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

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

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

REPORT  
together with

ADDITIONAL VIEWS

(To accompany H.R. 3814)

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

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priority activities over a twenty-year period, without the need for annual appropriations, and then sunset.

The Japan-U.S. Friendship Commission supports programs in Japanese studies, policy research, the arts, and public affairs.

#### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

The Committee recommendation provides \$141,000,000 for the Legal Services Corporation for fiscal year 1997. This amount is a decrease of \$199,000,000 below the request, and \$137,000,000 below the amount provided in fiscal year 1996. This amount includes: (1) \$134,575,000 for grants to basic field programs; (2) \$5,300,000 for management and administration to administer these grants on a competitive basis; and (3) \$1,125,000 for the Office of the Inspector General for oversight of the Corporation and its grantees.

This recommendation is made in order to assure that a mechanism exists to provide poor individuals with access to the civil justice system, while basic policy decisions are being considered by the Congress. There is widely divergent opinion within Congress on the best way to provide access to the legal system for the poor, ranging from continuing the program as it was prior to fiscal year 1996, to continuing funding at or near the level provided in fiscal year 1996 together with the reforms that were enacted to end the Legal Service Corporation's involvement in areas of continuing controversy, to converting the program to a block grant, to ending Federal assistance entirely and replacing it with pro bono assistance to be rendered by local bar associations. Determining which policy to pursue is beyond the jurisdiction and the expertise of the Appropriations Committee in a bill that provides more than \$29 billion in appropriations for hundreds of different programs.

In fiscal year 1996, this appropriations bill set an interim course of funding reductions and program restrictions that was intended to be a placeholder for authorization committee action. That authorization bill has never been brought to the floor. The only course of action that appears open to the Committee is to provide another interim measure of funding, likely to please no one, to ensure that low income individuals have access to the courts while basic policy decisions are made in the authorization process about the manner in which legal assistance to the poor is provided.

In addition to providing a limited amount of funding, in keeping with past practices the committee has included several provisions that continue the applicable restrictions on the allowable use of funds provided that were enacted as part of the fiscal year 1996 Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill.

#### ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The Committee recommendation includes language that has the effect of continuing all statutory requirements and restrictions contained in the fiscal year 1996 appropriation, with one modification.

Section 501 requires that no funds may be used to provide financial assistance to any person or entity except through a competitive

selection process conducted in accordance with regulations promulgated according to the criteria set forth in the section of the fiscal year 1996 bill that required competition for Legal Services grants for all grantees. Language is again included which overrides the presumptive refunding of grantees under the Legal Services Corporation Act, in order to assure the real competitions take place that make awards to the best qualified applicants.

Section 502 requires that none of the funds may be expended for any purpose prohibited or limited by, or contrary to, any of the provisions in sections 501, 502, 505, 506 and 507 of the fiscal year 1996 bill. Section 501 of the fiscal year 1996 bill required the funding for basic field programs be distributed by geographic area, based on the number of poor people residing in each area. Section 502 of the fiscal year 1996 bill set forth the eligibility requirements for LSC grantees. Section 505 of the fiscal year 1996 bill prohibited use of funds for payment of any fees or dues to any membership or advocacy organization. Section 506 of the fiscal year 1996 bill prohibited use of funds to file or pursue a lawsuit against LSC. Section 507 of the fiscal year 1996 bill prohibited use of funds for any purpose contrary to any authorization for LSC that is enacted into law, and provides that the provisions of an authorization bill supersede any conflicting provisions in these administrative provisions.

Section 502 also requires that none of the funds may be expended for any purpose prohibited by or limited by, or contrary to, any of the provisions of section 504 of the fiscal year 1996 bill, and provides that the fiscal year 1997 funds are subject to the same terms and conditions as set forth in section 504 with certain exceptions. Section 504 is the section of the fiscal year 1996 bill that set forth a comprehensive list of requirements and restrictions on the activities undertaken by Legal Services grantees with Federal or non-Federal funds. These restrictions include: redistricting, lobbying and rulemaking activities; class actions; collection of attorneys fees; representation of illegal aliens; abortion, prisoner and welfare litigation; defending suspected drug dealers in public housing in eviction litigation; and advocacy and union organizing. In addition, LSC grantees are required to name plaintiffs and maintain statements of facts when filing complaints, and maintain timekeeping records for oversight purposes.

Section 502 also clarifies transition rules with respect to cases involving attorneys' fees by making clear that those transition rules remain in effect as of the date of enactment of the fiscal year 1996 appropriations bill.

In addition, while section 502 continues the prohibition in the fiscal year 1996 appropriations bill on use of funds for representation of illegal aliens, it also makes an exception, to allow non-Federal funds to be used to provide legal assistance in domestic violence and related matters. The Committee has taken this action to ensure that individuals confronted with domestic violence have a way to access the Legal Services system. While Legal Services certainly plays a role in assuring that a victim of domestic violence has recourse, the Committee notes that it has also provided funding for a comprehensive commitment to this problem elsewhere in this bill. Under State and Local Law Enforcement Assistance, Office of Jus-

the Programs, in the Justice title of this bill, the Committee has provided \$197,500,000 for Violence Against Women Act programs. This funding is available to provide law enforcement prosecutors and victim services for victims of domestic violence, including counselors, court advocates to assist in obtaining protection orders; and programs addressing stalking and implementing more effective police and prosecution policies, protocols, orders and services specifically identified to respond to violent crimes against women. In fiscal year 1996, the Committee provided \$175,000,000 for these programs, a 573 percent increase over fiscal year 1995, and to date only \$473,000 of those funds have been obligated by the Department of Justice, despite the Committee's intention that this comprehensive network of assistance, both civil and criminal, be available to address this growing problem.

Section 503 makes applicable in fiscal year 1997 the requirements in the fiscal year 1996 bill relating to annual audits.

#### MARINE MAMMAL COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends \$975,000 for the Marine Mammal Commission for fiscal year 1997. This is \$359,000 below the request, and \$214,000 below the current appropriation. The Committee notes that the National Marine Fisheries Service (NMFS) in the Commerce Department is the primary Federal agency charged with providing the necessary scientific research and evaluation of marine resources, including marine mammals. In this bill NMFS is provided \$292,907,000 in resources. The Committee feels that the Commission can achieve its goals at this reduced level of funding by seeking greater efficiencies in its operation, and by working more closely with NMFS to identify and eliminate overlap and duplication, particularly in the area of research.

#### MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends no funding for the Martin Luther King, Jr. Federal Holiday Commission, as proposed in the budget. In fiscal year 1996, an appropriation of \$350,000 was provided, with bill language stating that 1996 represented the final appropriation for the Commission. This was in accord with the decision of the Commission to sunset operations at the end of fiscal year 1996. The amount provided in fiscal year 1996 was sufficient to permit the Commission to carry out the last year of activities and to provide for closing costs.

#### NATIONAL BANKRUPTCY REVIEW COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends \$500,000 for the National Bankruptcy Review Commission. No amount was requested or appropriated in fiscal year 1996.

The Commission was appropriated \$1,000,000 in fiscal year 1995 by transfer from the Department of Justice Working Capital Fund.

The Administration submitted a budget amendment on July 10, 1996 requesting \$500,000 in additional funds for the Commission. The request is to allow the Commission to complete its work, and provides funding for the Commission at the full level of the authorization.

The Commission was created to: investigate and study issues related to the Bankruptcy Code; solicit views from parties concerned with the operation of the bankruptcy system; evaluate proposals; and submit a report of its findings to the President, Congress and the Chief Justice by 1997.

#### OUNCE OF PREVENTION COUNCIL

The Committee recommendation does not include funding for the Ounce of Prevention Council in fiscal year 1997. In fiscal year 1996, \$1,500,000 was provided for this program and \$9,000,000 was requested for fiscal year 1997.

The primary purpose of the Council is to coordinate crime prevention information through development of a crime prevention catalogue and providing assistance to communities seeking information regarding prevention programs. The Committee believes that these responsibilities are duplicative of other information dissemination, coordination and assistance functions that already exist in Federal agencies that administer crime prevention programs. Furthermore, States and localities are also assisted by non-profit organizations active in crime prevention, such as the National Crime Prevention Council, to obtain needed information on crime prevention strategies.

In addition, the Council's grant program, for which \$8,000,000 is requested, includes grants for summer and after school recreation programs, mentoring, programs assisting employability, and outreach programs for at-risk families. Other grant programs under Juvenile Justice and State and Local Law Enforcement Assistance under the Department of Justice are available for States and localities to provide these types of programs at their own discretion.

#### SECURITIES AND EXCHANGE COMMISSION

##### SALARIES AND EXPENSES

The Committee recommends overall funding for the Securities and Exchange Commission (SEC) of \$297,021,000, the same as provided in fiscal year 1996. The overall funding is made up of the following components: (1) a direct appropriation of \$83,047,000 for fiscal year 1997, a decrease of \$20,014,000 below the direct appropriation provided in fiscal year 1996; (2) offsetting fees expected to provide \$193,974,000 in fiscal year 1997, compared to \$184,293,000 in fiscal year 1996; and (3) carryover of \$20,000,000, compared with \$9,667,000 in fiscal year 1996. The Administration proposed an appropriation of \$308,189,000, to be reduced to zero upon enactment of legislation, which has not yet been submitted, to provide for the self-financing of the SEC from fees.

The Committee recommendation includes bill language providing offsetting fees in accordance with the SEC reauthorization legislation that passed the House on March 12, 1996, and was also included in securities reform legislation that passed the House on