

# Union Calendar No. 126

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2264

[Report No. 105-205]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 25, 1997

Mr. PORTER, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies 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       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending  
2 September 30, 1998, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR

4 EMPLOYMENT AND TRAINING ADMINISTRATION

5 TRAINING AND EMPLOYMENT SERVICES

6 For necessary expenses of the Job Training Partner-  
7 ship Act, as amended, including the purchase and hire of  
8 passenger motor vehicles, the construction, alteration, and  
9 repair of buildings and other facilities, and the purchase  
10 of real property for training centers as authorized by the  
11 Job Training Partnership Act; the Stewart B. McKinney  
12 Homeless Assistance Act; the Women in Apprenticeship  
13 and Nontraditional Occupations Act; the National Skill  
14 Standards Act of 1994; and the School-to-Work Opportu-  
15 nities Act; \$5,162,601,000 plus reimbursements, of which  
16 \$3,872,463,000 is available for obligation for the period  
17 July 1, 1998 through June 30, 1999; of which  
18 \$118,491,000 is available for the period July 1, 1998  
19 through June 30, 2001 for necessary expenses of construc-  
20 tion, rehabilitation, and acquisition of Job Corps centers;  
21 of which \$200,000,000 shall be available from July 1,  
22 1998 through September 30, 1999, for carrying out activi-  
23 ties of the School-to-Work Opportunities Act; and of which  
24 \$100,000,000 shall be available for obligation for the pe-  
25 riod July 1, 1999 through June 30, 2000 for Opportunity

1 Areas for Out-of-School Youth only if specifically author-  
2 ized by subsequent legislation: *Provided*, That  
3 \$52,502,000 shall be for carrying out section 401 of the  
4 Job Training Partnership Act, \$69,285,000 shall be for  
5 carrying out section 402 of such Act, \$7,300,000 shall be  
6 for carrying out section 441 of such Act, \$5,000,000 shall  
7 be for all activities conducted by and through the National  
8 Occupational Information Coordinating Committee under  
9 such Act, \$1,063,990,000 shall be for carrying out title  
10 II, part A of such Act, and \$129,965,000 shall be for car-  
11 rying out title II, part C of such Act: *Provided further*,  
12 That no funds from any other appropriation shall be used  
13 to provide meal services at or for Job Corps centers: *Pro-*  
14 *vided further*, That funds provided for title III of the Job  
15 Training Partnership Act shall not be subject to the limi-  
16 tation contained in subsection (b) of section 315 of such  
17 Act; that the waiver described in section 315(a)(2) may  
18 be granted if a substate grantee demonstrates to the Gov-  
19 ernor that such waiver is appropriate due to the availabil-  
20 ity of low-cost retraining services, is necessary to facilitate  
21 the provision of needs-related payments to accompany  
22 long-term training, or is necessary to facilitate the provi-  
23 sion of appropriate basic readjustment services; and that  
24 funds provided for discretionary grants under part B of  
25 such title III may be used to provide needs-related pay-

1 ments to participants who, in lieu of meeting the enroll-  
2 ment requirements under section 314(e) of such Act, are  
3 enrolled in training by the end of the sixth week after  
4 grant funds have been awarded: *Provided further*, That  
5 service delivery areas may transfer funding provided here-  
6 in under authority of titles II, parts B and C of the Job  
7 Training Partnership Act between the programs author-  
8 ized by those titles of the Act, if the transfer is approved  
9 by the Governor: *Provided further*, That service delivery  
10 areas and substate areas may transfer up to 20 percent  
11 of the funding provided herein under authority of title II,  
12 part A and title III of the Job Training Partnership Act  
13 between the programs authorized by those titles of the  
14 Act, if such transfer is approved by the Governor: *Pro-*  
15 *vided further*, That, notwithstanding any other provision  
16 of law, any proceeds from the sale of Job Corps center  
17 facilities shall be retained by the Secretary of Labor to  
18 carry out the Job Corps program: *Provided further*, That  
19 notwithstanding any other provision of law, the Secretary  
20 of Labor may waive any of the statutory or regulatory re-  
21 quirements of titles I–III of the Job Training Partnership  
22 Act (except for requirements relating to wage and labor  
23 standards, worker rights, participation and protection,  
24 grievance procedures and judicial review, nondiscrimina-  
25 tion, allocation of funds to local areas, eligibility, review

1 and approval of plans, the establishment and functions of  
2 service delivery areas and private industry councils, and  
3 the basic purposes of the Act), and any of the statutory  
4 or regulatory requirements of sections 8–10 of the Wag-  
5 ner-Peyser Act (except for requirements relating to the  
6 provision of services to unemployment insurance claimants  
7 and veterans, and to universal access to basic labor ex-  
8 change services without cost to job seekers), only for funds  
9 available for expenditure in program year 1998, pursuant  
10 to a request submitted by a State which identifies the stat-  
11 utory or regulatory requirements that are requested to be  
12 waived and the goals which the State or local service deliv-  
13 ery areas intend to achieve, describes the actions that the  
14 State or local service delivery areas have undertaken to  
15 remove State or local statutory or regulatory barriers, de-  
16 scribes the goals of the waiver and the expected pro-  
17 grammatic outcomes if the request is granted, describes  
18 the individuals impacted by the waiver, and describes the  
19 process used to monitor the progress in implementing a  
20 waiver, and for which notice and an opportunity to com-  
21 ment on such request has been provided to the organiza-  
22 tions identified in section 105(a)(1) of the Job Training  
23 Partnership Act, if and only to the extent that the Sec-  
24 retary determines that such requirements impede the abil-  
25 ity of the State to implement a plan to improve the

1 workforce development system and the State has executed  
2 a Memorandum of Understanding with the Secretary re-  
3 quiring such State to meet agreed upon outcomes and im-  
4 plement other appropriate measures to ensure accountabil-  
5 ity: *Provided further*, That the Secretary of Labor shall  
6 establish a workforce flexibility (work-flex) partnership  
7 demonstration program under which the Secretary shall  
8 authorize not more than six States, of which at least three  
9 States shall each have populations not in excess of  
10 3,500,000, with a preference given to those States that  
11 have been designated Ed-Flex Partnership States under  
12 section 311(e) of Public Law 103–227, to waive any statu-  
13 tory or regulatory requirement applicable to service deliv-  
14 ery areas or substate areas within the State under titles  
15 I–III of the Job Training Partnership Act (except for re-  
16 quirements relating to wage and labor standards, griev-  
17 ance procedures and judicial review, nondiscrimination, al-  
18 lotment of funds, and eligibility), and any of the statutory  
19 or regulatory requirements of sections 8–10 of the Wag-  
20 ner-Peyser Act (except for requirements relating to the  
21 provision of services to unemployment insurance claimants  
22 and veterans, and to universal access to basic labor ex-  
23 change services without cost to job seekers), for a duration  
24 not to exceed the waiver period authorized under section  
25 311(e) of Public Law 103–227, pursuant to a plan sub-

mitted by such States and approved by the Secretary for the provision of workforce employment and training activities in the States, which includes a description of the process by which service delivery areas and substate areas may apply for and have waivers approved by the State, the requirements of the Wagner-Peyser Act to be waived, the outcomes to be achieved and other measures to be taken to ensure appropriate accountability for federal funds.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER

AMERICANS

(TRANSFER OF FUNDS)

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, \$343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, \$96,844,000.

The funds appropriated under this heading shall be transferred to and merged with the Department of Health and Human Services, "Aging Services Programs", for the same purposes and the same period as the account to which transferred, following the enactment of legislation

1 authorizing the administration of the program by that De-  
2 partment.

3 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

4 For payments during the current fiscal year of trade  
5 adjustment benefit payments and allowances under part  
6 I, and for training, for allowances for job search and relo-  
7 cation, and for related State administrative expenses  
8 under part II, subchapters B and D, chapter 2, title II  
9 of the Trade Act of 1974, as amended, \$349,000,000, to-  
10 gether with such amounts as may be necessary to be  
11 charged to the subsequent appropriation for payments for  
12 any period subsequent to September 15 of the current  
13 year.

14 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
15 SERVICE OPERATIONS

16 For authorized administrative expenses,  
17 \$173,452,000, together with not to exceed  
18 \$3,332,476,000 (including not to exceed \$1,228,000  
19 which may be used for amortization payments to States  
20 which had independent retirement plans in their State em-  
21 ployment service agencies prior to 1980, and including not  
22 to exceed \$2,000,000 which may be obligated in contracts  
23 with non-State entities for activities such as occupational  
24 and test research activities which benefit the Federal-  
25 State Employment Service System), which may be ex-  
26 pended from the Employment Security Administration ac-

1 count in the Unemployment Trust Fund including the cost  
2 of administering section 1201 of the Small Business Job  
3 Protection Act of 1996, section 7(d) of the Wagner-Peyser  
4 Act, as amended, the Trade Act of 1974, as amended, the  
5 Immigration Act of 1990, and the Immigration and Na-  
6 tionality Act, as amended, and of which the sums available  
7 in the allocation for activities authorized by title III of  
8 the Social Security Act, as amended (42 U.S.C. 502–504),  
9 and the sums available in the allocation for necessary ad-  
10 ministrative expenses for carrying out 5 U.S.C. 8501–  
11 8523, shall be available for obligation by the States  
12 through December 31, 1998, except that funds used for  
13 automation acquisitions shall be available for obligation by  
14 States through September 30, 2000; and of which  
15 \$173,452,000, together with not to exceed \$738,283,000  
16 of the amount which may be expended from said trust  
17 fund, shall be available for obligation for the period July  
18 1, 1998 through June 30, 1999, to fund activities under  
19 the Act of June 6, 1933, as amended, including the cost  
20 of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E)  
21 made available to States in lieu of allotments for such pur-  
22 pose, and of which \$200,000,000 shall be available solely  
23 for the purpose of assisting States to convert their auto-  
24 mated State employment security agency systems to be  
25 year 2000 compliant, and of which \$206,333,000 shall be

1 available only to the extent necessary for additional State  
2 allocations to administer unemployment compensation  
3 laws to finance increases in the number of unemployment  
4 insurance claims filed and claims paid or changes in a  
5 State law: *Provided*, That to the extent that the Average  
6 Weekly Insured Unemployment (AWIU) for fiscal year  
7 1998 is projected by the Department of Labor to exceed  
8 2,789,000 an additional \$28,600,000 shall be available for  
9 obligation for every 100,000 increase in the AWIU level  
10 (including a pro rata amount for any increment less than  
11 100,000) from the Employment Security Administration  
12 Account of the Unemployment Trust Fund: *Provided fur-*  
13 *ther*, That funds appropriated in this Act which are used  
14 to establish a national one-stop career center network may  
15 be obligated in contracts, grants or agreements with non-  
16 State entities: *Provided further*, That funds appropriated  
17 under this Act for activities authorized under the Wagner-  
18 Peyser Act, as amended, and title III of the Social Secu-  
19 rity Act, may be used by the States to fund integrated  
20 Employment Service and Unemployment Insurance auto-  
21 mation efforts, notwithstanding cost allocation principles  
22 prescribed under Office of Management and Budget Cir-  
23 cular A-87.



1 PENSION AND WELFARE BENEFITS ADMINISTRATION  
2 SALARIES AND EXPENSES

3 For necessary expenses for the Pension and Welfare  
4 Benefits Administration, \$82,000,000, of which  
5 \$3,000,000 shall remain available through September 30,  
6 1999 for expenses of completing the revision of the pro-  
7 cessing of employee benefit plan returns.

8 PENSION BENEFIT GUARANTY CORPORATION  
9 PENSION BENEFIT GUARANTY CORPORATION FUND

10 The Pension Benefit Guaranty Corporation is author-  
11 ized to make such expenditures, including financial assist-  
12 ance authorized by section 104 of Public Law 96-364,  
13 within limits of funds and borrowing authority available  
14 to such Corporation, and in accord with law, and to make  
15 such contracts and commitments without regard to fiscal  
16 year limitations as provided by section 104 of the Govern-  
17 ment Corporation Control Act, as amended (31 U.S.C.  
18 9104), as may be necessary in carrying out the program  
19 through September 30, 1998, for such Corporation: *Pro-*  
20 *vided*, That not to exceed \$10,433,000 shall be available  
21 for administrative expenses of the Corporation: *Provided*  
22 *further*, That expenses of such Corporation in connection  
23 with the termination of pension plans, for the acquisition,  
24 protection or management, and investment of trust assets,  
25 and for benefits administration services shall be consid-

1 ered as non-administrative expenses for the purposes here-  
2 of, and excluded from the above limitation.

3 EMPLOYMENT STANDARDS ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Employment Stand-  
6 ards Administration, including reimbursement to State,  
7 Federal, and local agencies and their employees for inspec-  
8 tion services rendered, \$298,007,000, together with  
9 \$993,000 which may be expended from the Special Fund  
10 in accordance with sections 39(c) and 44(j) of the  
11 Longshore and Harbor Workers' Compensation Act: *Pro-*  
12 *vided*, That \$500,000 shall be for the development and  
13 implementation of the electronic submission of reports re-  
14 quired to be filed under the Labor-Management Reporting  
15 and Disclosure Act of 1959, as amended, and for a com-  
16 puter database of the information for each submission that  
17 is indexed and easily searchable by the public via the  
18 Internet: *Provided further*, That the Secretary of Labor  
19 is authorized to accept, retain, and spend, until expended,  
20 in the name of the Department of Labor, all sums of  
21 money ordered to be paid to the Secretary of Labor, in  
22 accordance with the terms of the Consent Judgment in  
23 Civil Action No. 91-0027 of the United States District  
24 Court for the District of the Northern Mariana Islands  
25 (May 21, 1992): *Provided further*, That the Secretary of

1 Labor is authorized to establish and, in accordance with  
2 31 U.S.C. 3302, collect and deposit in the Treasury fees  
3 for processing applications and issuing certificates under  
4 sections 11(d) and 14 of the Fair Labor Standards Act  
5 of 1938, as amended (29 U.S.C. 211(d) and 214) and for  
6 processing applications and issuing registrations under  
7 title I of the Migrant and Seasonal Agricultural Worker  
8 Protection Act, 29 U.S.C. 1801 et seq.

9 SPECIAL BENEFITS

10 (INCLUDING TRANSFER OF FUNDS)

11 For the payment of compensation, benefits, and ex-  
12 penses (except administrative expenses) accruing during  
13 the current or any prior fiscal year authorized by title 5,  
14 chapter 81 of the United States Code; continuation of ben-  
15 efits as provided for under the head “Civilian War Bene-  
16 fits” in the Federal Security Agency Appropriation Act,  
17 1947; the Employees’ Compensation Commission Approp-  
18 riation Act, 1944; and sections 4(c) and 5(f) of the War  
19 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per  
20 centum of the additional compensation and benefits re-  
21 quired by section 10(h) of the Longshore and Harbor  
22 Workers’ Compensation Act, as amended, \$201,000,000  
23 together with such amounts as may be necessary to be  
24 charged to the subsequent year appropriation for the pay-  
25 ment of compensation and other benefits for any period  
26 subsequent to August 15 of the current year: *Provided,*

1 That amounts appropriated may be used under section  
2 8104 of title 5, United States Code, by the Secretary to  
3 reimburse an employer, who is not the employer at the  
4 time of injury, for portions of the salary of a reemployed,  
5 disabled beneficiary: *Provided further*, That balances of re-  
6 imbursements unobligated on September 30, 1997, shall  
7 remain available until expended for the payment of com-  
8 pensation, benefits, and expenses: *Provided further*, That  
9 in addition there shall be transferred to this appropriation  
10 from the Postal Service and from any other corporation  
11 or instrumentality required under section 8147(c) of title  
12 5, United States Code, to pay an amount for its fair share  
13 of the cost of administration, such sums as the Secretary  
14 of Labor determines to be the cost of administration for  
15 employees of such fair share entities through September  
16 30, 1998: *Provided further*, That of those funds trans-  
17 ferred to this account from the fair share entities to pay  
18 the cost of administration, \$7,269,000 shall be made avail-  
19 able to the Secretary of Labor for expenditures relating  
20 to capital improvements in support of Federal Employees'  
21 Compensation Act administration, and the balance of such  
22 funds shall be paid into the Treasury as miscellaneous re-  
23 ceipts: *Provided further*, That the Secretary may require  
24 that any person filing a notice of injury or a claim for  
25 benefits under chapter 81 of title 5, United States Code,

1 or 33 U.S.C. 901 et seq., provide as part of such notice  
2 and claim, such identifying information (including Social  
3 Security account number) as such regulations may pre-  
4 scribe.

5                   BLACK LUNG DISABILITY TRUST FUND  
6                   (INCLUDING TRANSFER OF FUNDS)

7           For payments from the Black Lung Disability Trust  
8 Fund, \$1,007,000,000, of which \$960,650,000 shall be  
9 available until September 30, 1999, for payment of all  
10 benefits as authorized by section 9501(d) (1), (2), (4), and  
11 (7) of the Internal Revenue Code of 1954, as amended,  
12 and interest on advances as authorized by section  
13 9501(c)(2) of that Act, and of which \$26,147,000 shall  
14 be available for transfer to Employment Standards Ad-  
15 ministration, Salaries and Expenses, \$19,551,000 for  
16 transfer to Departmental Management, Salaries and Ex-  
17 penses, \$296,000 for transfer to Departmental Manage-  
18 ment, Office of Inspector General, and \$356,000 for pay-  
19 ment into miscellaneous receipts for the expenses of the  
20 Department of Treasury, for expenses of operation and  
21 administration of the Black Lung Benefits program as au-  
22 thorized by section 9501(d)(5) of that Act: *Provided*,  
23 That, in addition, such amounts as may be necessary may  
24 be charged to the subsequent year appropriation for the

1 payment of compensation, interest, or other benefits for  
2 any period subsequent to August 15 of the current year.

3 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
4 SALARIES AND EXPENSES

5 For necessary expenses for the Occupational Safety  
6 and Health Administration, \$336,205,000, including not  
7 to exceed \$77,941,000 which shall be the maximum  
8 amount available for grants to States under section 23(g)  
9 of the Occupational Safety and Health Act, which grants  
10 shall be no less than fifty percent of the costs of State  
11 occupational safety and health programs required to be  
12 incurred under plans approved by the Secretary under sec-  
13 tion 18 of the Occupational Safety and Health Act of  
14 1970; and, in addition, notwithstanding 31 U.S.C. 3302,  
15 the Occupational Safety and Health Administration may  
16 retain up to \$750,000 per fiscal year of training institute  
17 course tuition fees, otherwise authorized by law to be col-  
18 lected, and may utilize such sums for occupational safety  
19 and health training and education grants: *Provided*, That,  
20 notwithstanding 31 U.S.C. 3302, the Secretary of Labor  
21 is authorized, during the fiscal year ending September 30,  
22 1998, to collect and retain fees for services provided to  
23 Nationally Recognized Testing Laboratories, and may uti-  
24 lize such sums, in accordance with the provisions of 29  
25 U.S.C. 9a, to administer national and international lab-

1 oratory recognition programs that ensure the safety of  
2 equipment and products used by workers in the workplace:  
3 *Provided further,* That none of the funds appropriated  
4 under this paragraph shall be obligated or expended to  
5 prescribe, issue, administer, or enforce any standard, rule,  
6 regulation, or order under the Occupational Safety and  
7 Health Act of 1970 which is applicable to any person who  
8 is engaged in a farming operation which does not maintain  
9 a temporary labor camp and employs ten or fewer employ-  
10 ees: *Provided further,* That no funds appropriated under  
11 this paragraph shall be obligated or expended to admin-  
12 ister or enforce any standard, rule, regulation, or order  
13 under the Occupational Safety and Health Act of 1970  
14 with respect to any employer of ten or fewer employees  
15 who is included within a category having an occupational  
16 injury lost workday case rate, at the most precise Stand-  
17 ard Industrial Classification Code for which such data are  
18 published, less than the national average rate as such  
19 rates are most recently published by the Secretary, acting  
20 through the Bureau of Labor Statistics, in accordance  
21 with section 24 of that Act (29 U.S.C. 673), except—

22           (1) to provide, as authorized by such Act, con-  
23           sultation, technical assistance, educational and train-  
24           ing services, and to conduct surveys and studies;

1           (2) to conduct an inspection or investigation in  
2 response to an employee complaint, to issue a cita-  
3 tion for violations found during such inspection, and  
4 to assess a penalty for violations which are not cor-  
5 rected within a reasonable abatement period and for  
6 any willful violations found;

7           (3) to take any action authorized by such Act  
8 with respect to imminent dangers;

9           (4) to take any action authorized by such Act  
10 with respect to health hazards;

11           (5) to take any action authorized by such Act  
12 with respect to a report of an employment accident  
13 which is fatal to one or more employees or which re-  
14 sults in hospitalization of two or more employees,  
15 and to take any action pursuant to such investiga-  
16 tion authorized by such Act; and

17           (6) to take any action authorized by such Act  
18 with respect to complaints of discrimination against  
19 employees for exercising rights under such Act: *Pro-*  
20 *vided further,* That the foregoing proviso shall not  
21 apply to any person who is engaged in a farming op-  
22 eration which does not maintain a temporary labor  
23 camp and employs ten or fewer employees.

## 1 MINE SAFETY AND HEALTH ADMINISTRATION

## 2 SALARIES AND EXPENSES

3 For necessary expenses for the Mine Safety and  
4 Health Administration, \$199,159,000, including purchase  
5 and bestowal of certificates and trophies in connection  
6 with mine rescue and first-aid work, and the hire of pas-  
7 senger motor vehicles; the Secretary is authorized to ac-  
8 cept lands, buildings, equipment, and other contributions  
9 from public and private sources and to prosecute projects  
10 in cooperation with other agencies, Federal, State, or pri-  
11 vate; the Mine Safety and Health Administration is au-  
12 thorized to promote health and safety education and train-  
13 ing in the mining community through cooperative pro-  
14 grams with States, industry, and safety associations; and  
15 any funds available to the Department may be used, with  
16 the approval of the Secretary, to provide for the costs of  
17 mine rescue and survival operations in the event of a  
18 major disaster: *Provided*, That none of the funds appro-  
19 priated under this paragraph shall be obligated or ex-  
20 pended to carry out section 115 of the Federal Mine Safe-  
21 ty and Health Act of 1977 or to carry out that portion  
22 of section 104(g)(1) of such Act relating to the enforce-  
23 ment of any training requirements, with respect to shell  
24 dredging, or with respect to any sand, gravel, surface

1 stone, surface clay, colloidal phosphate, or surface lime-  
2 stone mine.

3 BUREAU OF LABOR STATISTICS

4 SALARIES AND EXPENSES

5 For necessary expenses for the Bureau of Labor Sta-  
6 tistics, including advances or reimbursements to State,  
7 Federal, and local agencies and their employees for serv-  
8 ices rendered, \$327,609,000, of which \$15,430,000 shall  
9 be for expenses of revising the Consumer Price Index and  
10 shall remain available until September 30, 1999, together  
11 with not to exceed \$52,848,000, which may be expended  
12 from the Employment Security Administration account in  
13 the Unemployment Trust Fund.

14 DEPARTMENTAL MANAGEMENT

15 SALARIES AND EXPENSES

16 For necessary expenses for Departmental Manage-  
17 ment, including the hire of three sedans, and including  
18 up to \$4,402,000 for the President's Committee on Em-  
19 ployment of People With Disabilities, \$152,199,000; to-  
20 gether with not to exceed \$282,000, which may be ex-  
21 pended from the Employment Security Administration ac-  
22 count in the Unemployment Trust Fund: *Provided*, That  
23 no funds made available by this Act may be used by the  
24 Solicitor of Labor to participate in a review in any United  
25 States court of appeals of any decision made by the Bene-

1 fits Review Board under section 21 of the Longshore and  
2 Harbor Workers' Compensation Act (33 U.S.C. 921)  
3 where such participation is precluded by the decision of  
4 the United States Supreme Court in *Director, Office of*  
5 *Workers' Compensation Programs v. Newport News Ship-*  
6 *building*, 115 S. Ct. 1278 (1995): *Provided further*, That  
7 no funds made available by this Act may be used by the  
8 Secretary of Labor to review a decision under the  
9 Longshore and Harbor Workers' Compensation Act (33  
10 U.S.C. 901 et seq.) that has been appealed and that has  
11 been pending before the Benefits Review Board for more  
12 than 12 months: *Provided further*, That any such decision  
13 pending a review by the Benefits Review Board for more  
14 than one year shall be considered affirmed by the Benefits  
15 Review Board on that date, and shall be considered the  
16 final order of the Board for purposes of obtaining a review  
17 in the United States courts of appeals: *Provided further*,  
18 That these provisions shall not be applicable to the review  
19 of any decision issued under the Black Lung Benefits Act  
20 (30 U.S.C. 901 et seq.).

21 WORKING CAPITAL FUND

22 The paragraph under this heading in Public Law 85–  
23 67 (29 U.S.C. 563) is amended by striking the last period  
24 and inserting after “appropriation action” the following:  
25 “: *Provided further*, That the Secretary of Labor may  
26 transfer annually an amount not to exceed \$3,000,000

1 from unobligated balances in the Department's salaries  
2 and expenses accounts, to the unobligated balance of the  
3 Working Capital Fund, to be merged with such Fund and  
4 used for the acquisition of capital equipment and the im-  
5 provement of financial management, information tech-  
6 nology and other support systems, and to remain available  
7 until expended: *Provided further*, That the unobligated bal-  
8 ance of the Fund shall not exceed \$20,000,000."

9 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT  
10 AND TRAINING

11 Not to exceed \$181,955,000 may be derived from the  
12 Employment Security Administration account in the Un-  
13 employment Trust Fund to carry out the provisions of 38  
14 U.S.C. 4100–4110A and 4321–4327, and Public Law  
15 103–353, and which shall be available for obligation by  
16 the States through December 31, 1998.

17 OFFICE OF INSPECTOR GENERAL

18 For salaries and expenses of the Office of Inspector  
19 General in carrying out the provisions of the Inspector  
20 General Act of 1978, as amended, \$43,105,000, together  
21 with not to exceed \$3,645,000, which may be expended  
22 from the Employment Security Administration account in  
23 the Unemployment Trust Fund.

24 GENERAL PROVISIONS

25 SEC. 101. None of the funds appropriated in this title  
26 for the Job Corps shall be used to pay the compensation

1 of an individual, either as direct costs or any proration  
2 as an indirect cost, at a rate in excess of \$125,000.

3 (TRANSFER OF FUNDS)

4 SEC. 102. Not to exceed 1 percent of any discre-  
5 tionary funds (pursuant to the Balanced Budget and  
6 Emergency Deficit Control Act, as amended) which are  
7 appropriated for the current fiscal year for the Depart-  
8 ment of Labor in this Act may be transferred between ap-  
9 propriations, but no such appropriation shall be increased  
10 by more than 3 percent by any such transfer: *Provided*,  
11 That the Appropriations Committees of both Houses of  
12 Congress are notified at least fifteen days in advance of  
13 any transfer.

14 SEC. 103. Funds shall be available for carrying out  
15 title IV–B of the Job Training Partnership Act, notwith-  
16 standing section 427(c) of that Act, if a Job Corps center  
17 fails to meet national performance standards established  
18 by the Secretary.

19 SEC. 104. None of the funds made available in this  
20 Act may be used by the Occupational Safety and Health  
21 Administration to promulgate or issue any proposed or  
22 final standard regarding ergonomic protection before Sep-  
23 tember 30, 1998: *Provided*, That nothing in this section  
24 shall be construed to limit the Occupational Safety and  
25 Health Administration from issuing voluntary guidelines  
26 on ergonomic protection or from developing a proposed

1 standard regarding ergonomic protection: *Provided fur-*  
2 *ther*, That no funds made available in this Act may be  
3 used by the Occupational Safety and Health Administra-  
4 tion to enforce voluntary ergonomics guidelines through  
5 section 5 (the general duty clause) of the Occupational  
6 Safety and Health Act of 1970 (29 U.S.C. 654).

7 This title may be cited as the “Department of Labor  
8 Appropriations Act, 1998”.

9 TITLE II—DEPARTMENT OF HEALTH AND  
10 HUMAN SERVICES

11 HEALTH RESOURCES AND SERVICES ADMINISTRATION

12 HEALTH RESOURCES AND SERVICES

13 For carrying out titles II, III, VII, VIII, X, XII, XIX,  
14 and XXVI of the Public Health Service Act, section  
15 427(a) of the Federal Coal Mine Health and Safety Act,  
16 title V of the Social Security Act, and the Health Care  
17 Quality Improvement Act of 1986, as amended,  
18 \$3,616,068,000, of which \$225,000 shall remain available  
19 until expended for interest subsidies on loan guarantees  
20 made prior to fiscal year 1981 under part B of title VII  
21 of the Public Health Service Act: *Provided*, That the Divi-  
22 sion of Federal Occupational Health may utilize personal  
23 services contracting to employ professional management/  
24 administrative and occupational health professionals: *Pro-*  
25 *vided further*, That of the funds made available under this

1 heading, \$2,500,000 shall be available until expended for  
2 facilities renovations at the Gillis W. Long Hansen's Dis-  
3 ease Center: *Provided further*, That in addition to fees au-  
4 thorized by section 427(b) of the Health Care Quality Im-  
5 provement Act of 1986, fees shall be collected for the full  
6 disclosure of information under the Act sufficient to re-  
7 cover the full costs of operating the National Practitioner  
8 Data Bank, and shall remain available until expended to  
9 carry out that Act: *Provided further*, That no more than  
10 \$5,000,000 is available for carrying out the provisions of  
11 Public Law 104-73: *Provided further*, That of the funds  
12 made available under this heading, \$203,452,000 shall be  
13 for the program under title X of the Public Health Service  
14 Act to provide for voluntary family planning projects: *Pro-*  
15 *vided further*, That amounts provided to said projects  
16 under such title shall not be expended for abortions, that  
17 all pregnancy counseling shall be nondirective, and that  
18 such amounts shall not be expended for any activity (in-  
19 cluding the publication or distribution of literature) that  
20 in any way tends to promote public support or opposition  
21 to any legislative proposal or candidate for public office:  
22 *Provided further*, That \$299,000,000 shall be for State  
23 AIDS Drug Assistance Programs authorized by section  
24 2616 of the Public Health Service Act: *Provided further*,  
25 That notwithstanding any other provision of law, funds

1 made available under this heading may be used to con-  
2 tinue operating the Council on Graduate Medical Edu-  
3 cation established by section 301 of Public Law 102-408:  
4 *Provided further*, That, of the funds made available under  
5 this heading, not more than \$4,600,000 shall be made  
6 available and shall remain available until expended for  
7 loan guarantees for loans made by non-Federal lenders to  
8 health centers under section 330(d) of the Public Health  
9 Service Act as amended by Public Law 104-299, and that  
10 such funds be available to subsidize guarantees of total  
11 loan principal in an amount not to exceed \$53,300,000:  
12 *Provided further*, That notwithstanding section 502(a)(1)  
13 of the Social Security Act, not to exceed \$105,624,000 is  
14 available for carrying out special projects of regional and  
15 national significance pursuant to section 501(a)(2) of such  
16 Act.

17 MEDICAL FACILITIES GUARANTEE AND LOAN FUND  
18 FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

19 For carrying out subsections (d) and (e) of section  
20 1602 of the Public Health Service Act, \$6,000,000, to-  
21 gether with any amounts received by the Secretary in con-  
22 nection with loans and loan guarantees under title VI of  
23 the Public Health Service Act, to be available without fis-  
24 cal year limitation for the payment of interest subsidies.  
25 During the fiscal year, no commitments for direct loans  
26 or loan guarantees shall be made.

1 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM  
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of guaranteed loans, such sums as may  
4 be necessary to carry out the purpose of the program, as  
5 authorized by title VII of the Public Health Service Act,  
6 as amended: *Provided*, That such costs, including the cost  
7 of modifying such loans, shall be as defined in section 502  
8 of the Congressional Budget Act of 1974: *Provided fur-*  
9 *ther*, That these funds are available to subsidize gross obli-  
10 gations for the total loan principal any part of which is  
11 to be guaranteed at not to exceed \$85,000,000: *Provided*  
12 *further*, That the Secretary may use up to \$1,000,000 de-  
13 rived by transfer from insurance premiums collected from  
14 guaranteed loans made under title VII of the Public  
15 Health Service Act for the purpose of carrying out section  
16 709 of that Act. In addition, for administrative expenses  
17 to carry out the guaranteed loan program, \$2,688,000.

18 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

19 For payments from the Vaccine Injury Compensation  
20 Program Trust Fund, such sums as may be necessary for  
21 claims associated with vaccine-related injury or death with  
22 respect to vaccines administered after September 30,  
23 1988, pursuant to subtitle 2 of title XXI of the Public  
24 Health Service Act, to remain available until expended:  
25 *Provided*, That for necessary administrative expenses, not

1 to exceed \$3,000,000 shall be available from the Trust  
2 Fund to the Secretary of Health and Human Services.

3 CENTERS FOR DISEASE CONTROL AND PREVENTION

4 DISEASE CONTROL, RESEARCH, AND TRAINING

5 To carry out titles II, III, VII, XI, XV, XVII, and  
6 XIX of the Public Health Service Act, sections 101, 102,  
7 103, 201, 202, 203, 301, and 501 of the Federal Mine  
8 Safety and Health Act of 1977, and sections 20, 21 and  
9 22 of the Occupational Safety and Health Act of 1970,  
10 title IV of the Immigration and Nationality Act and sec-  
11 tion 501 of the Refugee Education Assistance Act of 1980;  
12 including insurance of official motor vehicles in foreign  
13 countries; and hire, maintenance, and operation of air-  
14 craft, \$2,343,737,000, of which \$20,000,000 shall remain  
15 available until expended for equipment and construction  
16 and renovation of facilities, and in addition, such sums  
17 as may be derived from authorized user fees, which shall  
18 be credited to this account: *Provided*, That in addition to  
19 amounts provided herein, up to \$48,400,000 shall be  
20 available from amounts available under section 241 of the  
21 Public Health Service Act, to carry out the National Cen-  
22 ter for Health Statistics surveys: *Provided further*, That  
23 none of the funds made available for injury prevention and  
24 control at the Centers for Disease Control and Prevention  
25 may be used to advocate or promote gun control: *Provided*

1 *further*, That the Director may redirect the total amount  
2 made available under authority of Public Law 101–502,  
3 section 3, dated November 3, 1990, to activities the Direc-  
4 tor may so designate: *Provided further*, That the Congress  
5 is to be notified promptly of any such transfer.

6 In addition, \$45,000,000, to be derived from the Vio-  
7 lent Crime Reduction Trust Fund, for carrying out section  
8 40151 of Public Law 103–322.

9 NATIONAL INSTITUTES OF HEALTH

10 NATIONAL CANCER INSTITUTE

11 For carrying out section 301 and title IV of the Pub-  
12 lic Health Service Act with respect to cancer,  
13 \$2,513,020,000.

14 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

15 For carrying out section 301 and title IV of the Pub-  
16 lic Health Service Act with respect to cardiovascular, lung,  
17 and blood diseases, and blood and blood products,  
18 \$1,513,004,000.

19 NATIONAL INSTITUTE OF DENTAL RESEARCH

20 For carrying out section 301 and title IV of the Pub-  
21 lic Health Service Act with respect to dental disease,  
22 \$209,403,000.

1 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND  
2 KIDNEY DISEASES

3 For carrying out section 301 and title IV of the Pub-  
4 lic Health Service Act with respect to diabetes and diges-  
5 tive and kidney disease, \$874,337,000.

6 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS  
7 AND STROKE

8 For carrying out section 301 and title IV of the Pub-  
9 lic Health Service Act with respect to neurological dis-  
10 orders and stroke, \$763,325,000.

11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
12 DISEASES

13 For carrying out section 301 and title IV of the Pub-  
14 lic Health Service Act with respect to allergy and infec-  
15 tious diseases, \$1,339,459,000.

16 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

17 For carrying out section 301 and title IV of the Pub-  
18 lic Health Service Act with respect to general medical  
19 sciences, \$1,047,963,000.

20 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN  
21 DEVELOPMENT

22 For carrying out section 301 and title IV of the Pub-  
23 lic Health Service Act with respect to child health and  
24 human development, \$666,682,000.

## 1 NATIONAL EYE INSTITUTE

2 For carrying out section 301 and title IV of the Pub-  
3 lic Health Service Act with respect to eye diseases and  
4 visual disorders, \$354,032,000.

5 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
6 SCIENCES

7 For carrying out sections 301 and 311 and title IV  
8 of the Public Health Service Act with respect to environ-  
9 mental health sciences, \$328,583,000.

## 10 NATIONAL INSTITUTE ON AGING

11 For carrying out section 301 and title IV of the Pub-  
12 lic Health Service Act with respect to aging,  
13 \$509,811,000.

14 NATIONAL INSTITUTE OF ARTHRITIS AND  
15 MUSCULOSKELETAL AND SKIN DISEASES

16 For carrying out section 301 and title IV of the Pub-  
17 lic Health Service Act with respect to arthritis and mus-  
18 culoskeletal and skin diseases, \$269,807,000.

19 NATIONAL INSTITUTE ON DEAFNESS AND OTHER  
20 COMMUNICATION DISORDERS

21 For carrying out section 301 and title IV of the Pub-  
22 lic Health Service Act with respect to deafness and other  
23 communication disorders, \$198,373,000.

1 NATIONAL INSTITUTE OF NURSING RESEARCH

2 For carrying out section 301 and title IV of the Public  
3 Health Service Act with respect to nursing research,  
4 \$62,451,000.

5 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND  
6 ALCOHOLISM

7 For carrying out section 301 and title IV of the Pub-  
8 lic Health Service Act with respect to alcohol abuse and  
9 alcoholism, \$226,205,000.

10 NATIONAL INSTITUTE ON DRUG ABUSE

11 For carrying out section 301 and title IV of the Pub-  
12 lic Health Service Act with respect to drug abuse,  
13 \$525,641,000.

14 NATIONAL INSTITUTE OF MENTAL HEALTH

15 For carrying out section 301 and title IV of the Pub-  
16 lic Health Service Act with respect to mental health,  
17 \$744,235,000.

18 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

19 For carrying out section 301 and title IV of the Pub-  
20 lic Health Service Act with respect to human genome re-  
21 search, \$211,772,000.

22 NATIONAL CENTER FOR RESEARCH RESOURCES

23 For carrying out section 301 and title IV of the Pub-  
24 lic Health Service Act with respect to research resources  
25 and general research support grants, \$436,961,000: *Pro-*  
26 *vided*, That none of these funds shall be used to pay recipi-

1 ents of the general research support grants program any  
2 amount for indirect expenses in connection with such  
3 grants: *Provided further*, That \$20,000,000 shall be for  
4 extramural facilities construction grants.

5 JOHN E. FOGARTY INTERNATIONAL CENTER

6 For carrying out the activities at the John E.  
7 Fogarty International Center, \$27,620,000.

8 NATIONAL LIBRARY OF MEDICINE

9 For carrying out section 301 and title IV of the Pub-  
10 lic Health Service Act with respect to health information  
11 communications, \$161,171,000, of which \$4,000,000 shall  
12 be available until expended for improvement of informa-  
13 tion systems: *Provided*, That in fiscal year 1998, the Li-  
14 brary may enter into personal services contracts for the  
15 provision of services in facilities owned, operated, or con-  
16 structed under the jurisdiction of the National Institutes  
17 of Health.

18 OFFICE OF THE DIRECTOR

19 (INCLUDING TRANSFER OF FUNDS)

20 For carrying out the responsibilities of the Office of  
21 the Director, National Institutes of Health, \$298,339,000:  
22 *Provided*, That funding shall be available for the purchase  
23 of not to exceed five passenger motor vehicles for replace-  
24 ment only: *Provided further*, That the Director may direct  
25 up to 1 percent of the total amount made available in this  
26 Act to all National Institutes of Health appropriations to

1 activities the Director may so designate: *Provided further*,  
2 That no such appropriation shall be decreased by more  
3 than 1 percent by any such transfers and that the Con-  
4 gress is promptly notified of the transfer: *Provided further*,  
5 That NIH is authorized to collect third party payments  
6 for the cost of clinical services that are incurred in Na-  
7 tional Institutes of Health research facilities and that such  
8 payments shall be credited to the National Institutes of  
9 Health Management Fund: *Provided further*, That all  
10 funds credited to the NIH Management Fund shall re-  
11 main available for one fiscal year after the fiscal year in  
12 which they are deposited: *Provided further*, That up to  
13 \$500,000 shall be available to carry out section 499 of  
14 the Public Health Service Act.

15 BUILDINGS AND FACILITIES

16 For the study of, construction of, and acquisition of  
17 equipment for, facilities of or used by the National Insti-  
18 tutes of Health, including the acquisition of real property,  
19 \$223,100,000, to remain available until expended, of  
20 which \$90,000,000 shall be for the clinical research cen-  
21 ter: *Provided*, That, notwithstanding any other provision  
22 of law, a single contract or related contracts for the devel-  
23 opment and construction of the clinical research center  
24 may be employed which collectively include the full scope  
25 of the project: *Provided further*, That the solicitation and

1 contract shall contain the clause “availability of funds”  
2 found at 48 CFR 52.232–18.

3 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES  
4 ADMINISTRATION

5 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

6 For carrying out titles V and XIX of the Public  
7 Health Service Act with respect to substance abuse and  
8 mental health services, the Protection and Advocacy for  
9 Mentally Ill Individuals Act of 1986, and section 301 of  
10 the Public Health Service Act with respect to program  
11 management, \$2,151,943,000.

12 RETIREMENT PAY AND MEDICAL BENEFITS FOR  
13 COMMISSIONED OFFICERS

14 For retirement pay and medical benefits of Public  
15 Health Service Commissioned Officers as authorized by  
16 law, and for payments under the Retired Serviceman’s  
17 Family Protection Plan and Survivor Benefit Plan and for  
18 medical care of dependents and retired personnel under  
19 the Dependents’ Medical Care Act (10 U.S.C. ch. 55), and  
20 for payments pursuant to section 229(b) of the Social Se-  
21 curity Act (42 U.S.C. 429(b)), such amounts as may be  
22 required during the current fiscal year.

23 AGENCY FOR HEALTH CARE POLICY AND RESEARCH  
24 HEALTH CARE POLICY AND RESEARCH

25 For carrying out titles III and IX of the Public  
26 Health Service Act, and part A of title XI of the Social

1 Security Act, \$101,588,000; in addition, amounts received  
2 from Freedom of Information Act fees, reimbursable and  
3 interagency agreements, and the sale of data tapes shall  
4 be credited to this appropriation and shall remain avail-  
5 able until expended: *Provided*, That the amount made  
6 available pursuant to section 926(b) of the Public Health  
7 Service Act shall not exceed \$47,412,000.

8 HEALTH CARE FINANCING ADMINISTRATION  
9 GRANTS TO STATES FOR MEDICAID

10 For carrying out, except as otherwise provided, titles  
11 XI and XIX of the Social Security Act, \$71,530,429,000,  
12 to remain available until expended.

13 For making, after May 31, 1998, payments to States  
14 under title XIX of the Social Security Act for the last  
15 quarter of fiscal year 1998 for unanticipated costs, in-  
16 curred for the current fiscal year, such sums as may be  
17 necessary.

18 For making payments to States under title XIX of  
19 the Social Security Act for the first quarter of fiscal year  
20 1999, \$27,800,689,000, to remain available until ex-  
21 pended.

22 Payment under title XIX may be made for any quar-  
23 ter with respect to a State plan or plan amendment in  
24 effect during such quarter, if submitted in or prior to such  
25 quarter and approved in that or any subsequent quarter.

## 1           PAYMENTS TO HEALTH CARE TRUST FUNDS

2           For payment to the Federal Hospital Insurance and  
3 the Federal Supplementary Medical Insurance Trust  
4 Funds, as provided under sections 217(g) and 1844 of the  
5 Social Security Act, sections 103(c) and 111(d) of the So-  
6 cial Security Amendments of 1965, section 278(d) of Pub-  
7 lic Law 97–248, and for administrative expenses incurred  
8 pursuant to section 201(g) of the Social Security Act,  
9 \$63,581,000,000.

## 10                           PROGRAM MANAGEMENT

11           For carrying out, except as otherwise provided, titles  
12 XI, XVIII, and XIX of the Social Security Act, titles XIII  
13 and XXVII of the Public Health Service Act, the Clinical  
14 Laboratory Improvement Amendments of 1988, and sec-  
15 tion 191 of Public Law 104–191, not to exceed  
16 \$1,679,435,000 to be transferred from the Federal Hos-  
17 pital Insurance and the Federal Supplementary Medical  
18 Insurance Trust Funds, as authorized by section 201(g)  
19 of the Social Security Act; together with all funds collected  
20 in accordance with section 353 of the Public Health Serv-  
21 ice Act, the latter funds to remain available until ex-  
22 pended, together with such sums as may be collected from  
23 authorized user fees and the sale of data, which shall re-  
24 main available until expended: *Provided*, That all funds  
25 derived in accordance with 31 U.S.C. 9701 from organiza-  
26 tions established under title XIII of the Public Health

1 Service Act are to be credited to and available for carrying  
2 out the purposes of this appropriation.

3 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN  
4 GUARANTEE FUND

5 For carrying out subsections (d) and (e) of section  
6 1308 of the Public Health Service Act, any amounts re-  
7 ceived by the Secretary in connection with loans and loan  
8 guarantees under title XIII of the Public Health Service  
9 Act, to be available without fiscal year limitation for the  
10 payment of outstanding obligations. During fiscal year  
11 1998, no commitments for direct loans or loan guarantees  
12 shall be made.

13 ADMINISTRATION FOR CHILDREN AND FAMILIES  
14 FAMILY SUPPORT PAYMENTS TO STATES

15 For making payments to each State for carrying out  
16 the program of Aid to Families with Dependent Children  
17 under title IV–A of the Social Security Act before the ef-  
18 fective date of the program of Temporary Assistance to  
19 Needy Families (TANF) with respect to such State, such  
20 sums as may be necessary: *Provided*, That the sum of the  
21 amounts available to a State with respect to expenditures  
22 under such title IV–A in fiscal year 1997 under this ap-  
23 propriation and under such title IV–A as amended by the  
24 Personal Responsibility and Work Opportunity Reconcili-  
25 ation Act of 1996 shall not exceed the limitations under  
26 section 116(b) of such Act.

1 For making, after May 31 of the current fiscal year,  
2 payments to States or other non-Federal entities under  
3 titles I, IV–D, X, XI, XIV, and XVI of the Social Security  
4 Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for  
5 the last three months of the current year for unanticipated  
6 costs, incurred for the current fiscal year, such sums as  
7 may be necessary.

8 For making payments to States or other non-Federal  
9 entities under titles I, IV–D, X, XI, XIV, and XVI of the  
10 Social Security Act and the Act of July 5, 1960 (24  
11 U.S.C. ch. 9), for the first quarter of fiscal year 1999,  
12 \$660,000,000, to remain available until expended.

13 LOW INCOME HOME ENERGY ASSISTANCE

14 For making payments under title XXVI of the Omni-  
15 bus Budget Reconciliation Act of 1981, \$1,000,000,000,  
16 to be available for obligation in the period October 1, 1998  
17 through September 30, 1999.

18 For making payments under title XXVI of such Act,  
19 \$300,000,000: *Provided*, That these funds are hereby des-  
20 ignated by Congress to be emergency requirements pursu-  
21 ant to section 251(b)(2)(D) of the Balanced Budget and  
22 Emergency Deficit Control Act of 1985: *Provided further*,  
23 That these funds shall be made available only after sub-  
24 mission to Congress of a formal budget request by the  
25 President that includes designation of the entire amount

1 of the request as an emergency requirement as defined in  
2 the Balanced Budget and Emergency Deficit Control Act.

3 REFUGEE AND ENTRANT ASSISTANCE

4 For making payments for refugee and entrant assist-  
5 ance activities authorized by title IV of the Immigration  
6 and Nationality Act and section 501 of the Refugee Edu-  
7 cation Assistance Act of 1980 (Public Law 96-422),  
8 \$415,000,000: *Provided*, That funds appropriated pursu-  
9 ant to section 414(a) of the Immigration and Nationality  
10 Act under Public Law 104-134 for fiscal year 1996 shall  
11 be available for the costs of assistance provided and other  
12 activities conducted in such year and in fiscal years 1997  
13 and 1998.

14 CHILD CARE AND DEVELOPMENT BLOCK GRANT

15 For carrying out sections 658A through 658R of the  
16 Omnibus Budget Reconciliation Act of 1981 (The Child  
17 Care and Development Block Grant Act of 1990),  
18 \$1,000,000,000 to become available on October 1, 1998  
19 and remain available through September 30, 1999: *Pro-*  
20 *vided*, That of funds appropriated for each of fiscal years  
21 1998 and 1999, \$19,120,000 shall be available for child  
22 care resource and referral and school-aged child care ac-  
23 tivities.

24 SOCIAL SERVICES BLOCK GRANT

25 For making grants to States pursuant to section  
26 2002 of the Social Security Act, \$2,245,000,000: *Pro-*

1 *vided*, That notwithstanding section 2003(c) of such Act,  
2 as amended, the amount specified for allocation under  
3 such section for fiscal year 1998 shall be \$2,245,000,000.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS  
5 (INCLUDING RESCISSIONS)

6 For carrying out, except as otherwise provided, the  
7 Runaway and Homeless Youth Act, the Developmental  
8 Disabilities Assistance and Bill of Rights Act, the Head  
9 Start Act, the Child Abuse Prevention and Treatment Act,  
10 the Native American Programs Act of 1974, title II of  
11 Public Law 95–266 (adoption opportunities), the Aban-  
12 doned Infants Assistance Act of 1988, part B(1) of title  
13 IV and sections 413, 429A and 1110 of the Social Secu-  
14 rity Act; for making payments under the Community Serv-  
15 ices Block Grant Act; and for necessary administrative ex-  
16 penses to carry out said Acts and titles I, IV, X, XI, XIV,  
17 XVI, and XX of the Social Security Act, the Act of July  
18 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconcili-  
19 ation Act of 1981, title IV of the Immigration and Nation-  
20 ality Act, section 501 of the Refugee Education Assistance  
21 Act of 1980, and section 126 and titles IV and V of Public  
22 Law 100–485, \$5,565,217,000, of which \$537,165,000  
23 shall be for making payments under the Community Serv-  
24 ices Block Grant Act: *Provided*, That to the extent Com-  
25 munity Services Block Grant funds are distributed as  
26 grant funds by a State to an eligible entity as provided

1 under the Act, and have not been expended by such entity,  
2 they shall remain with such entity for carryover into the  
3 next fiscal year for expenditure by such entity consistent  
4 with program purposes.

5 In addition, \$99,000,000, to be derived from the Vio-  
6 lent Crime Reduction Trust Fund, for carrying out sec-  
7 tions 40155, 40211 and 40241 of Public Law 103-322.

8 Funds appropriated for fiscal year 1998 under sec-  
9 tion 429A(e), part B of title IV of the Social Security Act  
10 shall be reduced by \$6,000,000.

11 Funds appropriated for fiscal year 1998 under sec-  
12 tion 413(h)(1) of the Social Security Act shall be reduced  
13 by \$15,000,000.

14 FAMILY PRESERVATION AND SUPPORT

15 For carrying out section 430 of the Social Security  
16 Act, \$255,000,000.

17 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

18 ASSISTANCE

19 For making payments to States or other non-Federal  
20 entities, under title IV-E of the Social Security Act,  
21 \$3,200,000,000.

22 For making payments to States or other non-Federal  
23 entities, under title IV-E of the Social Security Act, for  
24 the first quarter of fiscal year 1999, \$1,157,500,000.

1                   ADMINISTRATION ON AGING  
2                   AGING SERVICES PROGRAMS

3           For carrying out, to the extent not otherwise pro-  
4 vided, the Older Americans Act of 1965, as amended,  
5 \$810,545,000: *Provided*, That notwithstanding section  
6 308(b)(1) of such Act, the amounts available to each State  
7 for administration of the State plan under title III of such  
8 Act shall be reduced not more than 5 percent below the  
9 amount that was available to such State for such purpose  
10 for fiscal year 1995.

11                   OFFICE OF THE SECRETARY  
12                   GENERAL DEPARTMENTAL MANAGEMENT

13           For necessary expenses, not otherwise provided, for  
14 general departmental management, including hire of six  
15 sedans, and for carrying out titles III, XVII, and XX of  
16 the Public Health Service Act, \$159,636,000, together  
17 with \$5,851,000, to be transferred and expended as au-  
18 thorized by section 201(g)(1) of the Social Security Act  
19 from the Hospital Insurance Trust Fund and the Supple-  
20 mental Medical Insurance Trust Fund.

21                   OFFICE OF INSPECTOR GENERAL

22           For expenses necessary for the Office of Inspector  
23 General in carrying out the provisions of the Inspector  
24 General Act of 1978, as amended, \$31,921,000.

## 1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil  
3 Rights, \$16,345,000, together with not to exceed  
4 \$3,314,000, to be transferred and expended as authorized  
5 by section 201(g)(1) of the Social Security Act from the  
6 Hospital Insurance Trust Fund and the Supplemental  
7 Medical Insurance Trust Fund.

## 8 POLICY RESEARCH

9 For carrying out, to the extent not otherwise pro-  
10 vided, research studies under section 1110 of the Social  
11 Security Act, \$14,000,000.

## 12 GENERAL PROVISIONS

13 SEC. 201. Funds appropriated in this title shall be  
14 available for not to exceed \$37,000 for official reception  
15 and representation expenses when specifically approved by  
16 the Secretary.

17 SEC. 202. The Secretary shall make available through  
18 assignment not more than 60 employees of the Public  
19 Health Service to assist in child survival activities and to  
20 work in AIDS programs through and with funds provided  
21 by the Agency for International Development, the United  
22 Nations International Children's Emergency Fund or the  
23 World Health Organization.

24 SEC. 203. None of the funds appropriated under this  
25 Act may be used to implement section 399L(b) of the Pub-  
26 lic Health Service Act or section 1503 of the National In-

stitutes of Health Revitalization Act of 1993, Public Law  
103-43.

SEC. 204. None of the funds appropriated in this Act  
for the National Institutes of Health and the Substance  
Abuse and Mental Health Services Administration shall  
be used to pay the salary of an individual, through a grant  
or other extramural mechanism, at a rate in excess of  
\$125,000 per year.

SEC. 205. None of the funds appropriated in this Act  
may be expended pursuant to section 241 of the Public  
Health Service Act, except for funds specifically provided  
for in this Act, or for other taps and assessments made  
by any office located in the Department of Health and  
Human Services, prior to the Secretary's preparation and  
submission of a report to the Committee on Appropria-  
tions of the Senate and of the House detailing the planned  
uses of such funds.

SEC. 206. None of the funds appropriated in this Act  
may be obligated or expended for the Federal Council on  
Aging under the Older Americans Act or the Advisory  
Board on Child Abuse and Neglect under the Child Abuse  
Prevention and Treatment Act.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discre-  
tionary funds (pursuant to the Balanced Budget and  
Emergency Deficit Control Act, as amended) which are

1 appropriated for the current fiscal year for the Depart-  
2 ment of Health and Human Services in this Act may be  
3 transferred between appropriations, but no such appro-  
4 priation shall be increased by more than 3 percent by any  
5 such transfer: *Provided*, That the Appropriations Commit-  
6 tees of both Houses of Congress are notified at least fif-  
7 teen days in advance of any transfer.

8 (TRANSFER OF FUNDS)

9 SEC. 208. The Director of the National Institutes of  
10 Health, jointly with the Director of the Office of AIDS  
11 Research, may transfer up to 3 percent among institutes,  
12 centers, and divisions from the total amounts identified  
13 by these two Directors as funding for research pertaining  
14 to the human immunodeficiency virus: *Provided*, That the  
15 Congress is promptly notified of the transfer.

16 (TRANSFER OF FUNDS)

17 SEC. 209. Of the amounts made available in this Act  
18 for the National Institutes of Health, the amount for re-  
19 search related to the human immunodeficiency virus, as  
20 jointly determined by the Director of NIH and the Direc-  
21 tor of the Office of AIDS Research, shall be made avail-  
22 able to the “Office of AIDS Research” account. The Di-  
23 rector of the Office of AIDS Research shall transfer from  
24 such account amounts necessary to carry out section  
25 2353(d)(3) of the Public Health Service Act.

1        SEC. 210. Funds appropriated in this Act for the Na-  
2 tional Institutes of Health may be used to provide transit  
3 subsidies in amounts consistent with the transportation  
4 subsidy programs authorized under section 629 of Public  
5 Law 101–509 to non-FTE bearing positions including  
6 trainees, visiting fellows and volunteers.

7        SEC. 211. (a) The Secretary of Health and Human  
8 Services may in accordance with this section provide for  
9 the relocation of the Federal facility known as the Gillis  
10 W. Long Hansen’s Disease Center (located in the vicinity  
11 of Carville, in the State of Louisiana), including the relo-  
12 cation of the patients of the Center.

13        (b)(1) Subject to paragraph (2), in relocating the  
14 Center the Secretary may on behalf of the United States  
15 transfer to the State of Louisiana, without charge, title  
16 to the real property and improvements that as of the date  
17 of the enactment of this Act constitute the Center. Such  
18 real property is a parcel consisting of approximately 330  
19 acres. The exact acreage and legal description used for  
20 purposes of the transfer shall be in accordance with a sur-  
21 vey satisfactory to the Secretary.

22        (2) Any conveyance under paragraph (1) is not effec-  
23 tive unless the deed or other instrument of conveyance  
24 contains the conditions specified in subsection (d); the in-  
25 strument specifies that the United States and the State

1 of Louisiana agree to such conditions; and the instrument  
2 specifies that, if the State engages in a material breach  
3 of the conditions, title to the real property and improve-  
4 ments involved reverts to the United States at the election  
5 of the Secretary.

6 (c)(1) With respect to Federal equipment and other  
7 items of Federal personal property that are in use at the  
8 Center as of the date of the enactment of this Act, the  
9 Secretary may, subject to paragraph (2), transfer to the  
10 State such items as the Secretary determines to be appro-  
11 priate, if the Secretary makes the transfer under sub-  
12 section (b).

13 (2) A transfer of equipment or other items may be  
14 made under paragraph (1) only if the State agrees that,  
15 during the 30-year period beginning on the date on which  
16 the transfer under subsection (b) is made, the items will  
17 be used exclusively for purposes that promote the health  
18 or education of the public, except that the Secretary may  
19 authorize such exceptions as the Secretary determines to  
20 be appropriate.

21 (d) For purposes of subsection (b)(2), the conditions  
22 specified in this subsection with respect to a transfer of  
23 title are the following:

24 (1) During the 30-year period beginning on the  
25 date on which the transfer is made, the real property

1 and improvements referred to in subsection (b)(1)  
2 (referred to in this subsection as the “transferred  
3 property”) will be used exclusively for purposes that  
4 promote the health or education of the public, with  
5 such incidental exceptions as the Secretary may ap-  
6 prove.

7 (2) For purposes of monitoring the extent to  
8 which the transferred property is being used in ac-  
9 cordance with paragraph (1), the Secretary will have  
10 access to such documents as the Secretary deter-  
11 mines to be necessary, and the Secretary may re-  
12 quire the advance approval of the Secretary for such  
13 contracts, conveyances of real or personal property,  
14 or other transactions as the Secretary determines to  
15 be necessary.

16 (3) The relocation of patients from the trans-  
17 ferred property will be completed not later than 3  
18 years after the date on which the transfer is made,  
19 except to the extent the Secretary determines that  
20 relocating particular patients is not feasible. During  
21 the period of relocation, the Secretary will have un-  
22 restricted access to the transferred property, and  
23 after such period will have such access as may be  
24 necessary with respect to the patients who pursuant  
25 to the preceding sentence are not relocated.

1           (4)(A) With respect to projects to make repairs  
2           and energy-related improvements at the transferred  
3           property, the Secretary will provide for the comple-  
4           tion of all such projects for which contracts have  
5           been awarded and appropriations have been made as  
6           of the date on which the transfer is made.

7           (B) If upon completion of the projects referred  
8           to in subparagraph (A) there are any unobligated  
9           balances of amounts appropriated for the projects,  
10          and the sum of such balances is in excess of  
11          \$100,000—

12                 (i) the Secretary will transfer the amount  
13                 of such excess to the State; and

14                 (ii) the State will expend such amount for  
15                 the purposes referred to in paragraph (1),  
16                 which may include the renovation of facilities at  
17                 the transferred property.

18          (5)(A) The State will maintain the cemetery lo-  
19          cated on the transferred property, will permit indi-  
20          viduals who were long-term-care patients of the Cen-  
21          ter to be buried at the cemetery, and will permit  
22          members of the public to visit the cemetery.

23                 (B) The State will permit the Center to main-  
24                 tain a museum on the transferred property, and will  
25                 permit members of the public to visit the museum.

1           (C) In the case of any waste products stored at  
2 the transferred property as of the date of the trans-  
3 fer, the Federal Government will after the transfer  
4 retain title to and responsibility for the products,  
5 and the State will not require that the Federal Gov-  
6 ernment remove the products from the transferred  
7 property.

8           (6) In the case of each individual who as of the  
9 date of the enactment of this Act is a Federal em-  
10 ployee at the transferred property with facilities  
11 management or dietary duties:

12           (A) The State will offer the individual an  
13 employment position with the State, the posi-  
14 tion with the State will have duties similar to  
15 the duties the individual performed in his or her  
16 most recent position at the transferred prop-  
17 erty, and the position with the State will pro-  
18 vide compensation and benefits that are similar  
19 to the compensation and benefits provided for  
20 such most recent position, subject to the con-  
21 currence of the Governor of the State.

22           (B) If the individual becomes an employee  
23 of the State pursuant to subparagraph (A), the  
24 State will make payments in accordance with

1 subsection (e)(2)(B) (relating to disability), as  
2 applicable with respect to the individual.

3 (7) The Federal Government may, consistent  
4 with the intended uses by the State of the trans-  
5 ferred property, carry out at such property activities  
6 regarding at-risk youth.

7 (8) Such additional conditions as the Secretary  
8 determines to be necessary to protect the interests of  
9 the United States.

10 (e)(1) This subsection applies if the transfer under  
11 subsection (b) is made.

12 (2) In the case of each individual who as of the date  
13 of the enactment of this Act is a Federal employee at the  
14 Center with facilities management or dietary duties, and  
15 who becomes an employee of the State pursuant to sub-  
16 section (d)(6)(A):

17 (A) The provisions of subchapter III of chapter  
18 83 of title 5, United States Code, or of chapter 84  
19 of such title, whichever are applicable, that relate to  
20 disability shall be considered to remain in effect with  
21 respect to the individual (subject to subparagraph  
22 (C)) until the earlier of—

23 (i) the expiration of the 2-year period be-  
24 ginning on the date on which the transfer under  
25 subsection (b) is made; or

1           (ii) the date on which the individual first  
2           meets all conditions for coverage under a State  
3           program for payments during retirement by  
4           reason of disability.

5           (B) The payments to be made by the State pur-  
6           suant to subsection (d)(6)(B) with respect to the in-  
7           dividual are payments to the Civil Service Retire-  
8           ment and Disability Fund, if the individual is receiv-  
9           ing Federal disability coverage pursuant to subpara-  
10          graph (A). Such payments are to be made in a total  
11          amount equal to that portion of the normal-cost per-  
12          centage (determined through the use of dynamic as-  
13          sumptions) of the basic pay of the individual that is  
14          allocable to such coverage and is paid for service  
15          performed during the period for which such coverage  
16          is in effect. Such amount is to be determined in ac-  
17          cordance with chapter 84 of such title 5, is to be  
18          paid at such time and in such manner as mutually  
19          agreed by the State and the Office of Personnel  
20          Management, and is in lieu of individual or agency  
21          contributions otherwise required.

22          (C) In the determination pursuant to subpara-  
23          graph (A) of whether the individual is eligible for  
24          Federal disability coverage (during the applicable pe-  
25          riod of time under such subparagraph), service as an

1 employee of the State after the date of the transfer  
2 under subsection (b) shall be counted toward the  
3 service requirement specified in the first sentence of  
4 section 8337(a) or 8451(a)(1)(A) of such title 5  
5 (whichever is applicable).

6 (3) In the case of each individual who as of the date  
7 of the enactment of this Act is a Federal employee with  
8 a position at the Center and is, for duty at the Center,  
9 receiving the pay differential under section 208(e) of the  
10 Public Health Service Act or under section 5545(d) of title  
11 5, United States Code:

12 (A) If as of the date of the transfer under sub-  
13 section (b) the individual is eligible for an annuity  
14 under section 8336 or 8412 of title 5, United States  
15 Code, then once the individual separates from the  
16 service and thereby becomes entitled to receive the  
17 annuity, the pay differential shall be included in the  
18 computation of the annuity if the individual sepa-  
19 rated from the service not later than the expiration  
20 of the 90-day period beginning on the date of the  
21 transfer.

22 (B) If the individual is not eligible for such an  
23 annuity as of the date of the transfer under sub-  
24 section (b) but subsequently does become eligible,  
25 then once the individual separates from the service

1 and thereby becomes entitled to receive the annuity,  
2 the pay differential shall be included in the computa-  
3 tion of the annuity if the individual separated from  
4 the service not later than the expiration of the 90-  
5 day period beginning on the date on which the indi-  
6 vidual first became eligible for the annuity.

7 (C) For purposes of this paragraph, the individ-  
8 ual is eligible for the annuity if the individual meets  
9 all conditions under such section 8336 or 8412 to be  
10 entitled to the annuity, except the condition that the  
11 individual be separated from the service.

12 (4) With respect to individuals who as of the date  
13 of the enactment of this Act are Federal employees with  
14 positions at the Center and are not, for duty at the center,  
15 receiving the pay differential under section 208(e) of the  
16 Public Health Service Act or under section 5545(d) of title  
17 5, United States Code:

18 (A) During the calendar years 1997 and 1998,  
19 the Secretary may in accordance with this paragraph  
20 provide to any such individual a voluntary separa-  
21 tion incentive payment. The purpose of such pay-  
22 ments is to avoid or minimize the need for involun-  
23 tary separations under a reduction in force with re-  
24 spect to the Center.

1           (B) During calendar year 1997, any payment  
2           under subparagraph (A) shall be made under section  
3           663 of the Treasury, Postal Service, and General  
4           Government Appropriations Act, 1997 (as contained  
5           in section 101(f) of division A of Public Law 104–  
6           208), except that, for purposes of this subparagraph,  
7           subsection (b) of such section 663 does not apply.

8           (C) During calendar year 1998, such section  
9           663 applies with respect to payments under subpara-  
10          graph (A) to the same extent and in the same man-  
11          ner as such section applied with respect to the pay-  
12          ments during fiscal year 1997, and for purposes of  
13          this subparagraph, the reference in subsection  
14          (c)(2)(D) of such section 663 to December 31, 1997,  
15          is deemed to be a reference to December 31, 1998.

16          (f) The following provisions apply if under subsection  
17 (a) the Secretary makes the decision to relocate the Cen-  
18 ter:

19           (1) The site to which the Center is relocated  
20           shall be in the vicinity of Baton Rouge, in the State  
21           of Louisiana.

22           (2) The facility involved shall continue to be  
23           designated as the Gillis W. Long Hansen’s Disease  
24           Center.

1           (3) The Secretary shall make reasonable efforts  
2 to inform the patients of the Center with respect to  
3 the planning and carrying out of the relocation.

4           (4) In the case of each individual who as of Oc-  
5 tober 1, 1996, was a patient of the Center and is  
6 considered by the Director of the Center to be a  
7 long-term-care patient (referred to in this subsection  
8 as an “eligible patient”), the Secretary shall con-  
9 tinue to provide for the long-term care of the eligible  
10 patient, without charge, for the remainder of the life  
11 of the patient.

12           (5)(A) For purposes of paragraph (4), an eligi-  
13 ble patient who is legally competent has the follow-  
14 ing options with respect to support and maintenance  
15 and other nonmedical expenses:

16                   (i) For the remainder of his or her life, the  
17 patient may reside at the Center.

18                   (ii) For the remainder of his or her life,  
19 the patient may receive payments each year at  
20 an annual rate of \$33,000 (adjusted in accord-  
21 ance with subparagraphs (C) and (D)), and  
22 may not reside at the Center. Payments under  
23 this clause are in complete discharge of the ob-  
24 ligation of the Federal Government under para-

1 graph (4) for support and maintenance and  
2 other nonmedical expenses of the patient.

3 (B) The choice by an eligible patient of the op-  
4 tion under clause (i) of subparagraph (A) may at  
5 any time be revoked by the patient, and the patient  
6 may instead choose the option under clause (ii) of  
7 such subparagraph. The choice by an eligible patient  
8 of the option under such clause (ii) is irrevocable.

9 (C) Payments under subparagraph (A)(ii) shall  
10 be made on a monthly basis, and shall be pro rated  
11 as applicable. In 1999 and each subsequent year, the  
12 monthly amount of such payments shall be increased  
13 by a percentage equal to any percentage increase  
14 taking effect under section 215(i) of the Social Secu-  
15 rity Act (relating to a cost-of-living increase) for  
16 benefits under title II of such Act (relating to Fed-  
17 eral old-age, survivors, and disability insurance bene-  
18 fits). Any such percentage increase in monthly pay-  
19 ments under subparagraph (A)(ii) shall take effect  
20 in the same month as the percentage increase under  
21 such section 215(i) takes effect.

22 (D) With respect to the provision of outpatient  
23 and inpatient medical care for Hansen's disease and  
24 related complications to an eligible patient:

1           (i) The choice the patient makes under  
2           subparagraph (A) does not affect the respon-  
3           sibility of the Secretary for providing to the pa-  
4           tient such care at or through the Center.

5           (ii) If the patient chooses the option under  
6           subparagraph (A)(ii) and receives inpatient care  
7           at or through the Center, the Secretary may re-  
8           duce the amount of payments under such sub-  
9           paragraph, except to the extent that reimburse-  
10          ment for the expenses of such care is available  
11          to the provider of the care through the program  
12          under title XVIII of the Social Security Act or  
13          the program under title XIX of such Act. Any  
14          such reduction shall be made on the basis of the  
15          number of days for which the patient received  
16          the inpatient care.

17          (6) The Secretary shall provide to each eligible  
18          patient such information and time as may be nec-  
19          essary for the patient to make an informed decision  
20          regarding the options under paragraph (5)(A).

21          (7) After the date of the enactment of this Act,  
22          the Center may not provide long-term care for any  
23          individual who as of such date was not receiving  
24          such care as a patient of the Center.

1           (8) If upon completion of the projects referred  
2 to in subsection (d)(4)(A) there are unobligated bal-  
3 ances of amounts appropriated for the projects, such  
4 balances are available to the Secretary for expenses  
5 relating to the relocation of the Center, except that,  
6 if the sum of such balances is in excess of \$100,000,  
7 such excess is available to the State in accordance  
8 with subsection (d)(4)(B). The amounts available to  
9 the Secretary pursuant to the preceding sentence are  
10 available until expended.

11       (g) For purposes of this section:

12           (1) The term “Center” means the Gillis W.  
13 Long Hansen’s Disease Center.

14           (2) The term “Secretary” means the Secretary  
15 of Health and Human Services.

16           (3) The term “State” means the State of Lou-  
17 isiana.

18       (h) Section 320 of the Public Health Service Act (42  
19 U.S.C. 247e) is amended by striking the section designa-  
20 tion and all that follows and inserting the following:

21       “SEC. 320. (a)(1) At or through the Gillis W. Long  
22 Hansen’s Disease Center (located in the State of Louisi-  
23 ana), the Secretary shall without charge provide short-  
24 term care and treatment, including outpatient care, for  
25 Hansen’s disease and related complications to any person

1 determined by the Secretary to be in need of such care  
2 and treatment. The Secretary may not at or through such  
3 Center provide long-term care for any such disease or  
4 complication.

5       “(2) The Center referred to in paragraph (1) shall  
6 conduct training in the diagnosis and management of  
7 Hansen’s disease and related complications, and shall con-  
8 duct and promote the coordination of research (including  
9 clinical research), investigations, demonstrations, and  
10 studies relating to the causes, diagnosis, treatment, con-  
11 trol, and prevention of Hansen’s disease and other  
12 mycobacterial diseases and complications related to such  
13 diseases.

14       “(3) Paragraph (1) is subject to section 211 of the  
15 Department of Health and Humans Services Appropria-  
16 tions Act, 1998.

17       “(b) In addition to the Center referred to in sub-  
18 section (a), the Secretary may establish sites regarding  
19 persons with Hansen’s disease. Each such site shall pro-  
20 vide for the outpatient care and treatment for Hansen’s  
21 disease and related complications to any person deter-  
22 mined by the Secretary to be in need of such care and  
23 treatment.

24       “(c) The Secretary shall carry out subsections (a)  
25 and (b) acting through an agency of the Service. For pur-

1 poses of the preceding sentence, the agency designated by  
2 the Secretary shall carry out both activities relating to the  
3 provision of health services and activities relating to the  
4 conduct of research.

5       “(d) The Secretary shall make payments to the  
6 Board of Health of the State of Hawaii for the care and  
7 treatment (including outpatient care) in its facilities of  
8 persons suffering from Hansen’s disease at a rate deter-  
9 mined by the Secretary. The rate shall be approximately  
10 equal to the operating cost per patient of such facilities,  
11 except that the rate may not exceed the comparable costs  
12 per patient with Hansen’s disease for care and treatment  
13 provided by the Center referred to in subsection (a). Pay-  
14 ments under this subsection are subject to the availability  
15 of appropriations for such purpose.”.

16       SEC. 212. None of the funds appropriated in the Act  
17 may be made available to any entity under title X of the  
18 Public Health Service Act unless the applicant for the  
19 award certifies to the Secretary that it encourages family  
20 participation in the decision of minors to seek family plan-  
21 ning services and that it provides counseling to minors on  
22 resisting attempts to coerce minors into engaging in sexual  
23 activities.

24       This title may be cited as the “Department of Health  
25 and Human Services Appropriations Act, 1998”.

## 1 TITLE III—DEPARTMENT OF EDUCATION

## 2 EDUCATION REFORM

3 For carrying out activities authorized by titles III  
4 and IV of the Goals 2000: Educate America Act, the  
5 School-to-Work Opportunities Act, and section 3132 of  
6 the Elementary and Secondary Education Act of 1965,  
7 \$1,135,000,000, of which \$458,500,000 for the Goals  
8 2000: Educate America Act and \$200,000,000 for the  
9 School-to-Work Opportunities Act shall become available  
10 on July 1, 1998, and remain available through September  
11 30, 1999: *Provided*, That none of the funds appropriated  
12 under this heading shall be obligated or expended to carry  
13 out section 304(a)(2)(A) of the Goals 2000: Educate  
14 America Act, except that no more than \$1,500,000 may  
15 be used to carry out activities under section 314(a)(2) of  
16 that Act: *Provided further*, That section 315(a)(2) of the  
17 Goals 2000 Act shall not apply: *Provided further*, That up  
18 to one-half of one percent of the amount available under  
19 section 3132 shall be set aside for the outlying areas, to  
20 be distributed on the basis of their relative need as deter-  
21 mined by the Secretary in accordance with the purposes  
22 of the program: *Provided further*, That if any State edu-  
23 cational agency does not apply for a grant under section  
24 3132, that State's allotment under section 3131 shall be  
25 reserved by the Secretary for grants to local educational

1 agencies in that State that apply directly to the Secretary  
2 according to the terms and conditions published by the  
3 Secretary in the Federal Register.

4 EDUCATION FOR THE DISADVANTAGED

5 For carrying out title I of the Elementary and Sec-  
6 ondary Education Act of 1965, and section 418A of the  
7 Higher Education Act, \$8,204,217,000, of which  
8 \$6,882,616,000 shall become available on July 1, 1998,  
9 and shall remain available through September 30, 1999,  
10 and of which \$1,298,386,000 shall become available on  
11 October 1, 1998 and shall remain available through Sep-  
12 tember 30, 1999, for academic year 1998–1999: *Provided*,  
13 That \$6,191,350,000 shall be available for basic grants  
14 under section 1124: *Provided further*, That up to  
15 \$3,500,000 of these funds shall be available to the Sec-  
16 retary on October 1, 1997, to obtain updated local-edu-  
17 cational-agency-level census poverty data from the Bureau  
18 of the Census: *Provided further*, That \$949,249,000 shall  
19 be available for concentration grants under section 1124A,  
20 \$400,000,000 shall be available for targeted grants under  
21 section 1125, \$150,000,000 shall be available under sec-  
22 tion 1002(g)(2) to demonstrate effective approaches to  
23 whole school reform as authorized under section  
24 1502(a)(1)(C), \$10,000,000 shall be available for evalua-  
25 tions under section 1501 and not more than \$7,500,000

1 shall be reserved for section 1308, of which not more than  
2 \$3,000,000 shall be reserved for section 1308(d).

3 IMPACT AID

4 For carrying out programs of financial assistance to  
5 federally affected schools authorized by title VIII of the  
6 Elementary and Secondary Education Act of 1965,  
7 \$796,000,000, of which \$667,000,000 shall be for basic  
8 support payments under section 8003(b), \$40,000,000  
9 shall be for payments for children with disabilities under  
10 section 8003(d), \$62,000,000, to remain available until  
11 expended, shall be for payments under section 8003(f),  
12 \$7,000,000 shall be for construction under section 8007,  
13 and \$20,000,000 shall be for Federal property payments  
14 under section 8002.

15 SCHOOL IMPROVEMENT PROGRAMS

16 For carrying out school improvement activities au-  
17 thorized by titles II, IV-A-1 and 2, V-A and B, VI, X  
18 and XIII of the Elementary and Secondary Education Act  
19 of 1965; the Stewart B. McKinney Homeless Assistance  
20 Act; and the Civil Rights Act of 1964; \$1,480,888,000,  
21 of which \$1,219,500,000 shall become available on July  
22 1, 1998, and remain available through September 30,  
23 1999: *Provided*, That of the amount appropriated,  
24 \$310,000,000 shall be for Eisenhower professional devel-  
25 opment State grants under title II-B of the Elementary  
26 and Secondary Education Act, \$350,000,000 shall be for

1 innovative education program strategies State grants  
2 under title VI–A of said Act and \$750,000 shall be for  
3 an evaluation of comprehensive regional assistance centers  
4 under title XIII of said Act.

5

## LITERACY

6

(INCLUDING TRANSFER OF FUNDS)

7 For carrying out a literacy initiative, \$260,000,000,  
8 which shall become available on October 1, 1998 and shall  
9 remain available through September 30, 1999 only if spe-  
10 cifically authorized by subsequent legislation enacted by  
11 April 1, 1998: *Provided*, That, if the initiative is not au-  
12 thorized by such date, the funds shall be transferred to  
13 “Special Education” to be merged with that account and  
14 to be available for the same purposes for which that ac-  
15 count is available: *Provided further*, That the transferred  
16 funds shall become available for obligation on July 1,  
17 1999, and shall remain available through September 30,  
18 2000 for academic year 1999–2000.

19

## INDIAN EDUCATION

20 For expenses necessary to carry out, to the extent  
21 not otherwise provided, title IX, part A of the Elementary  
22 and Secondary Education Act of 1965, as amended, and  
23 section 215 of the Department of Education Organization  
24 Act, \$62,600,000.

## 1 BILINGUAL AND IMMIGRANT EDUCATION

2 For carrying out, to the extent not otherwise pro-  
3 vided, bilingual, foreign language and immigrant edu-  
4 cation activities authorized by parts A and C and section  
5 7203 of title VII of the Elementary and Secondary Edu-  
6 cation Act, without regard to section 7103(b),  
7 \$354,000,000: *Provided*, That State educational agencies  
8 may use all, or any part of, their part C allocation for  
9 competitive grants to local educational agencies: *Provided*  
10 *further*, That the Department of Education should only  
11 support instructional programs which ensure that students  
12 completely master English in a timely fashion (a period  
13 of three to five years) while meeting rigorous achievement  
14 standards in the academic content areas.

## 15 SPECIAL EDUCATION

16 For carrying out the Individuals with Disabilities  
17 Education Act, \$4,348,647,000, of which \$4,117,186,000  
18 shall become available for obligation on July 1, 1998, and  
19 shall remain available through September 30, 1999.

## 20 REHABILITATION SERVICES AND DISABILITY RESEARCH

21 For carrying out, to the extent not otherwise pro-  
22 vided, the Rehabilitation Act of 1973, the Technology-Re-  
23 lated Assistance for Individuals with Disabilities Act, and  
24 the Helen Keller National Center Act, as amended,  
25 \$2,589,176,000.

1           SPECIAL INSTITUTIONS FOR PERSONS WITH  
2                           DISABILITIES  
3           AMERICAN PRINTING HOUSE FOR THE BLIND

4           For carrying out the Act of March 3, 1879, as  
5 amended (20 U.S.C. 101 et seq.), \$8,186,000.

6           NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

7           For the National Technical Institute for the Deaf  
8 under titles I and II of the Education of the Deaf Act  
9 of 1986 (20 U.S.C. 4301 et seq.), \$43,841,000: *Provided*,  
10 That from the amount available, the Institute may at its  
11 discretion use funds for the endowment program as au-  
12 thorized under section 207.

13                           GALLAUDET UNIVERSITY

14           For the Kendall Demonstration Elementary School,  
15 the Model Secondary School for the Deaf, and the partial  
16 support of Gallaudet University under titles I and II of  
17 the Education of the Deaf Act of 1986 (20 U.S.C. 4301  
18 et seq.), \$80,682,000: *Provided*, That from the amount  
19 available, the University may at its discretion use funds  
20 for the endowment program as authorized under section  
21 207.

22                           VOCATIONAL AND ADULT EDUCATION

23           For carrying out, to the extent not otherwise pro-  
24 vided, the Carl D. Perkins Vocational and Applied Tech-  
25 nology Education Act and the Adult Education Act,  
26 \$1,486,975,000, of which \$1,483,875,000 shall become



1 included within this appropriation for Pell Grant awards  
2 in such award year, and any funds available from the fis-  
3 cal year 1997 appropriation for Pell Grant awards, are  
4 insufficient to satisfy fully all such awards for which stu-  
5 dents are eligible, as calculated under section 401(b) of  
6 the Act, the amount paid for each such award shall be  
7 reduced by either a fixed or variable percentage, or by a  
8 fixed dollar amount, as determined in accordance with a  
9 schedule of reductions established by the Secretary for this  
10 purpose.

11 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

12 For Federal administrative expenses to carry out  
13 guaranteed student loans authorized by title IV, part B,  
14 of the Higher Education Act, as amended, \$47,688,000.

15 HIGHER EDUCATION

16 For carrying out, to the extent not otherwise pro-  
17 vided, parts A and B of title III, without regard to section  
18 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, and part  
19 A and subpart 1 of part B of title X of the Higher Edu-  
20 cation Act of 1965, as amended, the Mutual Educational  
21 and Cultural Exchange Act of 1961, and Public Law 102-  
22 423; \$909,893,000, of which \$13,700,000 for interest  
23 subsidies under title VII of the Higher Education Act shall  
24 remain available until expended: *Provided*, That funds  
25 available for part D of title IX of the Higher Education  
26 Act shall be available to fund noncompeting continuation



1 in section 502 of the Congressional Budget Act of 1974,  
2 of such bonds shall not exceed zero.

3 For administrative expenses to carry out the Histori-  
4 cally Black College and University Capital Financing Pro-  
5 gram entered into pursuant to title VII, part B of the  
6 Higher Education Act, as amended, \$104,000.

7 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

8 For carrying out activities authorized by the Edu-  
9 cational Research, Development, Dissemination, and Im-  
10 provement Act of 1994, including part E; the National  
11 Education Statistics Act of 1994; section 2102, sections  
12 3136 and 3141 and parts A, B, I, and K and section  
13 10601 of title X, and part C of title XIII of the Elemen-  
14 tary and Secondary Education Act of 1965, as amended,  
15 \$508,752,000: *Provided*, That \$50,000,000 of the amount  
16 provided for section 10101 of part A of title X of the Ele-  
17 mentary and Secondary Education Act shall be for grants  
18 to local educational agencies to demonstrate effective ap-  
19 proaches to whole school reform.

20 LIBRARIES

21 For carrying out subtitle B of the Museum and Li-  
22 brary Services Act, \$142,000,000.

23 DEPARTMENTAL MANAGEMENT

24 PROGRAM ADMINISTRATION

25 For carrying out, to the extent not otherwise pro-  
26 vided, the Department of Education Organization Act, in-

1 cluding rental of conference rooms in the District of Co-  
2 lumbia and hire of two passenger motor vehicles,  
3 \$329,479,000.

4 OFFICE FOR CIVIL RIGHTS

5 For expenses necessary for the Office for Civil  
6 Rights, as authorized by section 203 of the Department  
7 of Education Organization Act, \$55,449,000.

8 OFFICE OF THE INSPECTOR GENERAL

9 For expenses necessary for the Office of the Inspector  
10 General, as authorized by section 212 of the Department  
11 of Education Organization Act, \$30,242,000.

12 GENERAL PROVISIONS

13 SEC. 301. No funds appropriated in this Act may be  
14 used for the transportation of students or teachers (or for  
15 the purchase of equipment for such transportation) in  
16 order to overcome racial imbalance in any school or school  
17 system, or for the transportation of students or teachers  
18 (or for the purchase of equipment for such transportation)  
19 in order to carry out a plan of racial desegregation of any  
20 school or school system.

21 SEC. 302. None of the funds contained in this Act  
22 shall be used to require, directly or indirectly, the trans-  
23 portation of any student to a school other than the school  
24 which is nearest the student's home, except for a student  
25 requiring special education, to the school offering such  
26 special education, in order to comply with title VI of the



1        SEC. 306. Notwithstanding any other provision of  
2 law, from funds appropriated under the Fund for the Im-  
3 provement of Education, the Secretary of Education shall  
4 make an award, in an amount not to exceed \$1,000,000,  
5 to the National Academy of Sciences to evaluate and sub-  
6 mit a preliminary report by June 30, 1998 and a final  
7 report by August 31, 1998 to the Committee on Appro-  
8 priations and the Committee on Education and the  
9 Workforce of the House of Representatives on the follow-  
10 ing items with respect to the Administration's proposed  
11 national tests in 4th grade reading and 8th grade math:  
12 (1) the technical quality of the work performed under the  
13 test development contract(s), linking activities, and con-  
14 tract(s) for providing the tests to States and school dis-  
15 tricts; (2) the adequacy of the administration of the field  
16 tests; (3) the validity and reliability of the data produced  
17 by the field tests; (4) the reasonableness and validity of  
18 the contractors' design for linking test results to student  
19 performance levels; and (5) the degree to which the tests  
20 can be expected to provide valid and useful information  
21 to the public: *Provided*, That in no event may the Depart-  
22 ment of Education proceed to administer any final version  
23 of the tests, until such time as a final National Academy  
24 of Sciences report is completed.

1        SEC. 307. Notwithstanding any other provision of  
2 law, any institution of higher education which receives  
3 funds under title III of the Higher Education Act, except  
4 for grants made under section 326, may use up to twenty  
5 percent of its award under part A or part B of the Act  
6 for endowment building purposes authorized under section  
7 331. Any institution seeking to use part A or part B funds  
8 for endowment building purposes shall indicate such inten-  
9 tion in its application to the Secretary and shall abide by  
10 departmental regulations governing the endowment chal-  
11 lenge grant program.

12        SEC. 308. AMENDMENTS TO ELIGIBLE LENDER  
13 DEFINITION.—Section 435(d)(1) of the Higher Education  
14 Act of 1965 (20 U.S.C. 1085) is amended—

15            (1) by inserting before the semicolon at the end  
16 of subparagraph (A) the following: “; and in deter-  
17 mining whether the making or holding of loans to  
18 students and parents under this part is the primary  
19 consumer credit function of the eligible lender, loans  
20 made or held as trustee or in a trust capacity for  
21 the benefit of a third party shall not be considered”;

22            (2) by striking “and” at the end of subpara-  
23 graph (I);

24            (3) in subparagraph (J), by striking the period  
25 and inserting “; and”;

1           (4) by adding at the end the following new sub-  
2 paragraph:

3                   “(K) a wholly owned subsidiary of a pub-  
4 licly-held holding company which, as of the date  
5 of enactment of this subparagraph, through one  
6 or more subsidiaries (i) acts as a finance com-  
7 pany, and (ii) participates in the program au-  
8 thorized by this part pursuant to subparagraph  
9 (C).”.

10          This title may be cited as the “Department of Edu-  
11 cation Appropriations Act, 1998”.

## 12                   TITLE IV—RELATED AGENCIES

### 13                   ARMED FORCES RETIREMENT HOME

14          For expenses necessary for the Armed Forces Retire-  
15 ment Home to operate and maintain the United States  
16 Soldiers’ and Airmen’s Home and the United States Naval  
17 Home, to be paid from funds available in the Armed  
18 Forces Retirement Home Trust Fund, \$71,777,000, of  
19 which \$16,325,000 shall remain available until expended  
20 for construction and renovation of the physical plants at  
21 the United States Soldiers’ and Airmen’s Home and the  
22 United States Naval Home.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE  
2 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING  
3 EXPENSES

4 For expenses necessary for the Corporation for Na-  
5 tional and Community Service to carry out the provisions  
6 of the Domestic Volunteer Service Act of 1973, as amend-  
7 ed, \$227,547,000.

8 CORPORATION FOR PUBLIC BROADCASTING

9 For payment to the Corporation for Public Broad-  
10 casting, as authorized by the Communications Act of  
11 1934, an amount which shall be available within limita-  
12 tions specified by that Act, for the fiscal year 2000,  
13 \$300,000,000: *Provided*, That no funds made available to  
14 the Corporation for Public Broadcasting by this Act shall  
15 be used to pay for receptions, parties, or similar forms  
16 of entertainment for Government officials or employees:  
17 *Provided further*, That none of the funds contained in this  
18 paragraph shall be available or used to aid or support any  
19 program or activity from which any person is excluded,  
20 or is denied benefits, or is discriminated against, on the  
21 basis of race, color, national origin, religion, or sex.

22 FEDERAL MEDIATION AND CONCILIATION SERVICE  
23 SALARIES AND EXPENSES

24 For expenses necessary for the Federal Mediation  
25 and Conciliation Service to carry out the functions vested

1 in it by the Labor Management Relations Act, 1947 (29  
2 U.S.C. 171–180, 182–183), including hire of passenger  
3 motor vehicles; and for expenses necessary for the Labor-  
4 Management Cooperation Act of 1978 (29 U.S.C. 175a);  
5 and for expenses necessary for the Service to carry out  
6 the functions vested in it by the Civil Service Reform Act,  
7 Public Law 95-454 (5 U.S.C. chapter 71), \$33,481,000,  
8 including \$1,500,000, to remain available through Sep-  
9 tember 30, 1999, for activities authorized by the Labor-  
10 Management Cooperation Act of 1978 (29 U.S.C. 175a):  
11 *Provided*, That notwithstanding 31 U.S.C. 3302, fees  
12 charged, up to full-cost recovery, for special training ac-  
13 tivities and for arbitration services shall be credited to and  
14 merged with this account, and shall remain available until  
15 expended: *Provided further*, That fees for arbitration serv-  
16 ices shall be available only for education, training, and  
17 professional development of the agency workforce: *Pro-*  
18 *vided further*, That the Director of the Service is author-  
19 ized to accept on behalf of the United States gifts of serv-  
20 ices and real, personal, or other property in the aid of any  
21 projects or functions within the Director’s jurisdiction.

1 FEDERAL MINE SAFETY AND HEALTH REVIEW

2 COMMISSION

3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety  
5 and Health Review Commission (30 U.S.C. 801 et seq.),  
6 \$6,060,000.

7 NATIONAL COMMISSION ON LIBRARIES AND

8 INFORMATION SCIENCE

9 SALARIES AND EXPENSES

10 For necessary expenses for the National Commission  
11 on Libraries and Information Science, established by the  
12 Act of July 20, 1970 (Public Law 91–345, as amended  
13 by Public Law 102–95), \$1,000,000.

14 NATIONAL COUNCIL ON DISABILITY

15 SALARIES AND EXPENSES

16 For expenses necessary for the National Council on  
17 Disability as authorized by title IV of the Rehabilitation  
18 Act of 1973, as amended, \$1,793,000.

19 NATIONAL EDUCATION GOALS PANEL

20 For expenses necessary for the National Education  
21 Goals Panel, as authorized by title II, part A of the Goals  
22 2000: Educate America Act, \$2,000,000.

1                    NATIONAL LABOR RELATIONS BOARD  
2                    SALARIES AND EXPENSES

3            For expenses necessary for the National Labor Rela-  
4 tions Board to carry out the functions vested in it by the  
5 Labor-Management Relations Act, 1947, as amended (29  
6 U.S.C. 141–167), and other laws, \$174,661,000: *Pro-*  
7 *vided*, That no part of this appropriation shall be available  
8 to organize or assist in organizing agricultural laborers or  
9 used in connection with investigations, hearings, direc-  
10 tives, or orders concerning bargaining units composed of  
11 agricultural laborers as referred to in section 2(3) of the  
12 Act of July 5, 1935 (29 U.S.C. 152), and as amended  
13 by the Labor-Management Relations Act, 1947, as amend-  
14 ed, and as defined in section 3(f) of the Act of June 25,  
15 1938 (29 U.S.C. 203), and including in said definition em-  
16 ployees engaged in the maintenance and operation of  
17 ditches, canals, reservoirs, and waterways when main-  
18 tained or operated on a mutual, nonprofit basis and at  
19 least 95 per centum of the water stored or supplied there-  
20 by is used for farming purposes: *Provided further*, That  
21 none of the funds made available by this Act shall be used  
22 in any way to promulgate a final rule (altering 29 CFR  
23 part 103) regarding single location bargaining units in  
24 representation cases.

## 1 NATIONAL MEDIATION BOARD

## 2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions  
4 of the Railway Labor Act, as amended (45 U.S.C. 151–  
5 188), including emergency boards appointed by the Presi-  
6 dent, \$8,400,000: Provided, That unobligated balances at  
7 the end of fiscal year 1998 not needed for emergency  
8 boards shall remain available for other statutory purposes  
9 through September 30, 1999.

## 10 OCCUPATIONAL SAFETY AND HEALTH REVIEW

## 11 COMMISSION

## 12 SALARIES AND EXPENSES

13 For expenses necessary for the Occupational Safety  
14 and Health Review Commission (29 U.S.C. 661),  
15 \$7,900,000.

## 16 PHYSICIAN PAYMENT REVIEW COMMISSION

## 17 SALARIES AND EXPENSES

18 For expenses necessary to carry out section 1845(a)  
19 of the Social Security Act, \$3,258,000, to be transferred  
20 to this appropriation from the Federal Supplementary  
21 Medical Insurance Trust Fund.

## 22 PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

## 23 SALARIES AND EXPENSES

24 For expenses necessary to carry out section 1886(e)  
25 of the Social Security Act, \$3,257,000, to be transferred

1 to this appropriation from the Federal Hospital Insurance  
2 and the Federal Supplementary Medical Insurance Trust  
3 Funds.

4 RAILROAD RETIREMENT BOARD

5 DUAL BENEFITS PAYMENTS ACCOUNT

6 For payment to the Dual Benefits Payments Ac-  
7 count, authorized under section 15(d) of the Railroad Re-  
8 tirement Act of 1974, \$206,000,000, which shall include  
9 amounts becoming available in fiscal year 1998 pursuant  
10 to section 224(c)(1)(B) of Public Law 98-76; and in addi-  
11 tion, an amount, not to exceed 2 percent of the amount  
12 provided herein, shall be available proportional to the  
13 amount by which the product of recipients and the average  
14 benefit received exceeds \$206,000,000: Provided, That the  
15 total amount provided herein shall be credited in 12 ap-  
16 proximately equal amounts on the first day of each month  
17 in the fiscal year.

18 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

19 ACCOUNTS

20 For payment to the accounts established in the  
21 Treasury for the payment of benefits under the Railroad  
22 Retirement Act for interest earned on unnegotiated  
23 checks, \$50,000, to remain available through September  
24 30, 1999, which shall be the maximum amount available  
25 for payment pursuant to section 417 of Public Law 98-  
26 76.



1 graph may be used for any audit, investigation, or review  
2 of the Medicare program.

3 SOCIAL SECURITY ADMINISTRATION

4 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

5 For payment to the Federal Old-Age and Survivors  
6 Insurance and the Federal Disability Insurance trust  
7 funds, as provided under sections 201(m), 228(g), and  
8 1131(b)(2) of the Social Security Act, \$20,308,000.

9 SPECIAL BENEFITS FOR DISABLED COAL MINERS

10 For carrying out title IV of the Federal Mine Safety  
11 and Health Act of 1977, \$426,090,000, to remain avail-  
12 able until expended.

13 For making, after July 31 of the current fiscal year,  
14 benefit payments to individuals under title IV of the Fed-  
15 eral Mine Safety and Health Act of 1977, for costs in-  
16 curred in the current fiscal year, such amounts as may  
17 be necessary.

18 For making benefit payments under title IV of the  
19 Federal Mine Safety and Health Act 1977 for the first  
20 quarter of fiscal year 1999, \$160,000,000, to remain  
21 available until expended.

22 SUPPLEMENTAL SECURITY INCOME PROGRAM

23 For carrying out titles XI and XVI of the Social Se-  
24 curity Act, section 401 of Public Law 92-603, section 212  
25 of Public Law 93-66, as amended, and section 405 of  
26 Public Law 95-216, including payment to the Social Secu-

1 rity trust funds for administrative expenses incurred pur-  
2 suant to section 201(g)(1) of the Social Security Act,  
3 \$16,170,000,000, to remain available until expended: *Pro-*  
4 *vided*, That any portion of the funds provided to a State  
5 in the current fiscal year and not obligated by the State  
6 during that year shall be returned to the Treasury.

7 From funds provided under the previous paragraph,  
8 not less than \$100,000,000 shall be available for payment  
9 to the Social Security trust funds for administrative ex-  
10 penses for conducting continuing disability reviews.

11 In addition, \$175,000,000, to remain available until  
12 September 30, 1999, for payment to the Social Security  
13 trust funds for administrative expenses for continuing dis-  
14 ability reviews as authorized by section 103 of Public Law  
15 104–121 and Supplemental Security Income administra-  
16 tive work as authorized by Public Law 104–193. The term  
17 “continuing disability reviews” means reviews and redeter-  
18 minations as defined under section 201(g)(1)(A) of the  
19 Social Security Act, as amended, and reviews and redeter-  
20 minations authorized under section 211 of Public Law  
21 104–193.

22 For making, after June 15 of the current fiscal year,  
23 benefit payments to individuals under title XVI of the So-  
24 cial Security Act, for unanticipated costs incurred for the  
25 current fiscal year, such sums as may be necessary.

1 For making benefit payments under title XVI of the  
2 Social Security Act for the first quarter of fiscal year  
3 1999, \$8,680,000,000, to remain available until expended.

4 LIMITATION ON ADMINISTRATIVE EXPENSES

5 For necessary expenses, including the hire of two pas-  
6 senger motor vehicles, and not to exceed \$10,000 for offi-  
7 cial reception and representation expenses, not more than  
8 \$5,938,040,000 may be expended, as authorized by sec-  
9 tion 201(g)(1) of the Social Security Act, from any one  
10 or all of the trust funds referred to therein: *Provided*, That  
11 not less than \$1,600,000 shall be for the Social Security  
12 Advisory Board: *Provided further*, That unobligated bal-  
13 ances at the end of fiscal year 1998 not needed for fiscal  
14 year 1998 shall remain available until expended for a  
15 state-of-the-art computing network, including related  
16 equipment and non-payroll administrative expenses associ-  
17 ated solely with this network: *Provided further*, That reim-  
18 bursement to the trust funds under this heading for ex-  
19 penditures for official time for employees of the Social Se-  
20 curity Administration pursuant to section 7131 of title 5,  
21 United States Code, and for facilities or support services  
22 for labor organizations pursuant to policies, regulations,  
23 or procedures referred to in section 7135(b) of such title  
24 shall be made by the Secretary of the Treasury, with inter-  
25 est, from amounts in the general fund not otherwise ap-

1 appropriated, as soon as possible after such expenditures are  
2 made.

3 From funds provided under the previous paragraph,  
4 not less than \$200,000,000 shall be available for conduct-  
5 ing continuing disability reviews.

6 In addition to funding already available under this  
7 heading, and subject to the same terms and conditions,  
8 \$245,000,000, to remain available until September 30,  
9 1999, for continuing disability reviews as authorized by  
10 section 103 of Public Law 104–121 and Supplemental Se-  
11 curity Income administrative work as authorized by Public  
12 Law 104–193. The term “continuing disability reviews”  
13 means reviews and redeterminations as defined under sec-  
14 tion 201(g)(1)(A) of the Social Security Act as amended,  
15 and reviews and redeterminations authorized under sec-  
16 tion 211 of Public Law 104–193.

17 In addition to funding already available under this  
18 heading, and subject to the same terms and conditions,  
19 \$200,000,000, which shall remain available until ex-  
20 pended, to invest in a state-of-the-art computing network,  
21 including related equipment and non-payroll administra-  
22 tive expenses associated solely with this network, for the  
23 Social Security Administration and the State Disability  
24 Determination Services, may be expended from any or all

1 of the trust funds as authorized by section 201(g)(1) of  
2 the Social Security Act.

3 In addition, \$35,000,000 to be derived from adminis-  
4 tration fees in excess of \$5.00 per supplementary payment  
5 collected pursuant to section 1616(d) of the Social Secu-  
6 rity Act or section 212(b)(3) of Public Law 93-66, which  
7 shall remain available until expended. To the extent that  
8 the amounts collected pursuant to such section 1616(d)  
9 or 212(b)(3) in fiscal year 1998 exceed \$35,000,000, the  
10 amounts shall be available in fiscal year 1999 only to the  
11 extent provided in advance in appropriations Acts.

12 OFFICE OF INSPECTOR GENERAL

13 (INCLUDING TRANSFER OF FUNDS)

14 For expenses necessary for the Office of Inspector  
15 General in carrying out the provisions of the Inspector  
16 General Act of 1978, as amended, \$10,164,000, together  
17 with not to exceed \$42,260,000, to be transferred and ex-  
18 pended as authorized by section 201(g)(1) of the Social  
19 Security Act from the Federal Old-Age and Survivors In-  
20 surance Trust Fund and the Federal Disability Insurance  
21 Trust Fund.

22 In addition, an amount not to exceed 3 percent of  
23 the total provided in this appropriation may be transferred  
24 from the "Limitation on Administrative Expenses", Social  
25 Security Administration, to be merged with this account,  
26 to be available for the time and purposes for which this

1 account is available: Provided, That notice of such trans-  
2 fers shall be transmitted promptly to the Committees on  
3 Appropriations of the House and Senate.

4 UNITED STATES INSTITUTE OF PEACE  
5 OPERATING EXPENSES

6 For necessary expenses of the United States Institute  
7 of Peace as authorized in the United States Institute of  
8 Peace Act, \$11,160,000.

9 TITLE V—GENERAL PROVISIONS

10 SEC. 501. The Secretaries of Labor, Health and  
11 Human Services, and Education are authorized to transfer  
12 unexpended balances of prior appropriations to accounts  
13 corresponding to current appropriations provided in this  
14 Act: *Provided*, That such transferred balances are used for  
15 the same purpose, and for the same periods of time, for  
16 which they were originally appropriated.

17 SEC. 502. No part of any appropriation contained in  
18 this Act shall remain available for obligation beyond the  
19 current fiscal year unless expressly so provided herein.

20 SEC. 503. (a) No part of any appropriation contained  
21 in this Act shall be used, other than for normal and recog-  
22 nized executive-legislative relationships, for publicity or  
23 propaganda purposes, for the preparation, distribution, or  
24 use of any kit, pamphlet, booklet, publication, radio, tele-  
25 vision, or video presentation designed to support or defeat

1 legislation pending before the Congress or any State legis-  
2 lature, except in presentation to the Congress or any State  
3 legislature itself.

4 (b) No part of any appropriation contained in this  
5 Act shall be used to pay the salary or expenses of any  
6 grant or contract recipient, or agent acting for such recipi-  
7 ent, related to any activity designed to influence legislation  
8 or appropriations pending before the Congress or any  
9 State legislature.

10 SEC. 504. The Secretaries of Labor and Education  
11 are each authorized to make available not to exceed  
12 \$15,000 from funds available for salaries and expenses  
13 under titles I and III, respectively, for official reception  
14 and representation expenses; the Director of the Federal  
15 Mediation and Conciliation Service is authorized to make  
16 available for official reception and representation expenses  
17 not to exceed \$2,500 from the funds available for “Sala-  
18 ries and expenses, Federal Mediation and Conciliation  
19 Service”; and the Chairman of the National Mediation  
20 Board is authorized to make available for official reception  
21 and representation expenses not to exceed \$2,500 from  
22 funds available for “Salaries and expenses, National Medi-  
23 ation Board”.

24 SEC. 505. Notwithstanding any other provision of  
25 this Act, no funds appropriated under this Act shall be

1 used to carry out any program of distributing sterile nee-  
2 dles for the hypodermic injection of any illegal drug unless  
3 the Secretary of Health and Human Services determines  
4 that such programs are effective in preventing the spread  
5 of HIV and do not encourage the use of illegal drugs.

6       SEC. 506. (a) Purchase of American-Made Equip-  
7 ment and Products.—It is the sense of the Congress that,  
8 to the greatest extent practicable, all equipment and prod-  
9 ucts purchased with funds made available in this Act  
10 should be American-made.

11       (b) NOTICE REQUIREMENT.—In providing financial  
12 assistance to, or entering into any contract with, any en-  
13 tity using funds made available in this Act, the head of  
14 each Federal agency, to the greatest extent practicable,  
15 shall provide to such entity a notice describing the state-  
16 ment made in subsection (a) by the Congress.

17       (c) PROHIBITION OF CONTRACTS WITH PERSONS  
18 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—  
19 If it has been finally determined by a court or Federal  
20 agency that any person intentionally affixed a label bear-  
21 ing a “Made in America” inscription, or any inscription  
22 with the same meaning, to any product sold in or shipped  
23 to the United States that is not made in the United  
24 States, the person shall be ineligible to receive any con-  
25 tract or subcontract made with funds made available in

1 this Act, pursuant to the debarment, suspension, and ineli-  
2 gibility procedures described in sections 9.400 through  
3 9.409 of title 48, Code of Federal Regulations.

4       SEC. 507. When issuing statements, press releases,  
5 requests for proposals, bid solicitations and other docu-  
6 ments describing projects or programs funded in whole or  
7 in part with Federal money, all grantees receiving Federal  
8 funds included in this Act, including but not limited to  
9 State and local governments and recipients of Federal re-  
10 search grants, shall clearly state (1) the percentage of the  
11 total costs of the program or project which will be financed  
12 with Federal money, (2) the dollar amount of Federal  
13 funds for the project or program, and (3) percentage and  
14 dollar amount of the total costs of the project or program  
15 that will be financed by nongovernmental sources.

16       SEC. 508. None of the funds appropriated under this  
17 Act shall be expended for any abortion except when it is  
18 made known to the Federal entity or official to which  
19 funds are appropriated under this Act that such procedure  
20 is necessary to save the life of the mother or that the preg-  
21 nancy is the result of an act of rape or incest.

22       SEC. 509. Notwithstanding any other provision of  
23 law—

24               (1) no amount may be transferred from an ap-  
25 propriation account for the Departments of Labor,

1 Health and Human Services, and Education except  
2 as authorized in this or any subsequent appropria-  
3 tion Act, or in the Act establishing the program or  
4 activity for which funds are contained in this Act;

5 (2) no department, agency, or other entity,  
6 other than the one responsible for administering the  
7 program or activity for which an appropriation is  
8 made in this Act, may exercise authority for the tim-  
9 ing of the obligation and expenditure of such appro-  
10 priation, or for the purpose for which it is obligated  
11 and expended, except to the extent and in the man-  
12 ner otherwise provided in sections 1512 and 1513 of  
13 title 31, United States Code; and

14 (3) no funds provided under this Act shall be  
15 available for the salary (or any part thereof) of an  
16 employee who is reassigned on a temporary detail  
17 basis to another position in the employing agency or  
18 department or in any other agency or department,  
19 unless the detail is independently approved by the  
20 head of the employing department or agency.

21 SEC. 510. None of the funds made available in this  
22 Act may be used to enforce the requirements of section  
23 428(b)(1)(U)(iii) of the Higher Education Act of 1965  
24 with respect to any lender when it is made known to the  
25 Federal official having authority to obligate or expend

1 such funds that the lender has a loan portfolio under part  
2 B of title IV of such Act that is equal to or less than  
3 \$5,000,000.

4 SEC. 511. (a) None of the funds made available in  
5 this Act may be used for—

6 (1) the creation of a human embryo or embryos  
7 for research purposes; or

8 (2) research in which a human embryo or em-  
9 bryos are destroyed, discarded, or knowingly sub-  
10 jected to risk of injury or death greater than that  
11 allowed for research on fetuses in utero under 45  
12 CFR 46.208(a)(2) and section 498(b) of the Public  
13 Health Service Act (42 U.S.C. 289g(b)).

14 (b) For purposes of this section, the term “human  
15 embryo or embryos” include any organism, not protected  
16 as a human subject under 45 CFR 46 as of the date of  
17 the enactment of this Act, that is derived by fertilization,  
18 parthenogenesis, cloning, or any other means from one or  
19 more human gametes or human diploid cells.

20 SEC. 512. (a) LIMITATION ON USE OF FUNDS FOR  
21 PROMOTION OF LEGALIZATION OF CONTROLLED SUB-  
22 STANCES.—None of the funds made available in this Act  
23 may be used for any activity when it is made known to  
24 the Federal official having authority to obligate or expend  
25 such funds that the activity promotes the legalization of

1 any drug or other substance included in schedule I of the  
2 schedules of controlled substances established by section  
3 202 of the Controlled Substances Act (21 U.S.C. 812).

4 (b) EXCEPTIONS.—The limitation in subsection (a)  
5 shall not apply when it is made known to the Federal offi-  
6 cial having authority to obligate or expend such funds that  
7 there is significant medical evidence of a therapeutic ad-  
8 vantage to the use of such drug or other substance or that  
9 Federally-sponsored clinical trials are being conducted to  
10 determine therapeutic advantage.

11 SEC. 513. None of the funds made available in this Act  
12 may be obligated or expended to enter into or renew a  
13 contract with an entity when it is made known to the Fed-  
14 eral official having authority to obligate or expend such  
15 funds that—

16 (1) such entity is otherwise a contractor with  
17 the United States and is subject to the requirement  
18 in section 4212(d) of title 38, United States Code,  
19 regarding submission of an annual report to the Sec-  
20 retary of Labor concerning employment of certain  
21 veterans; and

22 (2) such entity has not submitted a report as  
23 required by that section for the most recent year for  
24 which such requirement was applicable to such en-  
25 tity.

1           SEC. 514. (a) FEES FOR FEDERAL ADMINISTRATION  
2 OF STATE SUPPLEMENTARY SSI PAYMENTS.—

3           (1) OPTIONAL STATE SUPPLEMENTARY PAY-  
4 MENTS.—

5           (A) IN GENERAL.—Section 1616(d)(2)(B)  
6 of the Social Security Act (42 U.S.C.  
7 1382e(d)(2)(B)) is amended—

8           (i) by striking “and” at the end of  
9 clause (iii); and

10           (ii) by striking clause (iv) and insert-  
11 ing the following:

12           “(iv) for fiscal year 1997, \$5.00;

13           “(v) for fiscal year 1998, \$6.20;

14           “(vi) for fiscal year 1999, \$7.60;

15           “(vii) for fiscal year 2000, \$7.80;

16           “(viii) for fiscal year 2001, \$8.10;

17           “(ix) for fiscal year 2002, \$8.50; and

18           “(x) for fiscal year 2003 and each succeeding  
19 fiscal year—

20           “(I) the applicable rate in the preceding  
21 fiscal year, increased by the percentage, if any,  
22 by which the Consumer Price Index for the  
23 month of June of the calendar year of the in-  
24 crease exceeds the Consumer Price Index for  
25 the month of June of the calendar year preced-

1           ing the calendar year of the increase, and  
2           rounded to the nearest whole cent; or

3           “(II) such different rate as the Commis-  
4           sioner determines is appropriate for the State.”.

5           (B) CONFORMING AMENDMENT.—Section  
6           1616(d)(2)(C) of such Act (42 U.S.C.  
7           1382e(d)(2)(C)) is amended by striking  
8           “(B)(iv)” and inserting “(B)(x)(II)”.

9           (2) MANDATORY STATE SUPPLEMENTARY PAY-  
10          MENTS.—

11           (A) IN GENERAL.—Section 212(b)(3)(B)(ii)  
12          of Public Law 93–66 (42 U.S.C. 1382 note) is  
13          amended—

14           (i) by striking “and” at the end of  
15          subclause (III); and

16           (ii) by striking subclause (IV) and in-  
17          serting the following:

18          “(IV) for fiscal year 1997, \$5.00;

19          “(V) for fiscal year 1998, \$6.20;

20          “(VI) for fiscal year 1999, \$7.60;

21          “(VII) for fiscal year 2000, \$7.80;

22          “(VIII) for fiscal year 2001, \$8.10;

23          “(IX) for fiscal year 2002, \$8.50; and

24          “(X) for fiscal year 2003 and each succeeding  
25          fiscal year—

1           “(aa) the applicable rate in the preceding  
2           fiscal year, increased by the percentage, if any,  
3           by which the Consumer Price Index for the  
4           month of June of the calendar year of the in-  
5           crease exceeds the Consumer Price Index for  
6           the month of June of the calendar year preced-  
7           ing the calendar year of the increase, and  
8           rounded to the nearest whole cent; or

9           “(bb) such different rate as the Commis-  
10          sioner determines is appropriate for the State.”.

11          (B) CONFORMING AMENDMENT.—Section  
12          212(b)(3)(B)(iii) of such Act (42 U.S.C. 1382  
13          note) is amended by striking “(ii)(IV)” and in-  
14          serting “(ii)(X)(bb)”.

15          (b) USE OF NEW FEES TO DEFRAY THE SOCIAL SE-  
16          CURITY ADMINISTRATION’S ADMINISTRATIVE EX-  
17          PENSES.—

18               (1) CREDIT TO SPECIAL FUND FOR FISCAL  
19          YEAR 1998 AND SUBSEQUENT YEARS.—

20               (A) OPTIONAL STATE SUPPLEMENTARY  
21          PAYMENT FEES.—Section 1616(d)(4) of the So-  
22          cial Security Act (42 U.S.C. 1382e(d)(4)) is  
23          amended to read as follows:

24               “(4)(A) The first \$5 of each administration fee as-  
25          sessed pursuant to paragraph (2), upon collection, shall

1 be deposited in the general fund of the Treasury of the  
2 United States as miscellaneous receipts.

3 “(B) That portion of each administration fee in ex-  
4 cess of \$5, and 100 percent of each additional services  
5 fee charged pursuant to paragraph (3), upon collection for  
6 fiscal year 1998 and each subsequent fiscal year, shall be  
7 credited to a special fund established in the Treasury of  
8 the United States for State supplementary payment fees.  
9 The amounts so credited, to the extent and in the amounts  
10 provided in advance in appropriations Acts, shall be avail-  
11 able to defray expenses incurred in carrying out this title  
12 and related laws.”.

13 (B) MANDATORY STATE SUPPLEMENTARY  
14 PAYMENT FEES.—Section 212(b)(3)(D) of Pub-  
15 lic Law 93–66 (42 U.S.C. 1382 note) is amend-  
16 ed to read as follows:

17 “(D)(i) The first \$5 of each administration fee as-  
18 sessed pursuant to subparagraph (B), upon collection,  
19 shall be deposited in the general fund of the Treasury of  
20 the United States as miscellaneous receipts.

21 “(ii) The portion of each administration fee in excess  
22 of \$5, and 100 percent of each additional services fee  
23 charged pursuant to subparagraph (C), upon collection for  
24 fiscal year 1998 and each subsequent fiscal year, shall be  
25 credited to a special fund established in the Treasury of

1 the United States for State supplementary payment fees.  
2 The amounts so credited, to the extent and in the amounts  
3 provided in advance in appropriations Acts, shall be avail-  
4 able to defray expenses incurred in carrying out this sec-  
5 tion and title XVI of the Social Security Act and related  
6 laws.”.

7           (2) LIMITATIONS ON AUTHORIZATION OF AP-  
8           PROPRIATIONS.—From amounts credited pursuant  
9           to section 1616(d)(4)(B) of the Social Security Act  
10          and section 212(b)(3)(D)(ii) of Public Law 93–66 to  
11          the special fund established in the Treasury of the  
12          United States for State supplementary payment  
13          fees, there is authorized to be appropriated an  
14          amount not to exceed \$35,000,000 for fiscal year  
15          1998, and such sums as may be necessary for each  
16          fiscal year thereafter, for administrative expenses in  
17          carrying out the supplemental security income pro-  
18          gram under title XVI of the Social Security Act and  
19          related laws.

20          SEC. 515. Section 520(c)(2)(D) of the Departments  
21          of Labor, Health and Human Services, and Education,  
22          and Related Agencies Appropriations Act, 1997, is amend-  
23          ed by striking “September 30, 1997” and inserting in lieu  
24          thereof “December 31, 1997”.

1           This Act may be cited as the “Departments of Labor,  
2 Health and Human Services, and Education, and Related  
3 Agencies Appropriations Act, 1998”.

Union Calendar No. 126

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2264**

[Report No. 105-205]

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## **A BILL**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

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JULY 25, 1997

Reported from the Committee on Appropriations, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed