any member of the For-  
14 eign Service described in subsection (a) (including any  
15 member of the Senior Foreign Service) by means other than  
16 an award of performance pay in lieu of making such an  
17 award under this section.”.

18 (b) *EXPEDITED SEPARATION OUT.*—

19 (1) *SEPARATION OF LOWEST RANKED FOREIGN*  
20 *SERVICE MEMBERS.*—Not later than 90 days after the  
21 date of enactment of this Act, the Secretary of State  
22 shall develop and implement procedures to identify,  
23 and recommend for separation, any member of the  
24 Foreign Service ranked by promotion boards of the  
25 Department of State in the bottom 5 percent of his or

1       her class for 2 or more of the 5 years preceding the  
2       date of enactment of this Act (in this subsection re-  
3       ferred to as the “years of lowest ranking”) if the rat-  
4       ing official for such member was not the same indi-  
5       vidual for any two of the years of lowest ranking.

6               (2) *SPECIAL INTERNAL REVIEWS.*—In any case  
7       where the member was evaluated by the same rating  
8       official in any 2 of the years of lowest ranking, an  
9       internal review of the member’s file shall be conducted  
10      to determine whether the member should be considered  
11      for action leading to separation.

12              (3) *PROCEDURES.*—The Secretary of State shall  
13      develop procedures for the internal reviews required  
14      under paragraph (2).

15 **SEC. 2312. RETIREMENT BENEFITS FOR INVOLUNTARY**  
16 **SEPARATION.**

17       (a) *BENEFITS.*—Section 609 of the Foreign Service Act  
18      of 1980 (22 U.S.C. 4009) is amended—

19              (1) in subsection (a)(2)(A), by inserting “or any  
20      other applicable provision of chapter 84 of title 5,  
21      United States Code,” after “section 811”;

22              (2) in subsection (a), by inserting “or section  
23      855, as appropriate” after “section 806”; and

24              (3) in subsection (b)(2)—

1           (A) by striking “(2)” and inserting “(2)(A)  
2           for those participants in the Foreign Service Re-  
3           tirement and Disability System,”; and

4           (B) by inserting before the period at the end  
5           “; and (B) for those participants in the Foreign  
6           Service Pension System, benefits as provided in  
7           section 851”; and

8           (4) in subsection (b) in the matter following  
9           paragraph (2), by inserting “(for participants in the  
10          Foreign Service Retirement and Disability System)  
11          or age 62 (for participants in the Foreign Service  
12          Pension System)” after “age 60”.

13          (b) *ENTITLEMENT TO ANNUITY*.—Section 855(b) of the  
14          Foreign Service Act of 1980 (22 U.S.C. 4071d(b)) is amend-  
15          ed—

16               (1) in paragraph (1)—

17                       (A) by inserting “611,” after “608,”;

18                       (B) by inserting “or for participants in the  
19                       Foreign Service Pension System,” after “for par-  
20                       ticipants in the Foreign Service Retirement and  
21                       Disability System”; and

22                       (C) by striking “Service shall” and insert-  
23                       ing “Service, shall”; and

24               (2) in paragraph (3), by striking “or 610” and  
25               inserting “610, or 611”.

1       (c) *EFFECTIVE DATES.*—

2           (1) *IN GENERAL.*—*Except as provided in para-*  
3 *graph (2), the amendments made by this section shall*  
4 *take effect on the date of the enactment of this Act.*

5           (2) *EXCEPTIONS.*—*The amendments made by*  
6 *paragraphs (2) and (3) of subsection (a) and para-*  
7 *graphs (1)(A) and (2) of subsection (b) shall apply*  
8 *with respect to any actions taken under section 611*  
9 *of the Foreign Service Act of 1980 on or after Janu-*  
10 *ary 1, 1996.*

11 **SEC. 2313. AUTHORITY OF SECRETARY TO SEPARATE**  
12 **CONVICTED FELONS FROM THE FOREIGN**  
13 **SERVICE.**

14       Section 610(a)(2) of the Foreign Service Act of 1980  
15 (22 U.S.C. 4010(a)(2)) is amended in the first sentence by  
16 striking “A member” and inserting “Except in the case of  
17 an individual who has been convicted of a crime for which  
18 a sentence of imprisonment of more than 1 year may be  
19 imposed, a member”.

20 **SEC. 2314. CAREER COUNSELING.**

21       (a) *IN GENERAL.*—Section 706(a) of the Foreign Serv-  
22 *ice Act of 1980 (22 U.S.C. 4026(a)) is amended by adding*  
23 *at the end the following new sentence: “Career counseling*  
24 *and related services provided pursuant to this Act shall not*  
25 *be construed to permit an assignment that consists pri-*



1 *marily of paid time to conduct a job search and without*  
2 *other substantive duties for more than one month.”.*

3 *(b) EFFECTIVE DATE.—The amendment made by sub-*  
4 *section (a) shall be effective 180 days after the date of the*  
5 *enactment of this Act.*

6 **SEC. 2315. LIMITATIONS ON MANAGEMENT ASSIGNMENTS.**

7 *Section 1017(e)(2) of the Foreign Service Act of 1980*  
8 *(22 U.S.C. 4117(e)(2)) is amended to read as follows:*

9 *“(2) For the purposes of paragraph (1)(A)(ii)*  
10 *and paragraph (1)(B), the term ‘management official’*  
11 *does not include—*

12 *“(A) any chief of mission;*

13 *“(B) any principal officer or deputy prin-*  
14 *icipal officer;*

15 *“(C) any administrative or personnel officer*  
16 *abroad; or*

17 *“(D) any individual described in section*  
18 *1002(12) (B), (C), or (D) who is not involved in*  
19 *the administration of this chapter or in the for-*  
20 *mulation of the personnel policies and programs*  
21 *of the Department.”.*

1 **SEC. 2316. AVAILABILITY PAY FOR CERTAIN CRIMINAL IN-**  
2 **VESTIGATORS WITHIN THE DIPLOMATIC SE-**  
3 **CURITY SERVICE.**

4 (a) *IN GENERAL.*—Section 5545a of title 5, United  
5 States Code, is amended by adding at the end the following:

6 “(k)(1) For purposes of this section, the term ‘criminal  
7 investigator’ includes a special agent occupying a position  
8 under title II of Public Law 99–399 if such special agent—

9 “(A) meets the definition of such term under  
10 paragraph (2) of subsection (a) (applied disregarding  
11 the parenthetical matter before subparagraph (A)  
12 thereof); and

13 “(B) such special agent satisfies the requirements  
14 of subsection (d) without taking into account any  
15 hours described in paragraph (2)(B) thereof.

16 “(2) In applying subsection (h) with respect to a spe-  
17 cial agent under this subsection—

18 “(A) any reference in such subsection to ‘basic  
19 pay’ shall be considered to include amounts des-  
20 ignated as ‘salary’;

21 “(B) paragraph (2)(A) of such subsection shall  
22 be considered to include (in addition to the provisions  
23 of law specified therein) sections 609(b)(1), 805, 806,  
24 and 856 of the Foreign Service Act of 1980; and

25 “(C) paragraph (2)(B) of such subsection shall  
26 be applied by substituting for ‘Office of Personnel

1        *Management’ the following: ‘Office of Personnel Man-*  
2        *agement or the Secretary of State (to the extent that*  
3        *matters exclusively within the jurisdiction of the Sec-*  
4        *retary are concerned)’.”.*

5        *(b) IMPLEMENTATION.—Not later than the date on*  
6        *which the amendments made by this section take effect, each*  
7        *special agent of the Diplomatic Security Service who satis-*  
8        *fies the requirements of subsection (k)(1) of section 5545a*  
9        *of title 5, United States Code, as amended by this section,*  
10       *and the appropriate supervisory officer, to be designated by*  
11       *the Secretary of State, shall make an initial certification*  
12       *to the Secretary of State that the special agent is expected*  
13       *to meet the requirements of subsection (d) of such section*  
14       *5545a. The Secretary of State may prescribe procedures*  
15       *necessary to administer this subsection.*

16       *(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1)*  
17       *Paragraph (2) of section 5545a(a) of title 5, United States*  
18       *Code, is amended (in the matter before subparagraph (A))*  
19       *by striking “Public Law 99–399)” and inserting “Public*  
20       *Law 99–399, subject to subsection (k))”.*

21       *(2) Section 5542(e) of such title is amended by striking*  
22       *“title 18, United States Code,” and inserting “title 18 or*  
23       *section 37(a)(3) of the State Department Basic Authorities*  
24       *Act of 1956,”.*

1       (d) *EFFECTIVE DATE.*—*The amendments made by this*  
2 *section shall take effect on the first day of the first applica-*  
3 *ble pay period—*

4           (1) *which begins on or after the 90th day follow-*  
5 *ing the date of the enactment of this Act; and*

6           (2) *on which date all regulations necessary to*  
7 *carry out such amendments are (in the judgment of*  
8 *the Director of the Office of Personnel Management*  
9 *and the Secretary of State) in effect.*

10 **SEC. 2317. NONOVERTIME DIFFERENTIAL PAY.**

11       *Title 5 of the United States Code is amended—*

12           (1) *in section 5544(a), by inserting after the*  
13 *fourth sentence the following new sentence: “For em-*  
14 *ployees serving outside the United States in areas*  
15 *where Sunday is a routine workday and another day*  
16 *of the week is officially recognized as the day of rest*  
17 *and worship, the Secretary of State may designate the*  
18 *officially recognized day of rest and worship as the*  
19 *day with respect to which the preceding sentence shall*  
20 *apply instead of Sunday.”; and*

21           (2) *at the end of section 5546(a), by adding the*  
22 *following new sentence: “For employees serving out-*  
23 *side the United States in areas where Sunday is a*  
24 *routine workday and another day of the week is offi-*  
25 *cially recognized as the day of rest and worship, the*





1 *Endowment for Democracy Act, and to carry out other au-*  
2 *thorities in law consistent with such purposes:*

3 (1) *INTERNATIONAL INFORMATION PROGRAM.—*

4 *For “International Information Program”,*  
5 *\$431,000,000 for the fiscal year 1998.*

6 (2) *TECHNOLOGY FUND.—For the “Technology*

7 *Fund” for the United States Information Agency,*  
8 *\$6,350,000 for the fiscal year 1998.*

9 (3) *EDUCATIONAL AND CULTURAL EXCHANGE*  
10 *PROGRAMS.—*

11 (A) *FULBRIGHT ACADEMIC EXCHANGE PRO-*  
12 *GRAMS.—*

13 (i) *FULBRIGHT ACADEMIC EXCHANGE*  
14 *PROGRAMS.—There are authorized to be ap-*  
15 *propriated for the “Fulbright Academic Ex-*  
16 *change Programs” (other than programs de-*  
17 *scribed in subparagraph (B)), \$99,236,000*  
18 *for the fiscal year 1998.*

19 (ii) *VIETNAM FULBRIGHT ACADEMIC*  
20 *EXCHANGE PROGRAMS.—Of the amounts*  
21 *authorized to be appropriated under clause*  
22 *(i), \$5,000,000 for the fiscal year 1998 is*  
23 *authorized to be available for the Vietnam*  
24 *scholarship program established by section*  
25 *229 of the Foreign Relations Authorization*

1           *Act, Fiscal Years 1992 and 1993 (Public*  
2           *Law 102–138).*

3           *(B) OTHER EDUCATIONAL AND CULTURAL*  
4           *EXCHANGE PROGRAMS.—*

5                   *(i) IN GENERAL.—There are authorized*  
6                   *to be appropriated for other educational*  
7                   *and cultural exchange programs authorized*  
8                   *by law, \$103,495,000 for the fiscal year*  
9                   *1998.*

10                   *(ii) SOUTH PACIFIC EXCHANGES.—Of*  
11                   *the amounts authorized to be appropriated*  
12                   *under clause (i), \$500,000 for the fiscal*  
13                   *year 1998 is authorized to be available for*  
14                   *“South Pacific Exchanges”.*

15                   *(iii) EAST TIMORESE SCHOLAR-*  
16                   *SHIPS.—Of the amounts authorized to be*  
17                   *appropriated under clause (i), \$500,000 for*  
18                   *the fiscal year 1998 is authorized to be*  
19                   *available for “East Timorese Scholarships”.*

20                   *(iv) TIBETAN EXCHANGES.—Of the*  
21                   *amounts authorized to be appropriated*  
22                   *under clause (i), \$500,000 for the fiscal*  
23                   *year 1998 is authorized to be available for*  
24                   *“Educational and Cultural Exchanges with*  
25                   *Tibet” under section 236 of the Foreign Re-*



1                    *lations Authorization Act, Fiscal Years*  
2                    *1994 and 1995 (Public Law 103-236).*

3                    (4) *INTERNATIONAL BROADCASTING ACTIVI-*  
4                    *TIES.—*

5                    (A) *AUTHORIZATION OF APPROPRIA-*  
6                    *TIONS.—For “International Broadcasting Oper-*  
7                    *ations”, \$364,415,000 for the fiscal year 1998.*

8                    (B) *ALLOCATION.—Of the amounts author-*  
9                    *ized to be appropriated under subparagraph (A),*  
10                    *the Director of the United States Information*  
11                    *Agency and the Broadcasting Board of Gov-*  
12                    *ernors shall seek to ensure that the amounts*  
13                    *made available for broadcasting to nations whose*  
14                    *people do not fully enjoy freedom of expression*  
15                    *do not decline in proportion to the amounts*  
16                    *made available for broadcasting to other nations.*

17                    (5) *RADIO CONSTRUCTION.—For “Radio Con-*  
18                    *struction”, \$40,000,000 for the fiscal year 1998.*

19                    (6) *RADIO FREE ASIA.—For “Radio Free Asia”,*  
20                    *\$22,000,000 for the fiscal year 1998 and an addi-*  
21                    *tional \$8,000,000 in fiscal year 1998 for one-time*  
22                    *capital costs.*

23                    (7) *BROADCASTING TO CUBA.—For “Broadcast-*  
24                    *ing to Cuba”, \$22,095,000 for the fiscal year 1998.*

1           (8) *CENTER FOR CULTURAL AND TECHNICAL*  
2           *INTERCHANGE BETWEEN EAST AND WEST.*—*For the*  
3           *“Center for Cultural and Technical Interchange be-*  
4           *tween East and West”, \$12,000,000 for the fiscal year*  
5           *1998.*

6           (9) *NATIONAL ENDOWMENT FOR DEMOCRACY.*—  
7           *For the “National Endowment for Democracy”,*  
8           *\$30,000,000 for the fiscal year 1998.*

9           (10) *CENTER FOR CULTURAL AND TECHNICAL*  
10          *INTERCHANGE BETWEEN NORTH AND SOUTH.*—*For*  
11          *“Center for Cultural and Technical Interchange be-*  
12          *tween North and South” \$1,500,000 for the fiscal year*  
13          *1998.*

14                   **CHAPTER 2—AUTHORITIES AND**  
15                   **ACTIVITIES**

16 **SEC. 2411. RETENTION OF INTEREST.**

17           *Notwithstanding any other provision of law, with the*  
18           *approval of the National Endowment for Democracy, grant*  
19           *funds made available by the National Endowment for De-*  
20           *mocracy may be deposited in interest-bearing accounts*  
21           *pending disbursement, and any interest which accrues may*  
22           *be retained by the grantee without returning such interest*  
23           *to the Treasury of the United States and interest earned*  
24           *may be obligated and expended for the purposes for which*  
25           *the grant was made without further appropriation.*

1 **SEC. 2412. USE OF SELECTED PROGRAM FEES.**

2 *Section 810 of the United States Information and*  
3 *Educational Exchange Act of 1948 (22 U.S.C. 1475e) is*  
4 *amended to read as follows:*

5 *“USE OF ENGLISH-TEACHING PROGRAM FEES*

6 *“SEC. 810. (a) IN GENERAL.—Notwithstanding section*  
7 *3302 of title 31, United States Code, or any other law or*  
8 *limitation of authority, fees and receipts described in sub-*  
9 *section (b) are authorized to be credited each fiscal year*  
10 *for authorized purposes to the appropriate appropriations*  
11 *of the United States Information Agency to such extent as*  
12 *may be provided in advance in appropriations acts.*

13 *“(b) FEES AND RECEIPTS DESCRIBED.—The fees and*  
14 *receipts described in this subsection are fees and payments*  
15 *received by or for the use of the United States Information*  
16 *Agency from or in connection with—*

17 *“(1) English-teaching and library services,*

18 *“(2) educational advising and counseling,*

19 *“(3) Exchange Visitor Program Services,*

20 *“(4) advertising and business ventures of the*  
21 *Voice of America and the International Broadcasting*  
22 *Bureau,*

23 *“(5) cooperating international organizations,*  
24 *and*

25 *“(6) Agency-produced publications,*

1           “(7) an amount not to exceed \$100,000 of the  
2           payments from motion picture and television pro-  
3           grams produced or conducted by or on behalf of the  
4           Agency under the authority of this Act or the Mutual  
5           Education and Cultural Exchange Act of 1961.”.

6 **SEC. 2413. MUSKIE FELLOWSHIP PROGRAM.**

7           (a) *GUIDELINES*.—Section 227(c)(5) of the Foreign  
8           Relations Authorization Act, Fiscal Years 1992 and 1993  
9           (22 U.S.C. 2452 note) is amended by inserting “journalism  
10          and communications, education administration, public pol-  
11          icy, library and information science,” after “business ad-  
12          ministration,” each of the two places it appears.

13          (b) *REDESIGNATION OF SOVIET UNION*.—Section 227  
14          of the Foreign Relations Authorization Act, Fiscal Years  
15          1992 and 1993 (22 U.S.C. 2452 note) is amended—

16                 (1) in subsections (a), (b), and (c)(5), by striking  
17                 “Soviet Union” each place it appears and inserting  
18                 “independent states of the former Soviet Union”;

19                 (2) in subsection (c)(11), by striking “Soviet re-  
20                 publics” and inserting “independent states of the  
21                 former Soviet Union”; and

22                 (3) in the section heading, by inserting “**INDE-**  
23                 **PENDENT STATES OF THE FORMER**” after  
24                 “**FROM THE**”.

1 **SEC. 2414. WORKING GROUP ON UNITED STATES GOVERN-**  
2 **MENT-SPONSORED INTERNATIONAL EX-**  
3 **CHANGES AND TRAINING.**

4 *Section 112 of the Mutual Educational and Cultural*  
5 *Exchange Act of 1961 (22 U.S.C. 2460) is amended by add-*  
6 *ing at the end the following new subsection:*

7 *“(g) WORKING GROUP ON UNITED STATES GOVERN-*  
8 *MENT SPONSORED INTERNATIONAL EXCHANGES AND*  
9 *TRAINING.—(1) In order to carry out the purposes of sub-*  
10 *section (f) and to improve the coordination, efficiency, and*  
11 *effectiveness of United States Government-sponsored inter-*  
12 *national exchanges and training, there is established within*  
13 *the United States Information Agency a senior-level inter-*  
14 *agency working group to be known as the Working Group*  
15 *on United States Government-Sponsored International Ex-*  
16 *changes and Training (in this section referred to as the*  
17 *‘Working Group’).*

18 *“(2) For purposes of this subsection, the term ‘Govern-*  
19 *ment-sponsored international exchanges and training’*  
20 *means the movement of people between countries to promote*  
21 *the sharing of ideas, to develop skills, and to foster mutual*  
22 *understanding and cooperation, financed wholly or in part,*  
23 *directly or indirectly, with United States Government*  
24 *funds.*

25 *“(3) The Working Group shall be composed as follows:*

1           “(A) *The Associate Director for Educational and*  
2           *Cultural Affairs of the United States Information*  
3           *Agency, who shall act as Chair.*

4           “(B) *A senior representative of the Department*  
5           *of State, who shall be designated by the Secretary of*  
6           *State.*

7           “(C) *A senior representative of the Department*  
8           *of Defense, who shall be designated by the Secretary*  
9           *of Defense.*

10          “(D) *A senior representative of the Department*  
11          *of Education, who shall be designated by the Sec-*  
12          *retary of Education.*

13          “(E) *A senior representative of the Department*  
14          *of Justice, who shall be designated by the Attorney*  
15          *General.*

16          “(F) *A senior representative of the Agency for*  
17          *International Development, who shall be designated*  
18          *by the Administrator of the Agency.*

19          “(G) *Senior representatives of such other depart-*  
20          *ments and agencies as the Chair determines to be ap-*  
21          *propriate.*

22          “(4) *Representatives of the National Security Adviser*  
23          *and the Director of the Office of Management and Budget*  
24          *may participate in the Working Group at the discretion*  
25          *of the Adviser and the Director, respectively.*

1       “(5) *The Working Group shall be supported by an*  
2 *interagency staff office established in the Bureau of Edu-*  
3 *cational and Cultural Affairs of the United States Informa-*  
4 *tion Agency.*

5       “(6) *The Working Group shall have the following pur-*  
6 *poses and responsibilities:*

7           “(A) *To collect, analyze, and report data pro-*  
8 *vided by all United States Government departments*  
9 *and agencies conducting international exchanges and*  
10 *training programs.*

11           “(B) *To promote greater understanding and co-*  
12 *operation among concerned United States Govern-*  
13 *ment departments and agencies of common issues and*  
14 *challenges in conducting international exchanges and*  
15 *training programs, including through the establish-*  
16 *ment of a clearinghouse for information on inter-*  
17 *national exchange and training activities in the gov-*  
18 *ernmental and nongovernmental sectors.*

19           “(C) *In order to achieve the most efficient and*  
20 *cost-effective use of Federal resources, to identify ad-*  
21 *ministrative and programmatic duplication and over-*  
22 *lap of activities by the various United States Govern-*  
23 *ment departments and agencies involved in Govern-*  
24 *ment-sponsored international exchange and training*  
25 *programs, to identify how each Government-sponsored*

1        *international exchange and training program pro-*  
2        *motives United States foreign policy, and to report*  
3        *thereon.*

4                *“(D)(i) Not later than 1 year after the date of*  
5        *the enactment of the Foreign Relations Authorization*  
6        *Act, Fiscal Years 1998 and 1999, the Working Group*  
7        *shall develop a coordinated and cost-effective strategy*  
8        *for all United States Government-sponsored inter-*  
9        *national exchange and training programs, including*  
10        *an action plan with the objective of achieving a mini-*  
11        *imum of 10 percent cost savings through greater effi-*  
12        *ciency, the consolidation of programs, or the elimi-*  
13        *nation of duplication, or any combination thereof.*

14                *“(ii) Not later than 1 year after the date of en-*  
15        *actment of the Foreign Relations Authorization Act,*  
16        *Fiscal Years 1998 and 1999, the Working Group shall*  
17        *submit a report to the appropriate congressional com-*  
18        *mittees setting forth the strategy and action plan re-*  
19        *quired by clause (i).*

20                *“(iii) Each year thereafter the Working Group*  
21        *shall assess the strategy and plan required by*  
22        *clause (i).*

23                *“(E) Not later than 2 years after the date of the*  
24        *enactment of the Foreign Relations Authorization Act,*  
25        *Fiscal Years 1998 and 1999, to develop recommenda-*



1        *tions on common performance measures for all United*  
2        *States Government-sponsored international exchange*  
3        *and training programs, and to issue a report.*

4                *“(F) To conduct a survey of private sector inter-*  
5        *national exchange activities and develop strategies for*  
6        *expanding public and private partnerships in, and*  
7        *leveraging private sector support for, United States*  
8        *Government-sponsored international exchange and*  
9        *training activities.*

10                *“(G) Not later than 6 months after the date of*  
11        *the enactment of the Foreign Relations Authorization*  
12        *Act, Fiscal Years 1998 and 1999, to report on the fea-*  
13        *sibility and advisability of transferring funds and*  
14        *program management for the ATLAS or the Mandela*  
15        *Fellows programs, or both, in South Africa from the*  
16        *Agency for International Development to the United*  
17        *States Information Agency. The report shall include*  
18        *an assessment of the capabilities of the South African*  
19        *Fulbright Commission to manage such programs and*  
20        *the cost effects of consolidating such programs under*  
21        *one entity.*

22                *“(7) All reports prepared by the Working Group shall*  
23        *be submitted to the President, through the Director of the*  
24        *United States Information Agency.*

1       “(8) *The Working Group shall meet at least on a quar-*  
2 *terly basis.*

3       “(9) *All decisions of the Working Group shall be by*  
4 *majority vote of the members present and voting.*

5       “(10) *The members of the Working Group shall serve*  
6 *without additional compensation for their service on the*  
7 *Working Group. Any expenses incurred by a member of the*  
8 *Working Group in connection with service on the Working*  
9 *Group shall be compensated by that member’s department*  
10 *or agency.*

11       “(11) *With respect to any report issued under para-*  
12 *graph (6), a member may submit dissenting views to be*  
13 *submitted as part of the report of the Working Group.”.*

14 **SEC. 2415. EDUCATIONAL AND CULTURAL EXCHANGES AND**  
15 **SCHOLARSHIPS FOR TIBETANS AND BUR-**  
16 **MESE.**

17       (a) *IN GENERAL.*—Section 103(b)(1) of the Human  
18 *Rights, Refugee, and Other Foreign Relations Provisions*  
19 *Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note)*  
20 *is amended—*

21               (1) *by striking “for fiscal year 1997” and insert-*  
22 *ing “for each of the fiscal years 1998 and 1999”; and*

23               (2) *by inserting after “who are outside Tibet”*  
24 *the following: “(if practicable, including individuals*

1       *active in the preservation of Tibet’s unique culture,*  
2       *religion, and language)”.*

3       **(b) EFFECTIVE DATE.**—*The amendments made by sub-*  
4       *section (a) shall take effect on October 1, 1997.*

5       **SEC. 2416. UNITED STATES-JAPAN COMMISSION.**

6       **(a) RELIEF FROM RESTRICTION OF INTERCHANGE-**  
7       **ABILITY OF FUNDS.**—

8               **(1) ELIMINATION OF RESTRICTION.**—*Section*  
9       *6(4) of the Japan-United States Friendship Act (22*  
10       *U.S.C. 2905(4)) is amended by striking “needed, ex-*  
11       *cept” and all that follows through “United States”*  
12       *and inserting “needed”.*

13               **(2) AUTHORIZED INVESTMENTS.**—*The second*  
14       *sentence of section 7(b) of the Japan-United States*  
15       *Friendship Act (22 U.S.C. 2906(b)) is amended to*  
16       *read as follows: “Such investment may be made only*  
17       *in interest-bearing obligations of the United States, in*  
18       *obligations guaranteed as to both principal and inter-*  
19       *est by the United States, in interest-bearing obliga-*  
20       *tions of Japan, or in obligations guaranteed as to*  
21       *both principal and interest by Japan.”.*

22       **(b) REDESIGNATION OF COMMISSION.**—

23               **(1) REDESIGNATION.**—*Effective on the date of*  
24       *enactment of this Act, the Japan-United States*  
25       *Friendship Commission shall be redesignated as the*

1       *“United States-Japan Commission”*. Any reference in  
2       any provision of law, Executive order, regulation, del-  
3       egation of authority, or other document to the Japan-  
4       United States Friendship Commission shall be consid-  
5       ered to be a reference to the United States-Japan  
6       Commission.

7               (2) *CONFORMING AMENDMENT*.—The heading of  
8       section 4 of the Japan-United States Friendship Act  
9       (22 U.S.C. 2903) is amended to read as follows:

10              “UNITED STATES-JAPAN COMMISSION”.

11             (3) *CONFORMING AMENDMENT*.—The Japan-  
12       United States Friendship Act is amended by striking  
13       “Japan-United States Friendship Commission” each  
14       place such term appears and inserting “United  
15       States-Japan Commission”.

16       (c) *REDESIGNATION OF TRUST FUND*.—

17             (1) *REDESIGNATION*.—Effective on the date of  
18       enactment of this Act, the Japan-United States  
19       Friendship Trust Fund shall be redesignated as the  
20       “United States-Japan Trust Fund”. Any reference in  
21       any provision of law, Executive order, regulation, del-  
22       egation of authority, or other document to the Japan-  
23       United States Friendship Trust Fund shall be consid-  
24       ered to be a reference to the United States-Japan  
25       Trust Fund.

1           (2) *CONFORMING AMENDMENT.*—Section 3(a) of  
2       *the Japan-United States Friendship Act (22 U.S.C.*  
3       *2902(a)) is amended by striking “Japan-United*  
4       *States Friendship Trust Fund” and inserting “Unit-*  
5       *ed States-Japan Trust Fund”.*

6       **SEC. 2417. SURROGATE BROADCASTING STUDY.**

7       *Not later than 6 months after the date of enactment*  
8       *of this Act, the Broadcasting Board of Governors, acting*  
9       *through the International Broadcasting Bureau, should*  
10      *conduct and complete a study of the appropriateness, fea-*  
11      *sibility, and projected costs of providing surrogate broad-*  
12      *casting service to Africa and transmit the results of the*  
13      *study to the appropriate congressional committees.*

14      **SEC. 2418. RADIO BROADCASTING TO IRAN IN THE FARSI**  
15                            **LANGUAGE.**

16      (a) *RADIO FREE IRAN.*—Not more than \$4,000,000 of  
17      *the funds made available under section 2401(4) of this divi-*  
18      *sion for the fiscal year 1998 for grants to RFE/RL, Incor-*  
19      *porated, shall be available only for surrogate radio broad-*  
20      *casting by RFE/RL, Incorporated, to the Iranian people*  
21      *in the Farsi language, such broadcasts to be designated as*  
22      *“Radio Free Iran”.*

23      (b) *REPORT TO CONGRESS.*—Not later than 60 days  
24      *after the date of enactment of this Act, the Broadcasting*  
25      *Board of Governors of the United States Information Agen-*

1 *cy shall submit a detailed report to Congress describing the*  
2 *costs, implementation, and plans for creation of the surro-*  
3 *gate broadcasting service described in subsection (a).*

4 *(c) AVAILABILITY OF FUNDS.—None of the funds made*  
5 *available under subsection (a) may be made available until*  
6 *submission of the report required under subsection (b).*

7 **SEC. 2419. AUTHORITY TO ADMINISTER SUMMER TRAVEL**  
8 **AND WORK PROGRAMS.**

9 *The Director of the United States Information Agency*  
10 *is authorized to administer summer travel and work pro-*  
11 *grams without regard to preplacement requirements.*

12 **SEC. 2420. PERMANENT ADMINISTRATIVE AUTHORITIES RE-**  
13 **GARDING APPROPRIATIONS.**

14 *Section 701(f) of the United States Information and*  
15 *Educational Exchange Act of 1948 (22 U.S.C. 1476(f)) is*  
16 *amended by striking paragraph (4).*

17 **SEC. 2421. VOICE OF AMERICA BROADCASTS.**

18 *(a) IN GENERAL.—The Voice of America shall devote*  
19 *programming each day to broadcasting information on the*  
20 *individual States of the United States. The broadcasts shall*  
21 *include—*

22 *(1) information on the products, tourism, and*  
23 *cultural and educational facilities of each State;*

24 *(2) information on the potential for trade with*  
25 *each State; and*

1           (3) *discussions with State officials with respect*  
2           *to the matters described in paragraphs (1) and (2).*

3           (b) *REPORT.*—*Not later than July 1, 1998, the Broad-*  
4           *casting Board of Governors of the United States Informa-*  
5           *tion Agency shall submit a report to Congress detailing the*  
6           *actions that have been taken to carry out subsection (a).*

7           (c) *STATE DEFINED.*—*In this section, the term “State”*  
8           *means any of the several States of the United States, the*  
9           *District of Columbia, or any commonwealth or territory of*  
10          *the United States.*

11          **TITLE XXV—INTERNATIONAL OR-**  
12          **GANIZATIONS OTHER THAN**  
13          **UNITED NATIONS**

14          **SEC. 2501. INTERNATIONAL CONFERENCES AND**  
15          **CONTINGENCIES.**

16          *There are authorized to be appropriated for “Inter-*  
17          *national Conferences and Contingencies”, \$12,000,000 for*  
18          *the fiscal year 1998 for the Department of State to carry*  
19          *out the authorities, functions, duties, and responsibilities*  
20          *in the conduct of the foreign affairs of the United States*  
21          *with respect to international conferences and contingencies*  
22          *and to carry out other authorities in law consistent with*  
23          *such purposes.*

1 **SEC. 2502. RESTRICTION RELATING TO UNITED STATES**  
2 **ACCESSION TO ANY NEW INTERNATIONAL**  
3 **CRIMINAL TRIBUNAL.**

4 (a) *PROHIBITION.*—*The United States shall not be-*  
5 *come a party to any new international criminal tribunal,*  
6 *nor give legal effect to the jurisdiction of such a tribunal*  
7 *over any matter described in subsection (b), except pursuant*  
8 *to—*

9 (1) *a treaty made under Article II, section 2,*  
10 *clause 2 of the Constitution of the United States on*  
11 *or after the date of enactment of this Act; or*

12 (2) *any statute enacted by Congress on or after*  
13 *the date of enactment of this Act.*

14 (b) *JURISDICTION DESCRIBED.*—*The jurisdiction de-*  
15 *scribed in this subsection is jurisdiction over—*

16 (1) *persons found, property located, or acts or*  
17 *omissions committed, within the territory of the Unit-*  
18 *ed States; or*

19 (2) *nationals of the United States, wherever*  
20 *found.*

21 (c) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*  
22 *tion precludes sharing information, expertise, or other*  
23 *forms of assistance with such tribunal.*

24 (d) *DEFINITION.*—*The term “new international crimi-*  
25 *nal tribunal” means any permanent international criminal*



1 *tribunal established on or after the date of enactment of this*  
2 *Act and does not include—*

3           (1) *the International Tribunal for the Prosecu-*  
4 *tion of Persons Responsible for Serious Violations of*  
5 *International Humanitarian Law in the Territory of*  
6 *the Former Yugoslavia, as established by United Na-*  
7 *tions Security Council Resolution 827 of May 25,*  
8 *1993; or*

9           (2) *the International Tribunal for the Prosecu-*  
10 *tion of Persons Responsible for Genocide and Other*  
11 *Serious Violations of International Humanitarian*  
12 *Law Committed in the Territory of Rwanda and*  
13 *Rwandan Citizens Responsible for Genocide and*  
14 *Other Such Violations Committed in the Territory of*  
15 *Neighboring States, as established by United Nations*  
16 *Security Council Resolution 955 of November 8, 1994.*

17 **SEC. 2503. UNITED STATES MEMBERSHIP IN THE BUREAU**  
18 **OF THE INTERPARLIAMENTARY UNION.**

19           (a) *INTERPARLIAMENTARY UNION LIMITATION.—Un-*  
20 *less the Secretary of State certifies to Congress that the*  
21 *United States will be assessed not more than \$500,000 for*  
22 *its annual contribution to the Bureau of the Interpar-*  
23 *liamentary Union during fiscal year 1998, then effective*  
24 *October 1, 1998, the authority for further participation by*

1 *the United States in the Bureau shall terminate in accord-*  
2 *ance with subsection (d).*

3 (b) *ELIMINATION OF AUTHORITY TO PAY EXPENSES*  
4 *OF THE AMERICAN GROUP.*—*Section 1 of the Act entitled*  
5 *“An Act to authorize participation by the United States*  
6 *in the Interparliamentary Union”, approved June 28, 1935*  
7 *(22 U.S.C. 276) is amended—*

8 (1) *in the first sentence—*

9 (A) *by striking “fiscal year” and all that*  
10 *follows through “(1) for” and inserting “fiscal*  
11 *year for”;*

12 (B) *by striking “; and”;* and

13 (C) *by striking paragraph (2); and*

14 (2) *by striking the second sentence.*

15 (c) *ELIMINATION OF PERMANENT APPROPRIATION.*—  
16 *Section 303 of the Departments of Commerce, Justice, and*  
17 *State, the Judiciary, and Related Agencies Appropriations*  
18 *Act, 1988 (as contained in section 101(a) of the Continuing*  
19 *Appropriations Act, 1988 (Public Law 100–202; 22 U.S.C.*  
20 *276 note)) is amended—*

21 (1) *by striking “\$440,000” and inserting*  
22 *“\$350,000”;* and

23 (2) *by striking “paragraph (2) of the first sec-*  
24 *tion of Public Law 74–170,”.*

1           (d) *CONDITIONAL TERMINATION OF AUTHORITY.*—Un-  
2 less Congress receives the certification described in sub-  
3 section (a) before October 1, 1998, effective on that date the  
4 Act entitled “An Act to authorize participation by the Unit-  
5 ed States in the Interparliamentary Union”, approved  
6 June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.

7           (e) *TRANSFER OF FUNDS TO THE TREASURY.*—Unob-  
8 ligated balances of appropriations made under section 303  
9 of the Departments of Commerce, Justice, and State, the  
10 Judiciary, and Related Agencies Appropriations Act 1988  
11 (as contained in section 101(a) of the Continuing Appro-  
12 priations Act, 1988; Public Law 100–202) that are avail-  
13 able as of the day before the date of enactment of this Act  
14 shall be transferred on such date to the general fund of the  
15 Treasury of the United States.

16 **SEC. 2504. SERVICE IN INTERNATIONAL ORGANIZATIONS.**

17           (a) *IN GENERAL.*—Section 3582(b) of title 5, United  
18 States Code, is amended by striking all after the first sen-  
19 tence and inserting the following: “On reemployment, an  
20 employee entitled to the benefits of subsection (a) is entitled  
21 to the rate of basic pay to which the employee would have  
22 been entitled had the employee remained in the civil service.  
23 On reemployment, the agency shall restore the sick leave  
24 account of the employee, by credit or charge, to its status  
25 at the time of transfer. The period of separation caused by

1 *the employment of the employee with the international or-*  
2 *ganization and the period necessary to effect reemployment*  
3 *are deemed creditable service for all appropriate civil serv-*  
4 *ice employment purposes. This subsection does not apply*  
5 *to a congressional employee.”.*

6 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
7 *section (a) shall apply with respect to transfers that take*  
8 *effect on or after the date of enactment of this Act.*

9 **SEC. 2505. REPORTS REGARDING FOREIGN TRAVEL.**

10 (a) *PROHIBITION.*—*Except as provided in subsection*  
11 *(e), none of the funds authorized to be appropriated by this*  
12 *division may be used to pay for the expenses of foreign trav-*  
13 *el by an officer or employee of an Executive branch agency*  
14 *to attend an international conference, or for the routine*  
15 *services that a United States diplomatic mission or con-*  
16 *sular post provides in support of foreign travel by such an*  
17 *officer or employee to attend an international conference,*  
18 *unless that officer or employee has submitted a preliminary*  
19 *report with respect to that foreign travel in accordance with*  
20 *subsection (b), and has not previously failed to submit a*  
21 *final report with respect to foreign travel to attend an inter-*  
22 *national conference required by subsection (c).*

23 (b) *PRELIMINARY REPORTS.*—*A preliminary report*  
24 *referred to in subsection (a) is a report by an officer or*  
25 *employee of an Executive branch agency with respect to*

1 *proposed foreign travel to attend an international con-*  
2 *ference, submitted to the Director prior to commencement*  
3 *of the travel, setting forth—*

4           (1) *the name and employing agency of the officer*  
5 *or employee;*

6           (2) *the name of the official who authorized the*  
7 *travel; and*

8           (3) *the purpose and duration of the travel.*

9           (c) *FINAL REPORTS.*—*A final report referred to in*  
10 *subsection (a) is a report by an officer or employee of an*  
11 *Executive branch agency with respect to foreign travel to*  
12 *attend an international conference, submitted to the Direc-*  
13 *tor not later than 30 days after the conclusion of the trav-*  
14 *el—*

15           (1) *setting forth the actual duration and cost of*  
16 *the travel; and*

17           (2) *updating any other information included in*  
18 *the preliminary report.*

19           (d) *REPORTS TO CONGRESS.*—*The Director shall sub-*  
20 *mit a report no later than October 1 and April 1 of each*  
21 *year to the Committees on Foreign Relations and Appro-*  
22 *priations of the Senate and the Committees on Inter-*  
23 *national Relations and Appropriations of the House of*  
24 *Representatives, setting forth with respect to each inter-*  
25 *national conference for which reports described in sub-*

1 *section (c) were required to be submitted to the Director*  
2 *during the preceding six months—*

3 *(1) the names and employing agencies of all offi-*  
4 *cers and employees of Executive branch agencies who*  
5 *attended the international conference;*

6 *(2) the names of all officials who authorized*  
7 *travel to the international conference, and the total*  
8 *number of officers and employees who were authorized*  
9 *to travel to the conference by each such official; and*

10 *(3) the total cost of travel by officers and em-*  
11 *ployees of Executive branch agencies to the inter-*  
12 *national conference.*

13 *(e) EXCEPTIONS.—This section shall not apply to trav-*  
14 *el by—*

15 *(1) the President or the Vice President; or*

16 *(2) any officer or employee who is carrying out*  
17 *an intelligence or intelligence-related activity, who is*  
18 *performing a protective function, or who is engaged*  
19 *in a sensitive diplomatic mission.*

20 *(f) DEFINITIONS.—In this section:*

21 *(1) DIRECTOR.—The term “Director” means the*  
22 *Director of the Office of International Conferences of*  
23 *the Department of State.*

1           (2) *EXECUTIVE BRANCH AGENCY.*—*The terms*  
2           *“Executive branch agency” and “Executive branch*  
3           *agencies” mean—*

4                   (A) *an entity or entities, other than the*  
5                   *General Accounting Office, defined in section 105*  
6                   *of title 5, United States Code; and*

7                   (B) *the Executive Office of the President*  
8                   *(except as provided in subsection (e)).*

9           (3) *INTERNATIONAL CONFERENCE.*—*The term*  
10           *“international conference” means any meeting held*  
11           *under the auspices of an international organization*  
12           *or foreign government, at which representatives of*  
13           *more than two foreign governments are expected to be*  
14           *in attendance, and to which United States Executive*  
15           *branch agencies will send a total of ten or more rep-*  
16           *resentatives.*

17           (g) *REPORT.*—*Not later than 180 days after the date*  
18           *of enactment of this Act, and annually thereafter, the Presi-*  
19           *dent shall submit to the appropriate congressional commit-*  
20           *tees a report describing—*

21                   (1) *the total Federal expenditure of all official*  
22                   *international travel in each Executive branch agency*  
23                   *during the previous fiscal year; and*

24                   (2) *the total number of individuals in each agen-*  
25                   *cy who engaged in such travel.*

1 **TITLE XXVI—UNITED STATES**  
2 **ARMS CONTROL AND DISAR-**  
3 **MAMENT AGENCY**

4 **SEC. 2601. AUTHORIZATION OF APPROPRIATIONS.**

5 *There are authorized to be appropriated to carry out*  
6 *the purposes of the Arms Control and Disarmament Act*  
7 *\$41,500,000 for the fiscal year 1998.*

8 **SEC. 2602. STATUTORY CONSTRUCTION.**

9 *Section 303 of the Arms Control and Disarmament Act*  
10 *(22 U.S.C. 2573), as redesignated by section 1223 of this*  
11 *division, is amended by adding at the end the following*  
12 *new subsection:*

13 *“(c) STATUTORY CONSTRUCTION.—Nothing contained*  
14 *in this chapter shall be construed to authorize any policy*  
15 *or action by any Government agency which would interfere*  
16 *with, restrict, or prohibit the acquisition, possession, or use*  
17 *of firearms by an individual for the lawful purpose of per-*  
18 *sonal defense, sport, recreation, education, or training.”.*

19 **TITLE XXVII—EUROPEAN**  
20 **SECURITY ACT OF 1997**

21 **SEC. 2701. SHORT TITLE.**

22 *This title may be cited as the “European Security Act*  
23 *of 1997”.*



1 **SEC. 2702. STATEMENT OF POLICY.**

2       (a) *POLICY WITH RESPECT TO NATO ENLARGE-*  
3 *MENT.*—Congress urges the President to outline a clear and  
4 *complete strategic rationale for the enlargement of the North*  
5 *Atlantic Treaty Organization (NATO), and declares that—*

6           (1) *Poland, Hungary, and the Czech Republic*  
7 *should not be the last emerging democracies in*  
8 *Central and Eastern Europe invited to join NATO;*

9           (2) *the United States should ensure that NATO*  
10 *continues a process whereby all other emerging de-*  
11 *mocracies in Central and Eastern Europe that wish*  
12 *to join NATO will be considered for membership in*  
13 *NATO as soon as they meet the criteria for such*  
14 *membership;*

15           (3) *the United States should ensure that no limi-*  
16 *tations are placed on the numbers of NATO troops or*  
17 *types of equipment, including tactical nuclear weap-*  
18 *ons, to be deployed on the territory of new member*  
19 *states;*

20           (4) *the United States should reject all efforts to*  
21 *condition NATO decisions on review or approval by*  
22 *the United Nations Security Council;*

23           (5) *the United States should clearly delineate*  
24 *those NATO deliberations, including but not limited*  
25 *to discussions on arms control, further Alliance en-*  
26 *largement, procurement matters, and strategic doc-*

1 *trine, that are not subject to review or discussion in*  
2 *the NATO-Russia Permanent Joint Council;*

3 *(6) the United States should work to ensure that*  
4 *countries invited to join the Alliance are provided an*  
5 *immediate seat in NATO discussions; and*

6 *(7) the United States already pays more than a*  
7 *proportionate share of the costs of the common defense*  
8 *of Europe and should obtain, in advance, agreement*  
9 *on an equitable distribution of the cost of NATO en-*  
10 *largement to ensure that the United States does not*  
11 *continue to bear a disproportionate burden.*

12 *(b) POLICY WITH RESPECT TO NEGOTIATIONS WITH*  
13 *RUSSIA.—*

14 *(1) IMPLEMENTATION.—NATO enlargement*  
15 *should be carried out in such a manner as to under-*  
16 *score the Alliance's defensive nature and demonstrate*  
17 *to Russia that NATO enlargement will enhance the*  
18 *security of all countries in Europe, including Russia.*  
19 *Accordingly, the United States and its NATO allies*  
20 *should make this intention clear in negotiations with*  
21 *Russia, including negotiations regarding adaptation*  
22 *of the Conventional Armed Forces in Europe (CFE)*  
23 *Treaty of November 19, 1990.*

24 *(2) LIMITATIONS ON COMMITMENTS TO RUS-*  
25 *SIA.—In seeking to demonstrate to Russia NATO's*

1 *defensive and security-enhancing intentions, it is es-*  
2 *sential that neither fundamental United States secu-*  
3 *rity interests in Europe nor the effectiveness and*  
4 *flexibility of NATO as a defensive alliance be jeopard-*  
5 *ized. In particular, no commitments should be made*  
6 *to Russia that would have the effect of—*

7 *(A) extending rights or imposing respon-*  
8 *sibilities on new NATO members different from*  
9 *those applicable to current NATO members, in-*  
10 *cluding rights or responsibilities with respect to*  
11 *the deployment of nuclear weapons and the sta-*  
12 *tioning of troops and equipment from other*  
13 *NATO members;*

14 *(B) limiting the ability of NATO to defend*  
15 *the territory of new NATO members by, for ex-*  
16 *ample, restricting the construction of defense in-*  
17 *frastructure or limiting the ability of NATO to*  
18 *deploy necessary reinforcements;*

19 *(C) providing any international organiza-*  
20 *tion, or any country that is not a member of*  
21 *NATO, with authority to delay, veto, or other-*  
22 *wise impede deliberations and decisions of the*  
23 *North Atlantic Council or the implementation of*  
24 *such decisions, including deliberations and deci-*  
25 *sions with respect to the deployment of NATO*

1           *forces or the admission of additional members to*  
2           *NATO;*

3           *(D) impeding the development of enhanced*  
4           *relations between NATO and other European*  
5           *countries that do not belong to the Alliance;*

6           *(E) establishing a nuclear weapons-free zone*  
7           *in Central or Eastern Europe;*

8           *(F) requiring NATO to subsidize Russian*  
9           *arms sales, service, or support to the militaries*  
10          *of those former Warsaw Pact countries invited to*  
11          *join the Alliance; or*

12          *(G) legitimizing Russian efforts to link con-*  
13          *cessions in arms control negotiations to NATO*  
14          *enlargement.*

15          (3) *COMMITMENTS FROM RUSSIA.—In order to*  
16          *enhance security and stability in Europe, the United*  
17          *States should seek commitments from Russia—*

18                 *(A) to demarcate and respect all its borders*  
19                 *with neighboring states;*

20                 *(B) to achieve the immediate and complete*  
21                 *withdrawal of any armed forces and military*  
22                 *equipment under the control of Russia that are*  
23                 *deployed on the territories of the independent*  
24                 *states of the former Soviet Union without the full*  
25                 *and complete agreement of those states;*

1           (C) to station its armed forces on the terri-  
2           tory of other states only with the full and com-  
3           plete agreement of that state and in strict ac-  
4           cordance with international law; and

5           (D) to take steps to reduce further its nu-  
6           clear and conventional forces in Kaliningrad.

7           (4) CONSULTATIONS.—As negotiations on adap-  
8           tation of the Treaty on Conventional Armed Forces in  
9           Europe proceed, the United States should engage in  
10          close and continuous consultations not only with its  
11          NATO allies, but also with the emerging democracies  
12          of Central and Eastern Europe, Ukraine, and the  
13          South Caucasus.

14          (c) POLICY WITH RESPECT TO BALLISTIC MISSILE  
15          DEFENSE COOPERATION.—

16           (1) IN GENERAL.—As the United States proceeds  
17           with efforts to develop defenses against ballistic mis-  
18           sile attack, it should seek to foster a climate of co-  
19           operation with Russia on matters related to missile  
20           defense. In particular, the United States and its  
21           NATO allies should seek to cooperate with Russia in  
22           such areas as early warning.

23           (2) DISCUSSIONS WITH NATO ALLIES.—The  
24           United States should initiate discussions with its  
25           NATO allies for the purpose of examining the feasibil-

1 *ity of deploying a ballistic missile defense capable of*  
2 *protecting NATO's southern and eastern flanks from*  
3 *a limited ballistic missile attack.*

4 (3) *CONSTITUTIONAL PREROGATIVES.—Even as*  
5 *the Congress seeks to promote ballistic missile defense*  
6 *cooperation with Russia, it must insist on its con-*  
7 *stitutional prerogatives regarding consideration of*  
8 *arms control agreements with Russia that bear on*  
9 *ballistic missile defense.*

10 **SEC. 2703. AUTHORITIES RELATING TO NATO ENLARGE-**  
11 **MENT.**

12 (a) *POLICY OF SECTION.—This section is enacted in*  
13 *order to implement the policy set forth in section 2702(a).*

14 (b) *DESIGNATION OF ADDITIONAL COUNTRIES ELIGI-*  
15 *BLE FOR NATO ENLARGEMENT ASSISTANCE.—*

16 (1) *DESIGNATION OF ADDITIONAL COUNTRIES.—*  
17 *Romania, Estonia, Latvia, Lithuania, and Bulgaria*  
18 *are each designated as eligible to receive assistance*  
19 *under the program established under section 203(a) of*  
20 *the NATO Participation Act of 1994 (22 U.S.C. 1928*  
21 *note) and shall be deemed to have been so designated*  
22 *pursuant to section 203(d)(1) of such Act.*

23 (2) *RULE OF CONSTRUCTION.—The designation*  
24 *of countries pursuant to paragraph (1) as eligible to*  
25 *receive assistance under the program established*

1        *under section 203(a) of the NATO Participation Act*  
2        *of 1994—*

3                *(A) is in addition to the designation of*  
4                *other countries by law or pursuant to section*  
5                *203(d)(2) of such Act as eligible to receive assist-*  
6                *ance under the program established under section*  
7                *203(a) of such Act; and*

8                *(B) shall not preclude the designation by*  
9                *the President of other emerging democracies in*  
10               *Central and Eastern Europe pursuant to section*  
11               *203(d)(2) of such Act as eligible to receive assist-*  
12               *ance under the program established under section*  
13               *203(a) of such Act.*

14               *(3) SENSE OF CONGRESS.—It is the sense of*  
15               *Congress that Romania, Estonia, Latvia, Lithuania,*  
16               *and Bulgaria—*

17               *(A) are to be commended for their progress*  
18               *toward political and economic reform and meet-*  
19               *ing the guidelines for prospective NATO mem-*  
20               *bers;*

21               *(B) would make an outstanding contribu-*  
22               *tion to furthering the goals of NATO and en-*  
23               *hancing stability, freedom, and peace in Europe*  
24               *should they become NATO members; and*

1                   (C) upon complete satisfaction of all rel-  
2                   evant criteria should be invited to become full  
3                   NATO members at the earliest possible date.

4           (c) *REGIONAL AIRSPACE INITIATIVE AND PARTNER-*  
5 *SHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.*—

6                   (1) *IN GENERAL.*—Funds described in paragraph  
7                   (2) are authorized to be made available to support the  
8                   implementation of the Regional Airspace Initiative  
9                   and the Partnership for Peace Information Manage-  
10                  ment System, including—

11                           (A) the procurement of items in support of  
12                           these programs; and

13                           (B) the transfer of such items to countries  
14                           participating in these programs.

15                   (2) *FUNDS DESCRIBED.*—Funds described in this  
16                  paragraph are funds that are available—

17                           (A) during any fiscal year under the NATO  
18                           Participation Act of 1994 with respect to coun-  
19                           tries eligible for assistance under that Act; or

20                           (B) during fiscal year 1998 under any Act  
21                           to carry out the Warsaw Initiative.

22           (d) *EXTENSION OF AUTHORITY REGARDING EXCESS*  
23 *DEFENSE ARTICLES.*—Section 105 of Public Law 104-164  
24 (110 Stat. 1427) is amended by striking “1996 and 1997”  
25 and inserting “1997, 1998, and 1999”.



1           (e) *CONFORMING AMENDMENTS TO THE NATO PAR-*  
 2 *TICIPATION ACT OF 1994.—Section 203(c) of the NATO*  
 3 *Participation Act of 1994 (22 U.S.C. 1928 note) is amend-*  
 4 *ed—*

5           (1) *in paragraph (1), by striking “, without re-*  
 6 *gard to the restrictions” and all that follows through*  
 7 *“section)”;*

8           (2) *by striking paragraph (2);*

9           (3) *in paragraph (6), by striking “appropriated*  
 10 *under the ‘Nonproliferation and Disarmament Fund’*  
 11 *account” and inserting “made available for the ‘Non-*  
 12 *proliferation and Disarmament Fund’”; and*

13           (4) *in paragraph (8)—*

14           (A) *by striking “any restrictions in sections*  
 15 *516 and 519” and inserting “section 516(e)”;*

16           (B) *by striking “as amended,”; and*

17           (C) *by striking “paragraphs (1) and (2)”*  
 18 *and inserting “paragraph (1)”;* and

19           (5) *by redesignating paragraphs (3) through (8)*  
 20 *as paragraphs (2) through (7), respectively.*

21 **SEC. 2704. SENSE OF CONGRESS WITH RESPECT TO THE**  
 22 **TREATY ON CONVENTIONAL ARMED FORCES**  
 23 **IN EUROPE.**

24           *It is the sense of Congress that no revisions to the Trea-*  
 25 *ty on Conventional Armed Forces in Europe will be ap-*

1 *proved for entry into force with respect to the United States*  
2 *that jeopardize fundamental United States security inter-*  
3 *ests in Europe or the effectiveness and flexibility of NATO*  
4 *as a defensive alliance by—*

5           (1) *extending rights or imposing responsibilities*  
6 *on new NATO members different from those applica-*  
7 *ble to current NATO members, including rights or re-*  
8 *sponsibilities with respect to the deployment of nu-*  
9 *clear weapons and the stationing of troops and equip-*  
10 *ment from other NATO members;*

11           (2) *limiting the ability of NATO to defend the*  
12 *territory of new NATO members by, for example, re-*  
13 *stricting the construction of defense infrastructure or*  
14 *limiting the ability of NATO to deploy necessary re-*  
15 *inforcements;*

16           (3) *providing any international organization, or*  
17 *any country that is not a member of NATO, with the*  
18 *authority to delay, veto, or otherwise impede delibera-*  
19 *tions and decisions of the North Atlantic Council or*  
20 *the implementation of such decisions, including delib-*  
21 *erations and decisions with respect to the deployment*  
22 *of NATO forces or the admission of additional mem-*  
23 *bers to NATO; or*

1           (4) *impeding the development of enhanced rela-*  
2           *tions between NATO and other European countries*  
3           *that do not belong to the Alliance.*

4 **SEC. 2705. RESTRICTIONS AND REQUIREMENTS RELATING**  
5           **TO BALLISTIC MISSILE DEFENSE.**

6           (a) *POLICY OF SECTION.*—*This section is enacted in*  
7           *order to implement the policy set forth in section 2702(c).*

8           (b) *RESTRICTION ON ENTRY INTO FORCE OF ABM/*  
9           *TMD DEMARCATION AGREEMENTS.*—*An ABM/TMD de-*  
10           *marcation agreement shall not be binding on the United*  
11           *States, and shall not enter into force with respect to the*  
12           *United States, unless, after the date of enactment of this*  
13           *Act, that agreement is specifically approved with the advice*  
14           *and consent of the United States Senate pursuant to Article*  
15           *II, section 2, clause 2 of the Constitution.*

16           (c) *SENSE OF CONGRESS WITH RESPECT TO DEMAR-*  
17           *CATION AGREEMENTS.*—

18           (1) *RELATIONSHIP TO MULTILATERALIZATION OF*  
19           *ABM TREATY.*—*It is the sense of Congress that no*  
20           *ABM/TMD demarcation agreement will be considered*  
21           *for advice and consent to ratification unless, consist-*  
22           *ent with the certification of the President pursuant to*  
23           *condition (9) of the resolution of ratification of the*  
24           *CFE Flank Document, the President submits for Sen-*

1        *ate advice and consent to ratification any agreement,*  
2        *arrangement, or understanding that would—*

3                *(A) add one or more countries as State Par-*  
4                *ties to the ABM Treaty, or otherwise convert the*  
5                *ABM Treaty from a bilateral treaty to a multi-*  
6                *lateral treaty; or*

7                *(B) change the geographic scope or coverage*  
8                *of the ABM Treaty, or otherwise modify the*  
9                *meaning of the term “national territory” as used*  
10               *in Article VI and Article IX of the ABM Treaty.*

11               *(2) PRESERVATION OF UNITED STATES THEATER*  
12               *BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the*  
13               *sense of Congress that no ABM/TMD demarcation*  
14               *agreement that would reduce the capabilities of Unit-*  
15               *ed States theater missile defense systems, or the num-*  
16               *bers or deployment patterns of such systems, will be*  
17               *approved for entry into force with respect to the Unit-*  
18               *ed States.*

19               *(d) REPORT ON COOPERATIVE PROJECTS WITH RUS-*  
20               *SIA.—Not later than January 1, 1998, January 1, 1999,*  
21               *and January 1, 2000, the President shall submit to the*  
22               *Committees on International Relations, National Security,*  
23               *and Appropriations of the House of Representatives and the*  
24               *Committees on Foreign Relations, Armed Services, and Ap-*  
25               *propriations of the Senate a report on cooperative projects*

1 *with Russia in the area of ballistic missile defense, includ-*  
2 *ing in the area of early warning. Each such report shall*  
3 *include the following:*

4           (1) *COOPERATIVE PROJECTS.*—*A description of*  
5 *all cooperative projects conducted in the area of early*  
6 *warning and ballistic missile defense during the pre-*  
7 *ceding fiscal year and the fiscal year during which*  
8 *the report is submitted.*

9           (2) *FUNDING.*—*A description of the funding for*  
10 *such projects during the preceding fiscal year and the*  
11 *year during which the report is submitted and the*  
12 *proposed funding for such projects for the next fiscal*  
13 *year.*

14           (3) *STATUS OF DIALOGUE OR DISCUSSIONS.*—*A*  
15 *description of the status of any dialogue or discus-*  
16 *sions conducted during the preceding fiscal year be-*  
17 *tween the United States and Russia aimed at explor-*  
18 *ing the potential for mutual accommodation of out-*  
19 *standing issues between the two nations on matters*  
20 *relating to ballistic missile defense and the ABM*  
21 *Treaty, including the possibility of developing a stra-*  
22 *tegic relationship not based on mutual nuclear*  
23 *threats.*

24           (e) *DEFINITIONS.*—*In this section:*

1           (1) *ABM/TMD DEMARCATION AGREEMENT.*—*The*  
2           *term “ABM/TMD demarcation agreement” means*  
3           *any agreement that establishes a demarcation between*  
4           *theater ballistic missile defense systems and strategic*  
5           *antiballistic missile defense systems for purposes of*  
6           *the ABM Treaty.*

7           (2) *ABM TREATY.*—*The term “ABM Treaty”*  
8           *means the Treaty Between the United States of Amer-*  
9           *ican and the Union of Soviet Socialist Republics on*  
10          *the Limitation of Anti-Ballistic Missile Systems,*  
11          *signed at Moscow on May 26, 1972 (23 UST 3435),*  
12          *and includes the Protocols to that Treaty, signed at*  
13          *Moscow on July 3, 1974 (27 UST 1645).*

14        **TITLE XXVIII—MISCELLANEOUS**  
15                                    **PROVISIONS**

16        **SEC. 2801. REPORT ON RELATIONS WITH VIETNAM.**

17           *In order to provide Congress with the necessary infor-*  
18           *mation by which to evaluate the relationship between the*  
19           *United States and Vietnam, the Secretary of State shall*  
20           *submit a report to the appropriate congressional commit-*  
21           *tees, not later than 90 days after the date of enactment of*  
22           *this Act and every 180 days thereafter during the period*  
23           *ending September 30, 1999, on the extent to which—*

24           (1) *the Government of the Socialist Republic of*  
25           *Vietnam is cooperating with the United States in*

1        *providing the fullest possible accounting of all unre-*  
2        *solved cases of prisoners of war (POWs) or persons*  
3        *missing-in-action (MIAs) through the provision of*  
4        *records and the unilateral and joint recovery and re-*  
5        *patriation of American remains;*

6                *(2) the Government of the Socialist Republic of*  
7        *Vietnam has made progress toward the release of all*  
8        *political and religious prisoners, including Catholic,*  
9        *Protestant, and Buddhist clergy;*

10               *(3) the Government of the Socialist Republic of*  
11       *Vietnam is cooperating with requests by the United*  
12       *States to obtain full and free access to persons of hu-*  
13       *manitarian interest to the United States for inter-*  
14       *views under the Orderly Departure (ODP) and Reset-*  
15       *tlement Opportunities for Vietnamese Refugees*  
16       *(ROVR) programs, and in providing exit visas for*  
17       *such persons;*

18               *(4) the Government of the Socialist Republic of*  
19       *Vietnam has taken vigorous action to end extortion,*  
20       *bribery, and other corrupt practices in connection*  
21       *with such exit visas; and*

22               *(5) the Government of the United States is mak-*  
23       *ing vigorous efforts to interview and resettle former*  
24       *reeducation camp victims, their immediate families*  
25       *including unmarried sons and daughters, former*

1 *United States Government employees, and other per-*  
2 *sons eligible for the ODP program, and to give such*  
3 *persons the full benefit of all applicable United States*  
4 *laws including sections 599D and 599E of the For-*  
5 *foreign Operations, Export Financing, and Related Pro-*  
6 *grams Appropriations Act of 1990 (Public Law 101-*  
7 *167).*

8 **SEC. 2802. REPORTS ON DETERMINATIONS UNDER TITLE IV**  
9 **OF THE LIBERTAD ACT.**

10 (a) *REPORTS REQUIRED.*—*Not later than 30 days*  
11 *after the date of the enactment of this Act and every 3*  
12 *months thereafter during the period ending September 30,*  
13 *1999, the Secretary of State shall submit to the appropriate*  
14 *congressional committees a report on the implementation*  
15 *of section 401 of the Cuban Liberty and Democratic Soli-*  
16 *darity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each*  
17 *report shall include—*

18 (1) *an unclassified list, by economic sector, of the*  
19 *number of entities then under review pursuant to that*  
20 *section;*

21 (2) *an unclassified list of all entities and a clas-*  
22 *sified list of all individuals that the Secretary of*  
23 *State has determined to be subject to that section;*

24 (3) *an unclassified list of all entities and a clas-*  
25 *sified list of all individuals that the Secretary of*



1       State has determined are no longer subject to that sec-  
2       tion;

3               (4) an explanation of the status of the review un-  
4       derway for the cases referred to in paragraph (1); and

5               (5) an unclassified explanation of each deter-  
6       mination of the Secretary of State under section  
7       401(a) of that Act and each finding of the Secretary  
8       under section 401(c) of that Act—

9                       (A) since the date of the enactment of this  
10       Act, in the case of the first report under this sub-  
11       section; and

12                      (B) in the preceding 3-month period, in the  
13       case of each subsequent report.

14       (b) *PROTECTION OF IDENTITY OF CONCERNED ENTI-*  
15       *TIES.*—In preparing the report under subsection (a), the  
16       names of entities shall not be identified under paragraph  
17       (1) or (4).

18                               **SUBDIVISION 3—UNITED**  
19                                       **NATIONS REFORM**  
20                               **TITLE XXX—GENERAL**  
21                                       **PROVISIONS**

22       **SEC. 3001. SHORT TITLE.**

23               This subdivision may be cited as the “United Nations  
24       Reform Act of 1997”.

1 **SEC. 3002. DEFINITIONS.**

2 *In this subdivision:*

3 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
4 *TEES.—The term “appropriate congressional commit-*  
5 *tees” means the Committee on Foreign Relations and*  
6 *the Committee on Appropriations of the Senate and*  
7 *the Committee on International Relations and the*  
8 *Committee on Appropriations of the House of Rep-*  
9 *resentatives.*

10 (2) *DESIGNATED SPECIALIZED AGENCY DE-*  
11 *FINED.—The term “designated specialized agency”*  
12 *means the International Labor Organization, the*  
13 *World Health Organization, and the Food and Agri-*  
14 *culture Organization.*

15 (3) *GENERAL ASSEMBLY.—The term “General*  
16 *Assembly” means the General Assembly of the United*  
17 *Nations.*

18 (4) *SECRETARY GENERAL.—The term “Secretary*  
19 *General” means the Secretary General of the United*  
20 *Nations.*

21 (5) *SECURITY COUNCIL.—The term “Security*  
22 *Council” means the Security Council of the United*  
23 *Nations.*

24 (6) *UNITED NATIONS MEMBER.—The term*  
25 *“United Nations member” means any country that is*  
26 *a member of the United Nations.*

1           (7) *UNITED NATIONS PEACEKEEPING OPER-*  
 2           *ATION.—The term “United Nations peacekeeping op-*  
 3           *eration” means any United Nations-led operation to*  
 4           *maintain or restore international peace or security*  
 5           *that—*

6                     *(A) is authorized by the Security Council;*  
 7           *and*

8                     *(B) is paid for from assessed contributions*  
 9           *of United Nations members that are made avail-*  
 10           *able for peacekeeping activities.*

11 **SEC. 3003. NONDELEGATION OF CERTIFICATION REQUIRE-**  
 12                     **MENTS.**

13           *The Secretary of State may not delegate the authority*  
 14           *in this subdivision to make any certification.*

15           **TITLE XXXI—AUTHORIZATION**  
 16           **OF APPROPRIATIONS**

17 **SEC. 3101. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**  
 18                     **TIONS.**

19           *(a) AUTHORIZATION OF APPROPRIATIONS.—There are*  
 20           *authorized to be appropriated under the heading “Contribu-*  
 21           *tions to International Organizations” \$938,000,000 for the*  
 22           *fiscal year 1998 and \$900,000,000 for the fiscal year 1999*  
 23           *for the Department of State to carry out the authorities,*  
 24           *functions, duties, and responsibilities in the conduct of the*  
 25           *foreign affairs of the United States with respect to inter-*

1 *national organizations and to carry out other authorities*  
2 *in law consistent with such purposes.*

3 *(b) NO GROWTH BUDGET.—*

4 *(1) FISCAL YEAR 1998.—Of the funds made avail-*  
5 *able for fiscal year 1998 under subsection (a),*  
6 *\$80,000,000 may be made available only after the*  
7 *Secretary of State certifies that the United Nations*  
8 *has taken no action during calendar year 1997 to in-*  
9 *crease funding for any United Nations program with-*  
10 *out identifying an offsetting decrease elsewhere in the*  
11 *United Nations budget and cause the United Nations*  
12 *to exceed its no growth budget of \$2,603,290,900 for*  
13 *the biennium 1996–97 adopted in December 1996.*

14 *(2) FISCAL YEAR 1999.—Of the funds made avail-*  
15 *able for fiscal year 1999 under subsection (a),*  
16 *\$80,000,000 may be made available only after the*  
17 *Secretary of State certifies that the United Nations*  
18 *has taken no action during calendar year 1998 to in-*  
19 *crease funding for any United Nations program with-*  
20 *out identifying an offsetting decrease elsewhere in the*  
21 *United Nations budget of \$2,533,000,000 and cause*  
22 *the United Nations to exceed that budget.*

23 *(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—*

24 *(1) WITHHOLDING OF FUNDS.—Twenty percent*  
25 *of the funds made available in each fiscal year under*

1        *subsection (a) for the assessed contribution of the*  
2        *United States to the United Nations shall be withheld*  
3        *from obligation and expenditure until a certification*  
4        *is made under paragraph (2).*

5                *(2) CERTIFICATION.—A certification under this*  
6        *paragraph is a certification by the Secretary of State*  
7        *in the fiscal year concerned that the following condi-*  
8        *tions are satisfied:*

9                        *(A) ACTION BY THE UNITED NATIONS.—The*  
10        *United Nations—*

11                        *(i) has met the requirements of para-*  
12        *graphs (1) through (6) of section 401(b) of*  
13        *the Foreign Relations Authorization Act,*  
14        *Fiscal Years 1994 and 1995 (22 U.S.C.*  
15        *287e note), as amended by paragraph (3);*

16                        *(ii) has established procedures that re-*  
17        *quire the Under Secretary General of the*  
18        *Office of Internal Oversight Service to re-*  
19        *port directly to the Secretary General on the*  
20        *adequacy of the Office's resources to enable*  
21        *the Office to fulfill its mandate; and*

22                        *(iii) has made available an adequate*  
23        *amount of funds to the Office for carrying*  
24        *out its functions.*

1                   (B) *AUTHORITY OF OIOS.*—*The Office of In-*  
2                   *ternal Oversight Services has authority to audit,*  
3                   *inspect, or investigate each program, project, or*  
4                   *activity funded by the United Nations, and each*  
5                   *executive board created under the United Nations*  
6                   *has been notified, in writing, of that authority.*

7                   (3) *AMENDMENT OF THE FOREIGN RELATIONS*  
8                   *AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.*—  
9                   *Section 401(b) of the Foreign Relations Authorization*  
10                  *Act, Fiscal Years 1994 and 1995 is amended—*

11                   (A) *by amending paragraph (6) to read as*  
12                  *follows:*

13                   “*(6) the United Nations has procedures in place*  
14                  *to ensure that all reports submitted by the Office of*  
15                  *Internal Oversight Service are made available to the*  
16                  *member states of the United Nations without modi-*  
17                  *fication except to the extent necessary to protect the*  
18                  *privacy rights of individuals.”; and*

19                   (B) *by striking “Inspector General” each*  
20                  *place it appears and inserting “Office of Inter-*  
21                  *nal Oversight Service”.*

22                   (d) *PROHIBITION ON CERTAIN GLOBAL CON-*  
23                  *FERENCES.*—*None of the funds made available under sub-*  
24                  *section (a) shall be available for any United States con-*

1 *tribution to pay for any expenses related to the holding of*  
2 *a United Nations Global Conference.*

3 *(e) REDUCTION IN NUMBER OF POSTS.—*

4 *(1) FISCAL YEAR 1998.—Of the funds authorized*  
5 *to be appropriated for fiscal year 1998 for the United*  
6 *Nations by subsection (a), \$50,000,000 shall be with-*  
7 *held from obligation and expenditure until the Sec-*  
8 *retary of State certifies to Congress that the number*  
9 *of posts authorized under the 1998–99 regular budget*  
10 *of the United Nations, and authorized by the General*  
11 *Assembly, has resulted in a net reduction of at least*  
12 *1,000 posts from the 10,012 posts authorized under*  
13 *the 1996–97 United Nations biennium budget, as a*  
14 *result of a suppression of that number of posts.*

15 *(2) FISCAL YEAR 1999.—Not later than October*  
16 *1, 1998, the Secretary of State shall submit a report*  
17 *to the appropriate congressional committees specify-*  
18 *ing—*

19 *(A) the budget savings associated with the*  
20 *reduction of the 1,000 posts specified in para-*  
21 *graph (1), including any reduction in the United*  
22 *States assessed contribution for the United Na-*  
23 *tions regular budget resulting from those savings;*

24 *(B) the vacancy rates for United Nations*  
25 *professional and general service staff contained*

1           *in the United Nations biennium budget for*  
2           *1998–99, including any reduction in the United*  
3           *States assessed contribution for the United Na-*  
4           *tions regular budget resulting from those vacancy*  
5           *rates; and*

6                   *(C) the goals of the United States for fur-*  
7           *ther staff reductions and associated budget sav-*  
8           *ings for the 1998–99 United Nations biennium*  
9           *budget.*

10           *(f) PROHIBITION ON FUNDING OTHER FRAMEWORK*  
11           *TREATY-BASED ORGANIZATIONS.—None of the funds made*  
12           *available for the 1998-1999 biennium budget under sub-*  
13           *section (a) for United States contributions to the regular*  
14           *budget of the United Nations shall be available for the Unit-*  
15           *ed States proportionate share of any other framework trea-*  
16           *ty-based organization, including the Framework Conven-*  
17           *tion on Global Climate Change, the International Seabed*  
18           *Authority, and the 1998 Desertification Convention.*

19           *(g) LIMITATIONS FOR FISCAL YEARS 1999 AND*  
20           *2000.—*

21                   *(1) IN GENERAL.—The total amount of funds*  
22           *made available for all United States memberships in*  
23           *international organizations under the heading “Con-*  
24           *tributions to International Organizations” may not*



1       *exceed \$900,000,000 for each of fiscal years 1999 and*  
2       *2000.*

3               (2) *CONSULTATIONS WITH CONGRESS.*—*The Sec-*  
4       *retary of State shall regularly consult with the appro-*  
5       *priate congressional committees regarding the impact,*  
6       *if any, of the limitation in paragraph (1) on the*  
7       *maintenance of United States membership in such*  
8       *international organizations.*

9       (h) *FOREIGN CURRENCY EXCHANGE RATES.*—

10              (1) *AUTHORIZATION OF APPROPRIATIONS.*—*In*  
11       *addition to amounts authorized to be appropriated by*  
12       *subsection (a), there are authorized to be appropriated*  
13       *such sums as may be necessary for each of fiscal years*  
14       *1998 and 1999 to offset adverse fluctuations in for-*  
15       *ign currency exchange rates.*

16              (2) *AVAILABILITY OF FUNDS.*—*Amounts appro-*  
17       *priated under this subsection shall be available for ob-*  
18       *ligation and expenditure only to the extent that the*  
19       *Director of the Office of Management and Budget de-*  
20       *termines and certifies to Congress that such amounts*  
21       *are necessary due to such fluctuations.*

22              (i) *REFUND OF EXCESS CONTRIBUTIONS.*—*The United*  
23       *States shall continue to insist that the United Nations and*  
24       *its specialized and affiliated agencies shall credit or refund*  
25       *to each member of the agency concerned its proportionate*

1 *share of the amount by which the total contributions to the*  
2 *agency exceed the expenditures of the regular assessed budg-*  
3 *ets of these agencies.*

4 **SEC. 3102. CONTRIBUTIONS FOR INTERNATIONAL PEACE-**  
5 **KEEPING ACTIVITIES.**

6 (a) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
7 *authorized to be appropriated under the heading “Contribu-*  
8 *tions for International Peacekeeping Activities”*  
9 *\$220,000,000 for the fiscal year 1998 and \$220,000,000 for*  
10 *the fiscal year 1999 for the Department of State to carry*  
11 *out the authorities, functions, duties, and responsibilities*  
12 *in the conduct of the foreign affairs of the United States*  
13 *with respect to international peacekeeping activities and to*  
14 *carry out other authorities in law consistent with such pur-*  
15 *poses.*

16 (b) *CODIFICATION OF REQUIRED NOTICE OF PRO-*  
17 *POSED UNITED NATIONS PEACEKEEPING OPERATIONS.—*

18 (1) *CODIFICATION.—Section 4 of the United Na-*  
19 *tions Participation Act of 1945 (22 U.S.C. 287b) is*  
20 *amended—*

21 (A) *in subsection (a), by striking the second*  
22 *sentence; and*

23 (B) *by striking subsection (e) and inserting*  
24 *the following:*

1       “(e) *CONSULTATIONS AND REPORTS ON UNITED NA-*  
2 *TIONS PEACEKEEPING OPERATIONS.*—

3               “(1) *CONSULTATIONS.*—*Each month the Presi-*  
4 *dent shall consult with Congress on the status of*  
5 *United Nations peacekeeping operations.*

6               “(2) *INFORMATION TO BE PROVIDED.*—*In con-*  
7 *nection with such consultations, the following infor-*  
8 *mation shall be provided each month to the des-*  
9 *ignated congressional committees:*

10                       “(A) *With respect to ongoing United Na-*  
11 *tions peacekeeping operations, the following:*

12                               “(i) *A list of all resolutions of the*  
13 *United Nations Security Council antici-*  
14 *pated to be voted on during such month that*  
15 *would extend or change the mandate of any*  
16 *United Nations peacekeeping operation.*

17                               “(ii) *For each such operation, any*  
18 *changes in the duration, mandate, and com-*  
19 *mand and control arrangements that are*  
20 *anticipated as a result of the adoption of*  
21 *the resolution.*

22                               “(iii) *An estimate of the total cost to*  
23 *the United Nations of each such operation*  
24 *for the period covered by the resolution, and*

1           *an estimate of the amount of that cost that*  
2           *will be assessed to the United States.*

3           “(iv) *Any anticipated significant*  
4           *changes in United States participation in*  
5           *or support for each such operation during*  
6           *the period covered by the resolution (includ-*  
7           *ing the provision of facilities, training,*  
8           *transportation, communication, and*  
9           *logistical support, but not including intel-*  
10           *ligence activities reportable under title V of*  
11           *the National Security Act of 1947 (50*  
12           *U.S.C. 413 et seq.)), and the estimated costs*  
13           *to the United States of such changes.*

14           “(B) *With respect to each new United Na-*  
15           *tions peacekeeping operation that is anticipated*  
16           *to be authorized by a Security Council resolution*  
17           *during such month, the following information for*  
18           *the period covered by the resolution:*

19           “(i) *The anticipated duration, man-*  
20           *date, the command and control arrange-*  
21           *ments of such operation, the planned exit*  
22           *strategy, and the vital national interest to*  
23           *be served.*

24           “(ii) *An estimate of the total cost to*  
25           *the United Nations of the operation, and an*

1           *estimate of the amount of that cost that will*  
2           *be assessed to the United States.*

3           “(iii) *A description of the functions*  
4           *that would be performed by any United*  
5           *States Armed Forces participating in or*  
6           *otherwise operating in support of the oper-*  
7           *ation, an estimate of the number of mem-*  
8           *bers of the Armed Forces that will partici-*  
9           *pate in or otherwise operate in support of*  
10           *the operation, and an estimate of the cost to*  
11           *the United States of such participation or*  
12           *support.*

13           “(iv) *A description of any other United*  
14           *States assistance to or support for the oper-*  
15           *ation (including the provision of facilities,*  
16           *training, transportation, communication,*  
17           *and logistical support, but not including in-*  
18           *telligence activities reportable under title V*  
19           *of the National Security Act of 1947 (50*  
20           *U.S.C. 413 et seq.)) and an estimate of the*  
21           *cost to the United States of such assistance*  
22           *or support.*

23           “(v) *A reprogramming of funds pursu-*  
24           *ant to section 34 of the State Department*  
25           *Basic Authorities Act of 1956, submitted in*

1           *accordance with the procedures set forth in*  
2           *such section, describing the source of funds*  
3           *that will be used to pay for the cost of the*  
4           *new United Nations peacekeeping operation,*  
5           *provided that such notification shall also be*  
6           *submitted to the Committee on Appropriations*  
7           *of the House of Representatives and*  
8           *the Committee on Appropriations of the*  
9           *Senate.*

10           “(3) *FORM AND TIMING OF INFORMATION.*—

11                   “(A) *FORM.*—*The President shall submit*  
12           *information under clauses (i) and (iii) of para-*  
13           *graph (2)(A) in writing.*

14                   “(B) *TIMING.*—

15                           “(i) *ONGOING OPERATIONS.*—*The in-*  
16           *formation required under paragraph (2)(A)*  
17           *for a month shall be submitted not later*  
18           *than the 10th day of the month.*

19                           “(ii) *NEW OPERATIONS.*—*The informa-*  
20           *tion required under paragraph (2)(B) shall*  
21           *be submitted in writing with respect to each*  
22           *new United Nations peacekeeping operation*  
23           *not less than 15 days before the anticipated*  
24           *date of the vote on the resolution concerned*  
25           *unless the President determines that excep-*

1            *tional circumstances prevent compliance*  
2            *with the requirement to report 15 days in*  
3            *advance. If the President makes such a de-*  
4            *termination, the information required*  
5            *under paragraph (2)(B) shall be submitted*  
6            *as far in advance of the vote as is prac-*  
7            *ticable.*

8            “(4) *NEW UNITED NATIONS PEACEKEEPING OP-*  
9            *ERATION DEFINED.—As used in paragraph (2), the*  
10           *term ‘new United Nations peacekeeping operation’ in-*  
11           *cludes any existing or otherwise ongoing United Na-*  
12           *tions peacekeeping operation—*

13                    *“(A) where the authorized force strength is*  
14                    *to be expanded;*

15                    *“(B) that is to be authorized to operate in*  
16                    *a country in which it was not previously author-*  
17                    *ized to operate; or*

18                    *“(C) the mandate of which is to be changed*  
19                    *so that the operation would be engaged in sig-*  
20                    *nificant additional or significantly different*  
21                    *functions.*

22            “(5) *NOTIFICATION AND QUARTERLY REPORTS*  
23            *REGARDING UNITED STATES ASSISTANCE.—*

24                    *“(A) NOTIFICATION OF CERTAIN ASSIST-*  
25                    *ANCE.—*

1           “(i) *IN GENERAL.*—*The President shall*  
2           *notify the designated congressional commit-*  
3           *tees at least 15 days before the United*  
4           *States provides any assistance to the United*  
5           *Nations to support peacekeeping operations.*

6           “(ii) *EXCEPTION.*—*This subparagraph*  
7           *does not apply to—*

8                     “(I) *assistance having a value of*  
9                     *less than \$3,000,000 in the case of non-*  
10                    *reimbursable assistance or less than*  
11                    *\$14,000,000 in the case of reimbursable*  
12                    *assistance; or*

13                   “(II) *assistance provided under*  
14                    *the emergency drawdown authority of*  
15                    *sections 506(a)(1) and 552(c)(2) of the*  
16                    *Foreign Assistance Act of 1961 (22*  
17                    *U.S.C. 2318(a)(1) and 2348a(c)(2)).*

18           “(B) *QUARTERLY REPORTS.*—

19                   “(i) *IN GENERAL.*—*The President shall*  
20                    *submit quarterly reports to the designated*  
21                    *congressional committees on all assistance*  
22                    *provided by the United States during the*  
23                    *preceding calendar quarter to the United*  
24                    *Nations to support peacekeeping operations.*



1                   “(ii) *MATTERS INCLUDED.*—Each re-  
2                   port under this subparagraph shall describe  
3                   the assistance provided for each such oper-  
4                   ation, listed by category of assistance.

5                   “(iii) *FOURTH QUARTER REPORT.*—  
6                   The report under this subparagraph for the  
7                   fourth calendar quarter of each year shall be  
8                   submitted as part of the annual report re-  
9                   quired by subsection (d) and shall include  
10                  cumulative information for the preceding  
11                  calendar year.

12                  “(f) *DESIGNATED CONGRESSIONAL COMMITTEES.*—In  
13                  this section, the term ‘designated congressional committees’  
14                  means the Committee on Foreign Relations and the Com-  
15                  mittee on Appropriations of the Senate and the Committee  
16                  on International Relations and the Committee on Appro-  
17                  priations of the House of Representatives.”.

18                  (2) *CONFORMING REPEAL.*—Subsection (a) of  
19                  section 407 of the Foreign Relations Authorization  
20                  Act, Fiscal Years 1994 and 1995 (Public Law 103–  
21                  236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

22                  (c) *RELATIONSHIP TO OTHER NOTICE REQUIRE-*  
23                  MENTS.—Section 4 of the United Nations Participation Act  
24                  of 1945, as amended by subsection (b), is further amended  
25                  by adding at the end the following:



1 *estinian Rights; and the Division on Public Information*  
2 *on the Question of Palestine.*

3 (c) *ANNUAL REPORTS.*—*On January 15 of each year,*  
4 *the Secretary of State shall submit a report to the appro-*  
5 *priate congressional committees (in classified or unclassi-*  
6 *fied form as appropriate) on—*

7 (1) *actions taken by representatives of the United*  
8 *States to encourage the nations of the Western Europe*  
9 *and Others Group (WEOG) to accept Israel into their*  
10 *regional bloc;*

11 (2) *other measures being undertaken, and which*  
12 *will be undertaken, to ensure and promote Israel's full*  
13 *and equal participation in the United Nations; and*

14 (3) *steps taken by the United States to secure*  
15 *abolition by the United Nations of groups under sub-*  
16 *section (b).*

17 (d) *ANNUAL CONSULTATION.*—*At the time of the sub-*  
18 *mission of each annual report under subsection (c), the Sec-*  
19 *retary of State shall consult with the appropriate congres-*  
20 *sional committees on specific responses received by the Sec-*  
21 *retary of State from each of the nations of the Western Eu-*  
22 *rope and Others Group (WEOG) on their position concern-*  
23 *ing Israel's acceptance into their organization.*

1 **SEC. 3202. DATA ON COSTS INCURRED IN SUPPORT OF**  
2 **UNITED NATIONS PEACEKEEPING OPER-**  
3 **ATIONS.**

4 *Chapter 6 of part II of the Foreign Assistance Act of*  
5 *1961 (22 U.S.C. 2348 et seq.) is amended by adding at the*  
6 *end the following:*

7 **“SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF**  
8 **UNITED NATIONS PEACEKEEPING OPER-**  
9 **ATIONS.**

10 *“(a) UNITED STATES COSTS.—The United States shall*  
11 *annually provide to the Secretary General of the United*  
12 *Nations data regarding all costs incurred by the United*  
13 *States in support of all United Nations peacekeeping oper-*  
14 *ations.*

15 *“(b) UNITED NATIONS MEMBER COSTS.—The United*  
16 *States shall request that the United Nations compile and*  
17 *publish information concerning costs incurred by United*  
18 *Nations members in support of such operations.”.*

19 **SEC. 3203. REIMBURSEMENT FOR GOODS AND SERVICES**  
20 **PROVIDED BY THE UNITED STATES TO THE**  
21 **UNITED NATIONS.**

22 *The United Nations Participation Act of 1945 (22*  
23 *U.S.C. 287 et seq.) is amended by adding at the end the*  
24 *following new section:*

1 **“SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES**  
2 **PROVIDED BY THE UNITED STATES TO THE**  
3 **UNITED NATIONS.**

4 *“(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—*

5 *“(1) IN GENERAL.—Except as provided in para-*  
6 *graph (2), the President shall seek and obtain in a*  
7 *timely fashion a commitment from the United Na-*  
8 *tions to provide reimbursement to the United States*  
9 *from the United Nations whenever the United States*  
10 *Government furnishes assistance pursuant to the pro-*  
11 *visions of law described in subsection (c)—*

12 *“(A) to the United Nations when the assist-*  
13 *ance is designed to facilitate or assist in carry-*  
14 *ing out an assessed peacekeeping operation;*

15 *“(B) for any United Nations peacekeeping*  
16 *operation that is authorized by the United Na-*  
17 *tions Security Council under Chapter VI or*  
18 *Chapter VII of the United Nations Charter and*  
19 *paid for by peacekeeping or regular budget as-*  
20 *essment of the United Nations members; or*

21 *“(C) to any country participating in any*  
22 *operation authorized by the United Nations Se-*  
23 *curity Council under Chapter VI or Chapter VII*  
24 *of the United Nations Charter and paid for by*  
25 *peacekeeping assessments of United Nations*  
26 *members when the assistance is designed to fa-*

1           *ilitate or assist the participation of that coun-*  
2           *try in the operation.*

3           “(2) *EXCEPTIONS.—(A) The requirement in*  
4           *paragraph (1) shall not apply to—*

5                   “(i) *goods and services provided to the*  
6                   *United States Armed Forces;*

7                   “(ii) *assistance having a value of less than*  
8                   *\$3,000,000 per fiscal year per operation;*

9                   “(iii) *assistance furnished before the date of*  
10                  *enactment of this section;*

11                  “(iv) *salaries and expenses of civilian police*  
12                  *and other civilian and military monitors where*  
13                  *United Nations policy is to require payment by*  
14                  *contributing members for similar assistance to*  
15                  *United Nations peacekeeping operations; or*

16                  “(v) *any assistance commitment made be-*  
17                  *fore the date of enactment of this Act if such*  
18                  *commitment will not extend beyond January 1,*  
19                  *1998.*

20                  “(B) *The requirements of subsection (d)(1)(B)*  
21                  *shall not apply to the deployment of United States*  
22                  *military forces when the President determines that*  
23                  *such deployment is important to the security interests*  
24                  *of the United States. The cost of such deployment*

1       *shall be included in the data provided under section*  
2       *554 of the Foreign Assistance Act of 1961.*

3               “(3) *FORM AND AMOUNT.*—

4                       “(A) *AMOUNT.*—*The amount of any reim-*  
5                       *bursement under this subsection shall be deter-*  
6                       *mined at the usual rate established by the United*  
7                       *Nations.*

8                       “(B) *FORM.*—*Reimbursement under this*  
9                       *subsection may include credits against the Unit-*  
10                      *ed States assessed contributions for United*  
11                      *States peacekeeping operations, if the expenses*  
12                      *incurred by any United States department or*  
13                      *agency providing the assistance have first been*  
14                      *reimbursed.*

15               “(b) *TREATMENT OF REIMBURSEMENTS.*—

16                      “(1) *CREDIT.*—*The amount of any reimburse-*  
17                      *ment paid the United States under subsection (a)*  
18                      *shall be credited to the current applicable appropria-*  
19                      *tion, fund, or account of the United States depart-*  
20                      *ment or agency providing the assistance for which the*  
21                      *reimbursement is paid.*

22                      “(2) *AVAILABILITY.*—*Amounts credited under*  
23                      *paragraph (1) shall be merged with the appropria-*  
24                      *tions, or with appropriations in the fund or account,*  
25                      *to which credited and shall be available for the same*

1        *purposes, and subject to the same conditions and lim-*  
2        *itations, as the appropriations with which merged.*

3        “(c) *COVERED ASSISTANCE.*—*Subsection (a) applies to*  
4        *assistance provided under the following provisions of law:*

5                “(1) *Sections 6 and 7 of this Act.*

6                “(2) *Sections 451, 506(a)(1), 516, 552(c), and*  
7        *607 of the Foreign Assistance Act of 1961.*

8                “(3) *Any other provisions of law pursuant to*  
9        *which assistance is provided by the United States to*  
10        *carry out the mandate of an assessed United Nations*  
11        *peacekeeping operation.*

12        “(d) *WAIVER.*—

13                “(1) *AUTHORITY.*—

14                        “(A) *IN GENERAL.*—*The President may au-*  
15        *thorize the furnishing of assistance covered by*  
16        *this section without regard to subsection (a) if*  
17        *the President determines, and so notifies in writ-*  
18        *ing the Committee on Foreign Relations of the*  
19        *Senate and the Speaker of the House of Rep-*  
20        *resentatives, that to do so is important to the se-*  
21        *curity interests of the United States.*

22                        “(B) *CONGRESSIONAL NOTIFICATION.*—  
23        *When exercising the authorities of subparagraph*  
24        *(A), the President shall notify the appropriate*  
25        *congressional committees in accordance with the*



1           *procedures applicable to reprogramming notifi-*  
2           *cations under section 634A of the Foreign Assist-*  
3           *ance Act of 1961.*

4           “(2) *CONGRESSIONAL REVIEW.*—*Notwithstanding*  
5           *a notice under paragraph (1) with respect to assist-*  
6           *ance covered by this section, subsection (a) shall*  
7           *apply to the furnishing of the assistance if, not later*  
8           *than 15 calendar days after receipt of a notification*  
9           *under that paragraph, the Congress enacts a joint res-*  
10          *olution disapproving the determination of the Presi-*  
11          *dent contained in the notification.*

12          “(3) *SENATE PROCEDURES.*—*Any joint resolu-*  
13          *tion described in paragraph (2) shall be considered in*  
14          *the Senate in accordance with the provisions of sec-*  
15          *tion 601(b) of the International Security Assistance*  
16          *and Arms Export Control Act of 1976.*

17          “(e) *RELATIONSHIP TO OTHER REIMBURSEMENT AU-*  
18          *THORITY.*—*Nothing in this section shall preclude the Presi-*  
19          *dent from seeking reimbursement for assistance covered by*  
20          *this section that is in addition to the reimbursement sought*  
21          *for the assistance under subsection (a).*

22          “(f) *DEFINITION.*—*In this section, the term ‘assistance’*  
23          *includes personnel, services, supplies, equipment, facilities,*  
24          *and other assistance if such assistance is provided by the*

1 *Department of Defense or any other United States Govern-*  
2 *ment agency.”.*

3 **SEC. 3204. UNITED STATES POLICY REGARDING UNITED NA-**  
4 **TIONS PEACEKEEPING OPERATIONS.**

5 *It shall be the policy of the United States—*

6 *(1) to ensure that major peacekeeping operations*  
7 *(in general, those comprised of more than 10,000*  
8 *troops) authorized by the United Nations Security*  
9 *Council under Chapter VII of the United Nations*  
10 *Charter (or missions such as the United Nations Pro-*  
11 *tection Force (UNPROFOR)) are undertaken by a*  
12 *competent regional organization or a multinational*  
13 *force, and not established as a peacekeeping operation*  
14 *under United Nations operational control which*  
15 *would be paid for by assessment of United Nations*  
16 *members;*

17 *(2) to consider, on a case-by-case basis, whether*  
18 *it is in the national interest of the United States to*  
19 *agree that smaller peacekeeping operations authorized*  
20 *by the United Nations Security Council under Chap-*  
21 *ter VII of the United Nations Charter and paid for*  
22 *by assessment of United Nations members (such as the*  
23 *United Nations Transitional Authority in Slavonia*  
24 *(UNTAES)) should be established as peacekeeping op-*  
25 *erations under United Nations operational control*

1       *which would be paid for by assessment of United Na-*  
2       *tions members; and*

3               *(3) to oppose the establishment of United Nations*  
4       *peace operations approved by the General Assembly*  
5       *and funded out of the regular budget of the United*  
6       *Nations.*

7       **SEC. 3205. REFORM IN BUDGET DECISIONMAKING PROCE-**  
8                       **DURES OF THE UNITED NATIONS AND ITS**  
9                       **SPECIALIZED AGENCIES.**

10       *For the fiscal years 1998 and 1999, the President may*  
11       *withhold funds for the United States assessed contribution*  
12       *to the United Nations or to any of its specialized agencies*  
13       *in the same percentage and subject to the same requirements*  
14       *as are applicable to the withholding of funds under section*  
15       *409 of the Foreign Relations Authorization Act, Fiscal*  
16       *Years 1994 and 1995 (22 U.S.C. 287e note).*

17       **SEC. 3206. CONTINUED EXTENSION OF PRIVILEGES, EXEMP-**  
18                       **TIONS, AND IMMUNITIES OF THE INTER-**  
19                       **NATIONAL ORGANIZATIONS IMMUNITIES ACT**  
20                       **TO UNIDO.**

21       *Section 12 of the International Organizations Immu-*  
22       *nities Act (22 U.S.C. 288f-2) is amended by inserting “and*  
23       *the United Nations Industrial Development Organization”*  
24       *after “International Labor Organization”.*

1 **SEC. 3207. SENSE OF THE CONGRESS REGARDING COMPLI-**  
2 **ANCE WITH CHILD AND SPOUSAL SUPPORT**  
3 **OBLIGATIONS BY UNITED NATIONS**  
4 **PERSONNEL.**

5 (a) *SENSE OF CONGRESS.*—*It is the sense of the Con-*  
6 *gress that—*

7 (1) *all United Nations staff, including dip-*  
8 *lomats, should comply with binding United States*  
9 *Federal, State, and local court orders regarding child*  
10 *and spousal support obligations;*

11 (2) *the internal regulations of the United Na-*  
12 *tions allows—*

13 (A) *the United Nations to release staff sal-*  
14 *ary information to the courts in spousal and*  
15 *child support cases;*

16 (B) *the Secretary General to authorize de-*  
17 *duction of dependency related allowances from*  
18 *staff salary;*

19 (C) *the United Nations to cooperate with*  
20 *appropriate authorities to facilitate proper legal*  
21 *or judicial resolution of the family's claim.*

22 (b) *CONGRESSIONAL STATEMENT.*—*The Secretary of*  
23 *State should urge the United Nations to comply fully with*  
24 *regulations regarding compliance with child and spousal*  
25 *support obligations by United Nations personnel, in a time-*  
26 *ly manner and to the fullest extent possible.*

1           **TITLE XXXIII—ARREARS**  
2           **PAYMENTS AND REFORM**  
3           **CHAPTER 1—ARREARAGES TO THE**  
4           **UNITED NATIONS**  
5   **Subchapter A—Authorization of Appropria-**  
6       **tions; Obligation and Expenditure of**  
7       **Funds**

8   **SEC. 3301. AUTHORIZATION OF APPROPRIATIONS.**

9       (a) *IN GENERAL.*—*There are authorized to be appro-*  
10   *priated to the Department of State for payment of arrear-*  
11   *ages owed by the United States described in subsection (b)*  
12   *as of September 30, 1997—*

13           (1) *\$100,000,000 for fiscal year 1998;*

14           (2) *\$475,000,000 for fiscal year 1999; and*

15           (3) *\$244,000,000 for fiscal year 2000.*

16       (b) *LIMITATION.*—*Amounts made available under sub-*  
17   *section (a) are authorized to be available only—*

18           (1) *to pay the United States share of assessments*  
19       *for the regular budget of the United Nations;*

20           (2) *to pay the United States share of United Na-*  
21       *tions peacekeeping operations;*

22           (3) *to pay the United States share of United Na-*  
23       *tions specialized agencies; and*

24           (4) *to pay the United States share of other inter-*  
25       *national organizations.*

1       (c) *AVAILABILITY OF FUNDS.*—Amounts appropriated  
2 pursuant to subsection (a) are authorized to remain avail-  
3 able until expended.

4       (d) *STATUTORY CONSTRUCTION.*—For purposes of  
5 payments made pursuant to subsection (a), section  
6 404(b)(2) of the Foreign Relations Authorization Act, Fis-  
7 cal Years 1994 and 1995 (Public Law 103–236) shall not  
8 apply to United Nations peacekeeping operation assess-  
9 ments received by the United States prior to October 1,  
10 1995.

11 **SEC. 3302. OBLIGATION AND EXPENDITURE OF FUNDS.**

12       (a) *IN GENERAL.*—Funds made available pursuant to  
13 section 3301 may be obligated and expended only if the re-  
14 quirements of subsections (b) and (c) of this section are sat-  
15 isfied.

16       (b) *OBLIGATION AND EXPENDITURE UPON SATISFAC-*  
17 *TION OF CERTIFICATION REQUIREMENTS.*—Subject to sub-  
18 section (e), funds made available pursuant to section 3301  
19 may be obligated and expended only in the following allot-  
20 ments and upon the following certifications:

21               (1) *Amounts authorized to be appropriated for*  
22 *fiscal year 1998, upon the certification described in*  
23 *section 3311.*

1           (2) *Amounts authorized to be appropriated for*  
2 *fiscal year 1999, upon the certification described in*  
3 *section 3321.*

4           (3) *Amounts authorized to be appropriated for*  
5 *fiscal year 2000, upon the certification described in*  
6 *section 3331.*

7           (c) *ADVANCE CONGRESSIONAL NOTIFICATION.—Funds*  
8 *made available pursuant to section 3301 may be obligated*  
9 *and expended only if the appropriate certification has been*  
10 *submitted to the appropriate congressional committees 30*  
11 *days prior to the payment of the funds.*

12          (d) *TRANSMITTAL OF CERTIFICATIONS.—Certifi-*  
13 *cations made under this chapter shall be transmitted by the*  
14 *Secretary of State to the appropriate congressional commit-*  
15 *tees.*

16          (e) *WAIVER AUTHORITY.—*

17           (1) *FISCAL YEAR 1999 FUNDS.—Subject to para-*  
18 *graph (3) and notwithstanding subsection (b), funds*  
19 *made available under section 3301 may be obligated*  
20 *or expended pursuant to subsection (b)(2) even if the*  
21 *Secretary of State cannot certify that one of the fol-*  
22 *lowing three conditions has been satisfied:*

23           (A) *The condition described in section*  
24 *3321(b)(1).*

1           (B) *The condition described in section*  
2           *3321(b)(4).*

3           (C) *The condition described in section*  
4           *3321(b)(5).*

5           (2) *FISCAL YEAR 2000 FUNDS.—Subject to para-*  
6           *graph (3) and notwithstanding subsection (b), funds*  
7           *made available under section 3301 may be obligated*  
8           *or expended pursuant to subsection (b)(3) even if the*  
9           *Secretary of State cannot certify that one of the fol-*  
10          *lowing seven conditions has been satisfied: A condi-*  
11          *tion described in paragraph (3), (4), (5), (6), (7),*  
12          *(8), or (9) of section 3331(b).*

13          (3) *REQUIREMENTS.—*

14               (A) *IN GENERAL.—The authority to waive a*  
15               *condition under paragraph (1) or (2) of this sub-*  
16               *section may be exercised only if—*

17                       (i) *the Secretary of State determines*  
18                       *that substantial progress towards satisfying*  
19                       *the condition has been made and that the*  
20                       *expenditure of funds pursuant to that para-*  
21                       *graph is important to the interests of the*  
22                       *United States; and*

23                       (ii) *the Secretary of State has notified,*  
24                       *and consulted with, the appropriate con-*



1           gressional committees prior to exercising the  
2           authority.

3           (B) *EFFECT ON SUBSEQUENT CERTIFI-*  
4           *CATION.—If the Secretary of State exercises the*  
5           *authority of paragraph (1) with respect to a con-*  
6           *dition, such condition shall be deemed to have*  
7           *been satisfied for purposes of making any certifi-*  
8           *cation under section 3331.*

9           (4) *ADDITIONAL REQUIREMENT.—If the author-*  
10          *ity to waive a condition under paragraph 1(A) is ex-*  
11          *ercised, the Secretary shall notify the United Nations*  
12          *that the Congress does not consider the United States*  
13          *obligated to pay, and does not intend to pay, arrear-*  
14          *ages that have not been included in the contested ar-*  
15          *rearages account or other mechanism described in sec-*  
16          *tion 3321(b)(1).*

17 **SEC. 3303. FORGIVENESS OF AMOUNTS OWED BY THE UNIT-**  
18                                   **ED NATIONS TO THE UNITED STATES.**

19          (a) *FORGIVENESS OF INDEBTEDNESS.—Subject to sub-*  
20          *section (b), the President is authorized to forgive or reduce*  
21          *any amount owed by the United Nations to the United*  
22          *States as a reimbursement, including any reimbursement*  
23          *payable under the Foreign Assistance Act of 1961 or the*  
24          *United Nations Participation Act of 1945.*

25          (b) *LIMITATIONS.—*

1           (1) *TOTAL AMOUNT.*—*The total of amounts for-*  
2           *given or reduced under subsection (a) may not exceed*  
3           *\$107,000,000.*

4           (2) *RELATION TO UNITED STATES ARREAR-*  
5           *AGES.*—*Amounts shall be forgiven or reduced under*  
6           *this section only to the same extent as the United Na-*  
7           *tions forgives or reduces amounts owed by the United*  
8           *States to the United Nations as of September 30,*  
9           *1997.*

10          (c) *REQUIREMENTS.*—*The authority in subsection (a)*  
11          *shall be available only to the extent and in the amounts*  
12          *provided in advance in appropriations Acts.*

13          (d) *CONGRESSIONAL NOTIFICATION.*—*Before exercis-*  
14          *ing any authority in subsection (a), the President shall no-*  
15          *tify the appropriate congressional committees in accordance*  
16          *with the same procedures as are applicable to reprogram-*  
17          *ming notifications under section 634A of the Foreign As-*  
18          *sistance Act of 1961 (22 U.S.C. 2394–1).*

19          (e) *EFFECTIVE DATE.*—*This section shall take effect on*  
20          *the later of—*

21                 (1) *the date a certification is transmitted to the*  
22                 *appropriate congressional committees under section*  
23                 *3331; or*

24                 (2) *October 1, 1999.*

1       **Subchapter B—United States Sovereignty**

2       **SEC. 3311. CERTIFICATION REQUIREMENTS.**

3           (a) *CONTENTS OF CERTIFICATION.*—A certification de-  
4       scribed in this section is a certification by the Secretary  
5       of State that the following conditions are satisfied:

6           (1) *LIMITATION ON ASSESSED SHARE OF REGU-*  
7       *LAR BUDGET.*—The share of the total of all assessed  
8       contributions for the regular budget of the United Na-  
9       tions does not exceed 22 percent for any single United  
10      Nations member.

11          (2) *SUPREMACY OF THE UNITED STATES CON-*  
12      *STITUTION.*—No action has been taken by the United  
13      Nations or any of its specialized or affiliated agencies  
14      that requires the United States to violate the United  
15      States Constitution or any law of the United States.

16          (3) *NO UNITED NATIONS SOVEREIGNTY.*—Neither  
17      the United Nations nor any of its specialized or affili-  
18      ated agencies—

19           (A) *has exercised sovereignty over the Unit-*  
20      *ed States; or*

21           (B) *has taken any steps that require the*  
22      *United States to cede sovereignty.*

23          (4) *NO UNITED NATIONS TAXATION.*—

24           (A) *NO LEGAL AUTHORITY.*—*Except as pro-*  
25      *vided in subparagraph (D), neither the United*

1        *Nations nor any of its specialized or affiliated*  
2        *agencies has the authority under United States*  
3        *law to impose taxes or fees on United States na-*  
4        *tionals.*

5                *(B) NO TAXES OR FEES.—Except as pro-*  
6        *vided in subparagraph (D), a tax or fee has not*  
7        *been imposed on any United States national by*  
8        *the United Nations or any of its specialized or*  
9        *affiliated agencies.*

10               *(C) NO TAXATION PROPOSALS.—Except as*  
11        *provided in subparagraph (D), neither the Unit-*  
12        *ed Nations nor any of its specialized or affiliated*  
13        *agencies has, on or after October 1, 1996, offi-*  
14        *cially approved any formal effort to develop, ad-*  
15        *vocate, or promote any proposal concerning the*  
16        *imposition of a tax or fee on any United States*  
17        *national in order to raise revenue for the United*  
18        *Nations or any such agency.*

19               *(D) EXCEPTION.—This paragraph does not*  
20        *apply to—*

21                        *(i) fees for publications or other kinds*  
22                        *of fees that are not tantamount to a tax on*  
23                        *United States citizens;*

24                        *(ii) the World Intellectual Property*  
25                        *Organization; or*

1                   (iii) the staff assessment costs of the  
2                   United Nations and its specialized or affili-  
3                   ated agencies.

4                   (5) *NO STANDING ARMY.*—The United Nations  
5                   has not, on or after October 1, 1996, budgeted any  
6                   funds for, nor taken any official steps to develop, cre-  
7                   ate, or establish any special agreement under Article  
8                   43 of the United Nations Charter to make available  
9                   to the United Nations, on its call, the armed forces of  
10                  any member of the United Nations.

11                  (6) *NO INTEREST FEES.*—The United Nations  
12                  has not, on or after October 1, 1996, levied interest  
13                  penalties against the United States or any interest on  
14                  arrearages on the annual assessment of the United  
15                  States, and neither the United Nations nor its spe-  
16                  cialized agencies have, on or after October 1, 1996,  
17                  amended their financial regulations or taken any  
18                  other action that would permit interest penalties to be  
19                  levied against the United States or otherwise charge  
20                  the United States any interest on arrearages on its  
21                  annual assessment.

22                  (7) *UNITED STATES REAL PROPERTY RIGHTS.*—  
23                  Neither the United Nations nor any of its specialized  
24                  or affiliated agencies has exercised authority or con-  
25                  trol over any United States national park, wildlife

1       *preserve, monument, or real property, nor has the*  
2       *United Nations nor any of its specialized or affiliated*  
3       *agencies implemented plans, regulations, programs, or*  
4       *agreements that exercise control or authority over the*  
5       *private real property of United States citizens located*  
6       *in the United States without the approval of the*  
7       *property owner.*

8               (8) *TERMINATION OF BORROWING AUTHORITY.—*

9                       (A) *PROHIBITION ON AUTHORIZATION OF*  
10                      *EXTERNAL BORROWING.—On or after the date of*  
11                      *enactment of this Act, neither the United Nations*  
12                      *nor any specialized agency of the United Nations*  
13                      *has amended its financial regulations to permit*  
14                      *external borrowing.*

15                     (B) *PROHIBITION OF UNITED STATES PAY-*  
16                     *MENT OF INTEREST COSTS.—The United States*  
17                     *has not, on or after October 1, 1984, paid its*  
18                     *share of any interest costs made known to or*  
19                     *identified by the United States Government for*  
20                     *loans incurred, on or after October 1, 1984, by*  
21                     *the United Nations or any specialized agency of*  
22                     *the United Nations through external borrowing.*

23               (b) *TRANSMITTAL.—The Secretary of State may trans-*  
24       *mit a certification under subsection (a) at any time during*

1 *fiscal year 1998 or thereafter if the requirements of the cer-*  
2 *tification are satisfied.*

3     ***Subchapter C—Reform of Assessments and***  
4     ***United Nations Peacekeeping Operations***

5     ***SEC. 3321. CERTIFICATION REQUIREMENTS.***

6         *(a) IN GENERAL.—A certification described in this sec-*  
7 *tion is a certification by the Secretary of State that the*  
8 *conditions in subsection (b) are satisfied. Such certification*  
9 *shall not be made by the Secretary if the Secretary deter-*  
10 *mines that any of the conditions set forth in section 3311*  
11 *are no longer satisfied.*

12         *(b) CONDITIONS.—The conditions under this sub-*  
13 *section are the following:*

14             *(1) CONTESTED ARREARAGES.—The United Na-*  
15 *tions has established an account or other appropriate*  
16 *mechanism with respect to all United States arrear-*  
17 *ages incurred before the date of enactment of this Act*  
18 *with respect to which payments are not authorized by*  
19 *this division, and the failure to pay amounts speci-*  
20 *fied in the account do not affect the application of Ar-*  
21 *ticle 19 of the Charter of the United Nations. The ac-*  
22 *count established under this paragraph may be re-*  
23 *ferred to as the “contested arrearages account”.*

24             *(2) LIMITATION ON ASSESSED SHARE OF BUDG-*  
25 *ET FOR UNITED NATIONS PEACEKEEPING OPER-*

1        *ATIONS.—The assessed share of the budget for each as-*  
2        *essed United Nations peacekeeping operation does*  
3        *not exceed 25 percent for any single United Nations*  
4        *member.*

5                *(3) LIMITATION ON ASSESSED SHARE OF REGU-*  
6        *LAR BUDGET FOR THE DESIGNATED SPECIALIZED*  
7        *AGENCIES.—The share of the total of all assessed con-*  
8        *tributions for the regular budget of any designated*  
9        *specialized agency does not exceed 22 percent for any*  
10        *single United Nations member.*

11                *(4) REVIEW OF REGULAR BUDGET-FUNDED*  
12        *PEACE OPERATIONS.—The mandates of the United*  
13        *Nations Truce Supervision Organization (UNTSO)*  
14        *and the United Nations Military Observer Group in*  
15        *India and Pakistan (UNMOGIP) are reviewed annu-*  
16        *ally by the Security Council, and are subject to the*  
17        *notification requirements pursuant to section 4(e) of*  
18        *the United Nations Participation Act of 1945, as*  
19        *amended by section 3102(b) of this division.*

20                *(5) PROCUREMENT.—*

21                        *(A) PROHIBITION ON PUNITIVE ACTIONS.—*  
22        *The United Nations has implemented a system*  
23        *that prohibits punitive actions, such as suspen-*  
24        *sion of contract eligibility, against contractors*



1           *on the basis that they have challenged contract*  
2           *awards or complained about delayed payments.*

3           *(B) PUBLIC ANNOUNCEMENT OF CERTAIN*  
4           *CONTRACT AWARDS.—The United Nations has*  
5           *implemented a system for public announcement*  
6           *of the award of any contract over \$100,000.*

7           *(C) NOTIFICATION OF UNSUCCESSFUL BID-*  
8           *DERS.—The United Nations has implemented a*  
9           *system to notify unsuccessful bidders for con-*  
10          *tracts and to provide an explanation upon re-*  
11          *quest of the reason for rejection of their bids.*

12          *(D) PERIODIC REPORTING TO UNITED NA-*  
13          *TIONS MEMBERS.—The United Nations reports*  
14          *to all United Nations members on a regular*  
15          *basis the value and a brief description of local*  
16          *procurement contracts awarded in excess of*  
17          *\$70,000.*

18    ***Subchapter D—Budget and Personnel Reform***

19    ***SEC. 3331. CERTIFICATION REQUIREMENTS.***

20          *(a) IN GENERAL.—A certification described in this sec-*  
21          *tion is a certification by the Secretary of State that the*  
22          *following conditions in subsection (b) are satisfied. Such*  
23          *certification shall not be made by the Secretary if the Sec-*  
24          *retary determines that any of the conditions set forth in*  
25          *sections 3311 and 3321 are no longer satisfied.*

1       (b) *CONDITIONS.—The conditions under this sub-*  
2 *section are the following:*

3           (1) *LIMITATION ON ASSESSED SHARE OF REGU-*  
4 *LAR BUDGET.—The share of the total of all assessed*  
5 *contributions for the regular budget of the United Na-*  
6 *tions, or any designated specialized agency of the*  
7 *United Nations, does not exceed 20 percent for any*  
8 *single United Nations member.*

9           (2) *INSPECTORS GENERAL FOR CERTAIN ORGANI-*  
10 *ZATIONS.—*

11           (A) *ESTABLISHMENT OF OFFICES.—Each*  
12 *designated specialized agency has established an*  
13 *independent office of inspector general to conduct*  
14 *and supervise objective audits, inspections, and*  
15 *investigations relating to the programs and oper-*  
16 *ations of the organization.*

17           (B) *APPOINTMENT OF INSPECTORS GEN-*  
18 *ERAL.—The Director General of each designated*  
19 *specialized agency has appointed an inspector*  
20 *general, with the approval of the member states,*  
21 *and that appointment was made principally on*  
22 *the basis of the appointee's integrity and dem-*  
23 *onstrated ability in accounting, auditing, finan-*  
24 *cial analysis, law, management analysis, public*  
25 *administration, or investigations.*

1           (C) *ASSIGNED FUNCTIONS.*—Each inspector  
2           general appointed under subparagraph (A) is  
3           authorized to—

4                   (i) make investigations and reports re-  
5                   lating to the administration of the pro-  
6                   grams and operations of the agency con-  
7                   cerned;

8                   (ii) have access to all records, docu-  
9                   ments, and other available materials relat-  
10                  ing to those programs and operations of the  
11                  agency concerned; and

12                  (iii) have direct and prompt access to  
13                  any official of the agency concerned.

14           (D) *COMPLAINTS.*—Each designated special-  
15           ized agency has procedures in place designed to  
16           protect the identity of, and to prevent reprisals  
17           against, any staff member making a complaint  
18           or disclosing information to, or cooperating in  
19           any investigation or inspection by, the inspector  
20           general of the agency.

21           (E) *COMPLIANCE WITH RECOMMENDA-*  
22           *TIONS.*—Each designated specialized agency has  
23           in place procedures designed to ensure compli-  
24           ance with the recommendations of the inspector  
25           general of the agency.

1           (F) *AVAILABILITY OF REPORTS.*—*Each des-*  
2           *ignated specialized agency has in place proce-*  
3           *dures to ensure that all annual and other rel-*  
4           *evant reports submitted by the inspector general*  
5           *to the agency are made available to the member*  
6           *states without modification except to the extent*  
7           *necessary to protect the privacy rights of indi-*  
8           *viduals.*

9           (3) *NEW BUDGET PROCEDURES FOR THE UNITED*  
10          *NATIONS.*—*The United Nations has established and is*  
11          *implementing budget procedures that—*

12                 (A) *require the maintenance of a budget not*  
13                 *in excess of the level agreed to by the General As-*  
14                 *sembly at the beginning of each United Nations*  
15                 *budgetary biennium, unless increases are agreed*  
16                 *to by consensus; and*

17                 (B) *require the systemwide identification of*  
18                 *expenditures by functional categories such as*  
19                 *personnel, travel, and equipment.*

20          (4) *SUNSET POLICY FOR CERTAIN UNITED NA-*  
21          *TIONS PROGRAMS.*—

22                 (A) *EXISTING AUTHORITY.*—*The Secretary*  
23                 *General and the Director General of each des-*  
24                 *ignated specialized agency have used their exist-*  
25                 *ing authorities to require program managers*

1           *within the United Nations Secretariat and the*  
2           *Secretariats of the designated specialized agen-*  
3           *cies to conduct evaluations of United Nations*  
4           *programs approved by the General Assembly and*  
5           *of programs of the designated specialized agen-*  
6           *cies in accordance with the standardized meth-*  
7           *odology referred to in subparagraph (B).*

8                   *(B) DEVELOPMENT OF EVALUATION CRI-*  
9           *TERIA.—*

10                   *(i) UNITED NATIONS.—The Office of*  
11           *Internal Oversight Services has developed a*  
12           *standardized methodology for the evaluation*  
13           *of United Nations programs approved by*  
14           *the General Assembly, including specific*  
15           *criteria for determining the continuing rel-*  
16           *evance and effectiveness of the programs.*

17                   *(ii) DESIGNATED SPECIALIZED AGEN-*  
18           *CIES.—Patterned on the work of the Office*  
19           *of Internal Oversight Services of the United*  
20           *Nations, each designated specialized agency*  
21           *has developed a standardized methodology*  
22           *for the evaluation of programs of designated*  
23           *specialized agencies, including specific cri-*  
24           *teria for determining the continuing rel-*  
25           *evance and effectiveness of the programs.*

1           (C) *PROCEDURES.*—*Consistent with the*  
2 *July 16, 1997, recommendations of the Secretary*  
3 *General of the United Nations regarding a sun-*  
4 *set policy and results-based budgeting for United*  
5 *Nations programs, the United Nations and each*  
6 *designated specialized agency has established and*  
7 *is implementing procedures—*

8           (i) *requiring the Secretary General*  
9 *and the Director General of the agency, as*  
10 *the case may be, to report on the results of*  
11 *evaluations referred to in this paragraph,*  
12 *including the identification of programs*  
13 *that have met criteria for continuing rel-*  
14 *evance and effectiveness and proposals to*  
15 *terminate or modify programs that have not*  
16 *met such criteria; and*

17           (ii) *authorizing an appropriate body*  
18 *within the United Nations or the agency, as*  
19 *the case may be, to review each evaluation*  
20 *referred to in this paragraph and report to*  
21 *the General Assembly on means of improv-*  
22 *ing the program concerned or on terminat-*  
23 *ing the program.*

24           (D) *UNITED STATES POLICY.*—*It shall be*  
25 *the policy of the United States to seek adoption*

1           *by the United Nations of a resolution requiring*  
2           *that each United Nations program approved by*  
3           *the General Assembly, and to seek adoption by*  
4           *each designated specialized agency of a resolu-*  
5           *tion requiring that each program of the agency,*  
6           *be subject to an evaluation referred to in this*  
7           *paragraph and have a specific termination date*  
8           *so that the program will not be renewed unless*  
9           *the evaluation demonstrates the continuing rel-*  
10          *evance and effectiveness of the program.*

11           *(E) DEFINITION.—For purposes of this*  
12          *paragraph, the term “United Nations program*  
13          *approved by the General Assembly” means a*  
14          *program approved by the General Assembly of*  
15          *the United Nations, which is administered or*  
16          *funded by the United Nations.*

17           *(5) UNITED NATIONS ADVISORY COMMITTEE ON*  
18          *ADMINISTRATIVE AND BUDGETARY QUESTIONS.—*

19           *(A) IN GENERAL.—The United States has a*  
20          *seat on the United Nations Advisory Committee*  
21          *on Administrative and Budgetary Questions or*  
22          *the five largest member contributors each have a*  
23          *seat on the Advisory Committee.*

24           *(B) DEFINITION.—As used in this para-*  
25          *graph, the term “5 largest member contributors”*

1           *means the 5 United Nations member states that,*  
2           *during a United Nations budgetary biennium,*  
3           *have more total assessed contributions than any*  
4           *other United Nations member state to the aggre-*  
5           *gate of the United Nations regular budget and*  
6           *the budget (or budgets) for United Nations peace-*  
7           *keeping operations.*

8           (6) *ACCESS BY THE GENERAL ACCOUNTING OF-*  
9           *FICE.—The United Nations has in effect procedures*  
10          *providing access by the United States General Ac-*  
11          *counting Office to United Nations financial data to*  
12          *assist the Office in performing nationally mandated*  
13          *reviews of United Nations operations.*

14          (7) *PERSONNEL.—*

15                (A) *APPOINTMENT AND SERVICE OF PER-*  
16                *SONNEL.—The Secretary General—*

17                        (i) *has established and is implement-*  
18                        *ing procedures that ensure that staff em-*  
19                        *ployed by the United Nations is appointed*  
20                        *on the basis of merit consistent with Article*  
21                        *101 of the United Nations Charter; and*

22                        (ii) *is enforcing those contractual obli-*  
23                        *gations requiring worldwide availability of*  
24                        *all professional staff of the United Nations*



1           to serve and be relocated based on the needs  
2           of the United Nations.

3           (B) *CODE OF CONDUCT.*—*The General As-*  
4           *sembly has adopted, and the Secretary General*  
5           *has the authority to enforce and is effectively en-*  
6           *forcing, a code of conduct binding on all United*  
7           *Nations personnel, including the requirement of*  
8           *financial disclosure statements binding on senior*  
9           *United Nations personnel and the establishment*  
10          *of rules against nepotism that are binding on all*  
11          *United Nations personnel.*

12          (C) *PERSONNEL EVALUATION SYSTEM.*—*The*  
13          *United Nations has adopted and is enforcing a*  
14          *personnel evaluation system.*

15          (D) *PERIODIC ASSESSMENTS.*—*The United*  
16          *Nations has established and is implementing a*  
17          *mechanism to conduct periodic assessments of the*  
18          *United Nations payroll to determine total staff-*  
19          *ing, and the results of such assessments are re-*  
20          *ported in an unabridged form to the General As-*  
21          *sembly.*

22          (E) *REVIEW OF UNITED NATIONS ALLOW-*  
23          *ANCE SYSTEM.*—*The United States has completed*  
24          *a thorough review of the United Nations person-*  
25          *nel allowance system. The review shall include a*

1           *comparison of that system with the United*  
2           *States civil service, and shall make recommenda-*  
3           *tions to reduce entitlements to allowances and al-*  
4           *lowance funding levels from the levels in effect on*  
5           *January 1, 1998.*

6           (8) *REDUCTION IN BUDGET AUTHORITIES.—The*  
7           *designated specialized agencies have achieved a nega-*  
8           *tive growth budget in their biennium budgets for*  
9           *2000–01 from the 1998–99 biennium budget levels of*  
10          *the respective agencies.*

11          (9) *NEW BUDGET PROCEDURES AND FINANCIAL*  
12          *REGULATIONS.—Each designated specialized agency*  
13          *has established procedures to—*

14                (A) *require the maintenance of a budget*  
15                *that does not exceed the level agreed to by the*  
16                *member states of the organization at the begin-*  
17                *ning of each budgetary biennium, unless in-*  
18                *creases are agreed to by consensus;*

19                (B) *require the identification of expendi-*  
20                *tures by functional categories such as personnel,*  
21                *travel, and equipment; and*

22                (C) *require approval by the member states*  
23                *of the agency’s supplemental budget requests to*  
24                *the Secretariat in advance of expenditures under*  
25                *those requests.*

1                   **CHAPTER 2—MISCELLANEOUS**  
2                                   **PROVISIONS**

3 **SEC. 3341. STATUTORY CONSTRUCTION ON RELATION TO**  
4                                   **EXISTING LAWS.**

5           *Except as otherwise specifically provided, nothing in*  
6 *this title may be construed to make available funds in viola-*  
7 *tion of any provision of law containing a specific prohibi-*  
8 *tion or restriction on the use of the funds, including section*  
9 *114 of the Department of State Authorization Act, Fiscal*  
10 *Years 1984 and 1985 (22 U.S.C. 287e note) and section*  
11 *151 of the Foreign Relations Authorization Act, Fiscal*  
12 *Years 1986 and 1987 (22 U.S.C. 287e note), and section*  
13 *404 of the Foreign Relations Authorization Act, Fiscal*  
14 *Years 1994 and 1995 (22 U.S.C. 287e note).*

15 **SEC. 3342. PROHIBITION ON PAYMENTS RELATING TO**  
16                                   **UNIDO AND OTHER INTERNATIONAL ORGANI-**  
17                                   **ZATIONS FROM WHICH THE UNITED STATES**  
18                                   **HAS WITHDRAWN OR RESCINDED FUNDING.**

19           *None of the funds authorized to be appropriated by this*  
20 *subdivision shall be used to pay any arrearage for—*

21                   (1) *the United Nations Industrial Development*  
22           *Organization;*

23                   (2) *any costs to merge that organization into the*  
24           *United Nations;*

