

Calendar No. 125

105TH CONGRESS
1ST Session

S. 1061

[Report No. 105-58]

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.

JULY 24, 1997

Read twice and placed on the calendar

Calendar No. 125105TH CONGRESS
1ST SESSION**S. 1061****[Report No. 105-58]**

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.

IN THE SENATE OF THE UNITED STATES

JULY 24, 1997

Mr. SPECTER, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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; \$5,010,053,000 plus reimbursements, of which
16 \$3,815,062,000 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 and of which \$200,000,000 shall be available from July
22 1, 1998 through September 30, 1999, for carrying out ac-
23 tivities of the School-to-Work Opportunities Act: *Provided,*
24 That \$55,127,000 shall be for carrying out section 401
25 of the Job Training Partnership Act, \$72,749,000 shall

1 be for carrying out section 402 of such Act, \$7,300,000
2 shall be for carrying out section 441 of such Act,
3 \$8,000,000 shall be for all activities conducted by and
4 through the National Occupational Information Coordi-
5 nating Committee under such Act, \$955,000,000 shall be
6 for carrying out title II, part A of such Act, and
7 \$129,965,000 shall be for carrying out title II, part C of
8 such Act: *Provided further*, That the National Occupa-
9 tional Information Coordinating Committee is authorized,
10 effective upon enactment, to charge fees for publications,
11 training and technical assistance developed by the Na-
12 tional Occupational Information Coordinating Committee:
13 *Provided further*, That revenues received from publications
14 and delivery of technical assistance and training, notwith-
15 standing 31 U.S.C. 3302, shall be credited to the National
16 Occupational Information Coordinating Committee pro-
17 gram account and shall be available to the National Occu-
18 pational Information Coordinating Committee without fur-
19 ther appropriations, so long as such revenues are used for
20 authorized activities of the National Occupational Infor-
21 mation Coordinating Committee: *Provided further*, That
22 no funds from any other appropriation shall be used to
23 provide meal services at or for Job Corps centers: *Provided*
24 *further*, That funds provided for title III of the Job Train-
25 ing Partnership Act shall not be subject to the limitation

1 contained in subsection (b) of section 315 of such Act;
2 that the waiver described in section 315(a)(2) may be
3 granted if a substate grantee demonstrates to the Gov-
4 ernor that such waiver is appropriate due to the availabil-
5 ity of low-cost retraining services, is necessary to facilitate
6 the provision of needs-related payments to accompany
7 long-term training, or is necessary to facilitate the provi-
8 sion of appropriate basic readjustment services; and that
9 funds provided for discretionary grants under part B of
10 such title III may be used to provide needs-related pay-
11 ments to participants who, in lieu of meeting the enroll-
12 ment requirements under section 314(e) of such Act, are
13 enrolled in training by the end of the sixth week after
14 grant funds have been awarded: *Provided further*, That
15 funds provided to carry out section 324 of such Act may
16 be used for demonstration projects that provide assistance
17 to new entrants in the workforce and incumbent workers:
18 *Provided further*, That service delivery areas may transfer
19 funding provided herein under authority of title II, parts
20 B and C of the Job Training Partnership Act between
21 the programs authorized by those titles of the Act, if the
22 transfer is approved by the Governor: *Provided further*,
23 That service delivery areas and substate areas may trans-
24 fer up to 20 percent of the funding provided herein under
25 authority of title II, part A and title III of the Job Train-

1 ing Partnership Act between the programs authorized by
2 those titles of the Act, if such transfer is approved by the
3 Governor: *Provided further*, That, notwithstanding any
4 other provision of law, any proceeds from the sale of Job
5 Corps center facilities shall be retained by the Secretary
6 of Labor to carry out the Job Corps program: *Provided*
7 *further*, That notwithstanding any other provision of law,
8 the Secretary of Labor may waive any of the statutory
9 or regulatory requirements of titles I–III of the Job Train-
10 ing Partnership Act (except for requirements relating to
11 wage and labor standards, worker rights, participation
12 and protection, grievance procedures and judicial review,
13 nondiscrimination, allocation of funds to local areas, eligi-
14 bility, review and approval of plans, the establishment and
15 functions of service delivery areas and private industry
16 councils, and the basic purposes of the Act), and any of
17 the statutory or regulatory requirements of sections 8–10
18 of the Wagner-Peyser Act (except for requirements relat-
19 ing to the provision of services to unemployment insurance
20 claimants and veterans, and to universal access to basic
21 labor exchange services without cost to job seekers), only
22 for funds available for expenditure in program year 1998,
23 pursuant to a request submitted by a State which identi-
24 fies the statutory or regulatory requirements that are re-
25 quested to be waived and the goals which the State or

1 local service delivery areas intend to achieve, describes the
2 actions that the State or local service delivery areas have
3 undertaken to remove State or local statutory or regu-
4 latory barriers, describes the goals of the waiver and the
5 expected programmatic outcomes if the request is granted,
6 describes the individuals impacted by the waiver, and de-
7 scribes the process used to monitor the progress in imple-
8 menting a waiver, and for which notice and an opportunity
9 to comment on such request has been provided to the orga-
10 nizations identified in section 105(a)(1) of the Job Train-
11 ing Partnership Act, if and only to the extent that the
12 Secretary determines that such requirements impede the
13 ability of the State to implement a plan to improve the
14 workforce development system and the State has executed
15 a Memorandum of Understanding with the Secretary re-
16 quiring such State to meet agreed upon outcomes and im-
17 plement other appropriate measures to ensure accountabil-
18 ity: *Provided further*, That the Secretary of Labor shall
19 establish a workforce flexibility (work-flex) partnership
20 demonstration program under which the Secretary shall
21 authorize not more than six States, of which at least three
22 States shall each have populations not in excess of
23 3,500,000, with a preference given to those States that
24 have been designated Ed-Flex Partnership States under
25 section 311(e) of Public Law 103–227, to waive any statu-

1 tory or regulatory requirement applicable to service deliv-
2 ery areas or substate areas within the State under titles
3 I–III of the Job Training Partnership Act (except for re-
4 quirements relating to wage and labor standards, griev-
5 ance procedures and judicial review, nondiscrimination, al-
6 lotment of funds, and eligibility), and any of the statutory
7 or regulatory requirements of sections 8–10 of the Wag-
8 ner-Peyser Act (except for requirements relating to the
9 provision of services to unemployment insurance claimants
10 and veterans, and to universal access to basic labor ex-
11 change services without cost to job seekers), for a duration
12 not to exceed the waiver period authorized under section
13 311(e) of Public Law 103–227, pursuant to a plan sub-
14 mitted by such States and approved by the Secretary for
15 the provision of workforce employment and training activi-
16 ties in the States, which includes a description of the proc-
17 ess by which service delivery areas and substate areas may
18 apply for and have waivers approved by the State, the re-
19 quirements of the Wagner-Peyser Act to be waived, the
20 outcomes to be achieved and other measures to be taken
21 to ensure appropriate accountability for Federal funds.

22 For necessary expenses of Opportunity Areas of Out-
23 of-School Youth, in addition to amounts otherwise pro-
24 vided herein, \$250,000,000, to be available for obligation
25 for the period October 1, 1998 through September 30,

1 1999, if job training reform legislation authorizing this or
 2 similar at-risk youth projects is enacted by April 1, 1998.

3 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

4 AMERICANS

5 (TRANSFER OF FUNDS)

6 To carry out the activities for national grants or con-
 7 tracts with public agencies and public or private nonprofit
 8 organizations under paragraph (1)(A) of section 506(a)
 9 of title V of the Older Americans Act of 1965, as amended,
 10 or to carry out older worker activities as subsequently au-
 11 thorized, \$353,340,000.

12 To carry out the activities for grants to States under
 13 paragraph (3) of section 506(a) of title V of the Older
 14 Americans Act of 1965, as amended, or to carry out older
 15 worker activities as subsequently authorized, \$99,660,000.

16 The funds appropriated under this heading shall be
 17 transferred to and merged with the Department of Health
 18 and Human Services, "Aging Services Programs", for the
 19 same purposes and the same period as the account to
 20 which transferred, following the enactment of legislation
 21 authorizing the administration of the program by that De-
 22 partment.

23 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

24 For payments during the current fiscal year of trade
 25 adjustment benefit payments and allowances under part
 26 I; and for training, allowances for job search and reloca-

1 tion, and related State administrative expenses under part
2 II, subchapters B and D, chapter 2, title II of the Trade
3 Act of 1974, as amended, \$349,000,000, together with
4 such amounts as may be necessary to be charged to the
5 subsequent appropriation for payments for any period sub-
6 sequent to September 15 of the current year.

7 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
8 SERVICE OPERATIONS

9 For authorized administrative expenses,
10 \$173,452,000, together with not to exceed
11 \$3,292,476,000 (including not to exceed \$1,228,000
12 which may be used for amortization payments to States
13 which had independent retirement plans in their State em-
14 ployment service agencies prior to 1980, and including not
15 to exceed \$2,000,000 which may be obligated in contracts
16 with non-State entities for activities such as occupational
17 and test research activities which benefit the Federal-
18 State Employment Service System), which may be ex-
19 pended from the Employment Security Administration ac-
20 count in the Unemployment Trust Fund including the cost
21 of administering section 1201 of the Small Business Job
22 Protection Act of 1996, section 7(d) of the Wagner-Peyser
23 Act, as amended, the Trade Act of 1974, as amended, the
24 Immigration Act of 1990, and the Immigration and Na-
25 tionality Act, as amended, and of which the sums available
26 in the allocation for activities authorized by title III of

1 the Social Security Act, as amended (42 U.S.C. 502–504),
2 and the sums available in the allocation for necessary ad-
3 ministrative expenses for carrying out 5 U.S.C. 8501–
4 8523, shall be available for obligation by the States
5 through December 31, 1998, except that funds used for
6 automation acquisitions shall be available for obligation by
7 States through September 30, 2000; and of which
8 \$173,452,000, together with not to exceed \$738,283,000
9 of the amount which may be expended from said trust
10 fund, shall be available for obligation for the period July
11 1, 1998 through June 30, 1999, to fund activities under
12 the Act of June 6, 1933, as amended, including the cost
13 of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E)
14 made available to States in lieu of allotments for such pur-
15 pose, and of which \$150,000,000 shall be available solely
16 for the purpose of assisting States to convert their auto-
17 mated State employment security agency systems to be
18 year 2000 compliant, and of which \$216,333,000 shall be
19 available only to the extent necessary for additional State
20 allocations to administer unemployment compensation
21 laws to finance increases in the number of unemployment
22 insurance claims filed and claims paid or changes in a
23 State law: *Provided*, That to the extent that the Average
24 Weekly Insured Unemployment (AWIU) for fiscal year
25 1998 is projected by the Department of Labor to exceed

1 section 5 of Public Law 103-6, and to the “Federal unem-
2 ployment benefits and allowances” account, to remain
3 available until September 30, 1999, \$392,000,000.

4 In addition, for making repayable advances to the
5 Black Lung Disability Trust Fund in the current fiscal
6 year after September 15, 1998, for costs incurred by the
7 Black Lung Disability Trust Fund in the current fiscal
8 year, such sums as may be necessary.

9 PROGRAM ADMINISTRATION

10 For expenses of administering employment and train-
11 ing programs, \$84,308,000, together with not to exceed
12 \$41,285,000, which may be expended from the Employ-
13 ment Security Administration account in the Unemploy-
14 ment Trust Fund.

15 PENSION AND WELFARE BENEFITS ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Pension and Welfare
18 Benefits Administration, \$82,000,000, of which
19 \$3,000,000 shall remain available through September 30,
20 1999 for expenses of completing the revision of the proc-
21 essing of employee benefit plan returns.

22 PENSION BENEFIT GUARANTY CORPORATION

23 PENSION BENEFIT GUARANTY CORPORATION FUND

24 The Pension Benefit Guaranty Corporation is author-
25 ized to make such expenditures, including financial assist-
26 ance authorized by section 104 of Public Law 96-364,

1 within limits of funds and borrowing authority available
2 to such Corporation, and in accord with law, and to make
3 such contracts and commitments without regard to fiscal
4 year limitations as provided by section 104 of the Govern-
5 ment Corporation Control Act, as amended (31 U.S.C.
6 9104), as may be necessary in carrying out the program
7 through September 30, 1998, for such Corporation: *Pro-*
8 *vided*, That not to exceed \$10,433,000 shall be available
9 for administrative expenses of the Corporation: *Provided*
10 *further*, That expenses of such Corporation in connection
11 with the termination of pension plans, for the acquisition,
12 protection or management, and investment of trust assets,
13 and for benefits administration services shall be consid-
14 ered as non-administrative expenses for the purposes here-
15 of, and excluded from the above limitation.

16 EMPLOYMENT STANDARDS ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses for the Employment Stand-
19 ards Administration, including reimbursement to State,
20 Federal, and local agencies and their employees for inspec-
21 tion services rendered, \$299,660,000, together with
22 \$993,000 which may be expended from the Special Fund
23 in accordance with sections 39(c) and 44(j) of the
24 Longshore and Harbor Workers' Compensation Act: *Pro-*
25 *vided further*, That the Secretary of Labor is authorized

1 to accept, retain, and spend, until expended, in the name
2 of the Department of Labor, all sums of money ordered
3 to be paid to the Secretary of Labor, in accordance with
4 the terms of the Consent Judgment in Civil Action No.
5 91-0027 of the United States District Court for the Dis-
6 trict of the Northern Mariana Islands (May 21, 1992):
7 *Provided further*, That the Secretary of Labor is author-
8 ized to establish and, in accordance with 31 U.S.C. 3302,
9 collect and deposit in the Treasury fees for processing ap-
10 plications and issuing certificates under sections 11(d)
11 and 14 of the Fair Labor Standards Act of 1938, as
12 amended (29 U.S.C. 211(d) and 214) and for processing
13 applications and issuing registrations under title I of the
14 Migrant and Seasonal Agricultural Worker Protection
15 Act, 29 U.S.C. 1801 et seq.

16 SPECIAL BENEFITS

17 (INCLUDING TRANSFER OF FUNDS)

18 For the payment of compensation, benefits, and ex-
19 penses (except administrative expenses) accruing during
20 the current or any prior fiscal year authorized by title 5,
21 chapter 81 of the United States Code; continuation of ben-
22 efits as provided for under the head “Civilian War Bene-
23 fits” in the Federal Security Agency Appropriation Act,
24 1947; the Employees’ Compensation Commission Appro-
25 priation Act, 1944; and sections 4(c) and 5(f) of the War
26 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per

1 centum of the additional compensation and benefits re-
2 quired by section 10(h) of the Longshore and Harbor
3 Workers' Compensation Act, as amended, \$201,000,000
4 together with such amounts as may be necessary to be
5 charged to the subsequent year appropriation for the pay-
6 ment of compensation and other benefits for any period
7 subsequent to August 15 of the current year: *Provided*,
8 That amounts appropriated may be used under section
9 8104 of title 5, United States Code, by the Secretary to
10 reimburse an employer, who is not the employer at the
11 time of injury, for portions of the salary of a reemployed,
12 disabled beneficiary: *Provided further*, That balances of re-
13 imbursements unobligated on September 30, 1997, shall
14 remain available until expended for the payment of com-
15 pensation, benefits, and expenses: *Provided further*, That
16 in addition there shall be transferred to this appropriation
17 from the Postal Service and from any other corporation
18 or instrumentality required under section 8147(c) of title
19 5, United States Code, to pay an amount for its fair share
20 of the cost of administration, such sums as the Secretary
21 of Labor determines to be the cost of administration for
22 employees of such fair share entities through September
23 30, 1998: *Provided further*, That of those funds trans-
24 ferred to this account from the fair share entities to pay
25 the cost of administration, \$7,269,000 shall be made avail-

1 able to the Secretary of Labor for expenditures relating
2 to capital improvements in support of Federal Employees'
3 Compensation Act administration, and the balance of such
4 funds shall be paid into the Treasury as miscellaneous re-
5 ceipts: *Provided further*, That the Secretary may require
6 that any person filing a notice of injury or a claim for
7 benefits under chapter 81 of title 5, United States Code,
8 or 33 U.S.C. 901 et seq., provide as part of such notice
9 and claim, such identifying information (including Social
10 Security account number) as such regulations may pre-
11 scribe.

12 BLACK LUNG DISABILITY TRUST FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For payments from the Black Lung Disability Trust
15 Fund, \$1,007,000,000, of which \$960,650,000 shall be
16 available until September 30, 1999, for payment of all
17 benefits as authorized by section 9501(d) (1), (2), (4), and
18 (7) of the Internal Revenue Code of 1954, as amended,
19 and interest on advances as authorized by section
20 9501(c)(2) of that Act, and of which \$26,147,000 shall
21 be available for transfer to Employment Standards Ad-
22 ministration, Salaries and Expenses, \$19,551,000 for
23 transfer to Departmental Management, Salaries and Ex-
24 penses, \$296,000 for transfer to Departmental Manage-
25 ment, Office of Inspector General, and \$356,000 for pay-

1 ment into miscellaneous receipts for the expenses of the
2 Department of Treasury, for expenses of operation and
3 administration of the Black Lung Benefits program as au-
4 thorized by section 9501(d)(5) of that Act: *Provided*,
5 That, in addition, such amounts as may be necessary may
6 be charged to the subsequent year appropriation for the
7 payment of compensation, interest, or other benefits for
8 any period subsequent to August 15 of the current year.

9 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
10 SALARIES AND EXPENSES

11 For necessary expenses for the Occupational Safety
12 and Health Administration, \$336,205,000, including not
13 to exceed \$77,941,000 which shall be the maximum
14 amount available for grants to States under section 23(g)
15 of the Occupational Safety and Health Act, which grants
16 shall be no less than fifty percent of the costs of State
17 occupational safety and health programs required to be
18 incurred under plans approved by the Secretary under sec-
19 tion 18 of the Occupational Safety and Health Act of
20 1970; and, in addition, notwithstanding 31 U.S.C. 3302,
21 the Occupational Safety and Health Administration may
22 retain up to \$750,000 per fiscal year of training institute
23 course tuition fees, otherwise authorized by law to be col-
24 lected, and may utilize such sums for occupational safety
25 and health training and education grants: *Provided*, That,

1 notwithstanding 31 U.S.C. 3302, the Secretary of Labor
2 is authorized, during the fiscal year ending September 30,
3 1998, to collect and retain fees for services provided to
4 Nationally Recognized Testing Laboratories, and may uti-
5 lize such sums, in accordance with the provisions of 29
6 U.S.C. 9a, to administer national and international lab-
7 oratory recognition programs that ensure the safety of
8 equipment and products used by workers in the workplace:
9 *Provided further,* That none of the funds appropriated
10 under this paragraph shall be obligated or expended to
11 prescribe, issue, administer, or enforce any standard, rule,
12 regulation, or order under the Occupational Safety and
13 Health Act of 1970 which is applicable to any person who
14 is engaged in a farming operation which does not maintain
15 a temporary labor camp and employs ten or fewer employ-
16 ees: *Provided further,* That no funds appropriated under
17 this paragraph shall be obligated or expended to admin-
18 ister or enforce any standard, rule, regulation, or order
19 under the Occupational Safety and Health Act of 1970
20 with respect to any employer of ten or fewer employees
21 who is included within a category having an occupational
22 injury lost workday case rate, at the most precise Stand-
23 ard Industrial Classification Code for which such data are
24 published, less than the national average rate as such
25 rates are most recently published by the Secretary, acting

1 through the Bureau of Labor Statistics, in accordance
2 with section 24 of that Act (29 U.S.C. 673), except—

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

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

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

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

16 (5) to take any action authorized by such Act
17 with respect to a report of an employment accident
18 which is fatal to one or more employees or which re-
19 sults in hospitalization of two or more employees,
20 and to take any action pursuant to such investiga-
21 tion authorized by such Act; and

22 (6) to take any action authorized by such Act
23 with respect to complaints of discrimination against
24 employees for exercising rights under such Act: *Pro-*
25 *vided further,* That the foregoing proviso shall not

1 apply to any person who is engaged in a farming op-
2 eration which does not maintain a temporary labor
3 camp and employs ten or fewer employees.

4 MINE SAFETY AND HEALTH ADMINISTRATION
5 SALARIES AND EXPENSES

6 For necessary expenses for the Mine Safety and
7 Health Administration, \$205,804,000, including purchase
8 and bestowal of certificates and trophies in connection
9 with mine rescue and first-aid work, and the hire of pas-
10 senger motor vehicles; the Secretary is authorized to ac-
11 cept lands, buildings, equipment, and other contributions
12 from public and private sources and to prosecute projects
13 in cooperation with other agencies, Federal, State, or pri-
14 vate; the Mine Safety and Health Administration is au-
15 thorized to promote health and safety education and train-
16 ing in the mining community through cooperative pro-
17 grams with States, industry, and safety associations; and
18 any funds available to the Department may be used, with
19 the approval of the Secretary, to provide for the costs of
20 mine rescue and survival operations in the event of a
21 major disaster: *Provided*, That none of the funds appro-
22 priated under this paragraph shall be obligated or ex-
23 pended to carry out section 115 of the Federal Mine Safe-
24 ty and Health Act of 1977 or to carry out that portion
25 of section 104(g)(1) of such Act relating to the enforce-

1 ment of any training requirements, with respect to shell
2 dredging, or with respect to any sand, gravel, surface
3 stone, surface clay, colloidal phosphate, or surface lime-
4 stone mine.

5 BUREAU OF LABOR STATISTICS

6 SALARIES AND EXPENSES

7 For necessary expenses for the Bureau of Labor Sta-
8 tistics, including advances or reimbursements to State,
9 Federal, and local agencies and their employees for serv-
10 ices rendered, \$320,097,000, of which \$15,430,000 shall
11 be for expenses of revising the Consumer Price Index and
12 shall remain available until September 30, 1999, together
13 with not to exceed \$52,574,000, which may be expended
14 from the Employment Security Administration account in
15 the Unemployment Trust Fund.

16 DEPARTMENTAL MANAGEMENT

17 SALARIES AND EXPENSES

18 For necessary expenses for Departmental Manage-
19 ment, including the hire of three sedans, and including
20 up to \$4,439,000 for the President's Committee on Em-
21 ployment of People With Disabilities, \$152,131,000; to-
22 gether with not to exceed \$282,000, which may be ex-
23 pended from the Employment Security Administration ac-
24 count in the Unemployment Trust Fund: *Provided*, That
25 no funds made available by this Act may be used by the

1 Solicitor of Labor to participate in a review in any United
2 States court of appeals of any decision made by the Bene-
3 fits Review Board under section 21 of the Longshore and
4 Harbor Workers' Compensation Act (33 U.S.C. 921)
5 where such participation is precluded by the decision of
6 the United States Supreme Court in *Director, Office of*
7 *Workers' Compensation Programs v. Newport News Ship-*
8 *building*, 115 S. Ct. 1278 (1995): *Provided further*, That
9 no funds made available by this Act may be used by the
10 Secretary of Labor to review a decision under the
11 Longshore and Harbor Workers' Compensation Act (33
12 U.S.C. 901 et seq.) that has been appealed and that has
13 been pending before the Benefits Review Board for more
14 than 12 months: *Provided further*, That any such decision
15 pending a review by the Benefits Review Board for more
16 than one year shall be considered affirmed by the Benefits
17 Review Board on that date, and shall be considered the
18 final order of the Board for purposes of obtaining a review
19 in the United States courts of appeals: *Provided further*,
20 That these provisions shall not be applicable to the review
21 of any decision issued under the Black Lung Benefits Act
22 (30 U.S.C. 901 et seq.).

23 WORKING CAPITAL FUND

24 The paragraph under this heading in Public Law 85-
25 67 (29 U.S.C. 563) is amended by striking the last period
26 and inserting after "appropriation action" the following:

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

11 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT
12 AND TRAINING

13 Not to exceed \$181,955,000 may be derived from the
14 Employment Security Administration account in the Un-
15 employment Trust Fund to carry out the provisions of 38
16 U.S.C. 4100–4110A and 4321–4327, and Public Law
17 103–353, and which shall be available for obligation by
18 the States through December 31, 1998.

19 OFFICE OF INSPECTOR GENERAL

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

1 shall be construed to limit the Occupational Safety and
 2 Health Administration from issuing voluntary guidelines
 3 on ergonomic protection or from developing a proposed
 4 standard regarding ergonomic protection: *Provided fur-*
 5 *ther*, That no funds made available in this Act may be
 6 used by the Occupational Safety and Health Administra-
 7 tion to enforce voluntary guidelines through section 5
 8 (general duty clause) of the Occupational Safety and
 9 Health Act.

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

12 TITLE II—DEPARTMENT OF HEALTH AND
 13 HUMAN SERVICES

14 HEALTH RESOURCES AND SERVICES ADMINISTRATION

15 HEALTH RESOURCES AND SERVICES

16 For carrying out titles II, III, VII, VIII, X, XII, XVI,
 17 XIX, and XXVI of the Public Health Service Act, section
 18 427(a) of the Federal Coal Mine Health and Safety Act,
 19 title V of the Social Security Act, and the Health Care
 20 Quality Improvement Act of 1986, as amended, and the
 21 Native Hawaiian Health Care Act of 1988, as amended,
 22 \$3,449,071,000, of which \$225,000 shall remain available
 23 until expended for interest subsidies on loan guarantees
 24 made prior to fiscal year 1981 under part B of title VII
 25 of the Public Health Service Act: *Provided*, That the Divi-

1 sion of Federal Occupational Health may utilize personal
2 services contracting to employ professional management/
3 administrative and occupational health professionals: *Pro-*
4 *vided further*, That in addition to fees authorized by sec-
5 tion 427(b) of the Health Care Quality Improvement Act
6 of 1986, fees shall be collected for the full disclosure of
7 information under the Act sufficient to recover the full
8 costs of operating the National Practitioner Data Bank,
9 and shall remain available until expended to carry out that
10 Act: *Provided further*, That no more than \$5,000,000 is
11 available for carrying out the provisions of Public Law
12 104-73: *Provided further*, That of the funds made avail-
13 able under this heading, \$208,452,000 shall be for the
14 program under title X of the Public Health Service Act
15 to provide for voluntary family planning projects: *Provided*
16 *further*, That amounts provided to said projects under
17 such title shall not be expended for abortions, that all
18 pregnancy counseling shall be nondirective, and that such
19 amounts shall not be expended for any activity (including
20 the publication or distribution of literature) that in any
21 way tends to promote public support or opposition to any
22 legislative proposal or candidate for public office: *Provided*
23 *further*, That \$217,000,000 shall be for State AIDS Drug
24 Assistance Programs authorized by section 2616 of the
25 Public Health Service Act: *Provided further*, That notwith-

1 standing any other provision of law, funds made available
2 under this heading may be used to continue operating the
3 Council on Graduate Medical Education established by
4 section 301 of Public Law 102–408: *Provided further,*
5 That, of the funds made available under this heading, not
6 more than \$6,000,000 shall be made available and shall
7 remain available until expended for loan guarantees for
8 loans funded under part A of title XVI of the Public
9 Health Service Act as amended, made by non-Federal
10 lenders for the construction, renovation, and moderniza-
11 tion of medical facilities that are owned and operated by
12 health centers, and for loans made to health centers under
13 section 330(d) of the Public Health Service Act as amend-
14 ed by Public Law 104–299, and that such funds be avail-
15 able to subsidize guarantees of total loan principal in an
16 amount not to exceed \$80,000,000: *Provided further,* That
17 notwithstanding section 502(a)(1) of the Social Security
18 Act, not to exceed \$103,609,000 is available for carrying
19 out special projects of regional and national significance
20 pursuant to section 501(a)(2) of such Act.

21 MEDICAL FACILITIES GUARANTEE AND LOAN FUND
22 FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

23 For carrying out subsections (d) and (e) of section
24 1602 of the Public Health Service Act, \$6,000,000, to-
25 gether with any amounts received by the Secretary in con-
26 nection with loans and loan guarantees under title VI of

1 the Public Health Service Act, to be available without fis-
2 cal year limitation for the payment of interest subsidies.
3 During the fiscal year, no commitments for direct loans
4 or loan guarantees shall be made.

5 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
6 (INCLUDING TRANSFER OF FUNDS)

7 For the cost of guaranteed loans, such sums as may
8 be necessary to carry out the purpose of the program, as
9 authorized by title VII of the Public Health Service Act,
10 as amended: *Provided*, That such costs, including the cost
11 of modifying such loans, shall be as defined in section 502
12 of the Congressional Budget Act of 1974: *Provided fur-*
13 *ther*, That these funds are available to subsidize gross obli-
14 gations for the total loan principal any part of which is
15 to be guaranteed at not to exceed \$85,000,000: *Provided*
16 *further*, That the Secretary may use up to \$1,000,000 de-
17 rived by transfer from insurance premiums collected from
18 guaranteed loans made under title VII of the Public
19 Health Service Act for the purpose of carrying out section
20 709 of that Act. In addition, for administrative expenses
21 to carry out the guaranteed loan program, \$2,688,000.

22 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

23 For payments from the Vaccine Injury Compensation
24 Program Trust Fund, such sums as may be necessary for
25 claims associated with vaccine-related injury or death with
26 respect to vaccines administered after September 30,

1 1988, pursuant to subtitle 2 of title XXI of the Public
2 Health Service Act, to remain available until expended:
3 *Provided*, That for necessary administrative expenses, not
4 to exceed \$3,000,000 shall be available from the Trust
5 Fund to the Secretary of Health and Human Services.

6 CENTERS FOR DISEASE CONTROL AND PREVENTION

7 DISEASE CONTROL, RESEARCH, AND TRAINING

8 To carry out titles II, III, VII, XI, XV, XVII, and
9 XIX of the Public Health Service Act, sections 101, 102,
10 103, 201, 202, 203, 301, and 501 of the Federal Mine
11 Safety and Health Act of 1977, and sections 20, 21 and
12 22 of the Occupational Safety and Health Act of 1970,
13 title IV of the Immigration and Nationality Act and sec-
14 tion 501 of the Refugee Education Assistance Act of 1980;
15 including insurance of official motor vehicles in foreign
16 countries; and hire, maintenance, and operation of air-
17 craft, \$2,317,113,000, of which \$23,007,000 shall remain
18 available until expended for equipment and construction
19 and renovation of facilities, and in addition, such sums
20 as may be derived from authorized user fees, which shall
21 be credited to this account: *Provided*, That in addition to
22 amounts provided herein, up to \$70,063,000 shall be
23 available from amounts available under section 241 of the
24 Public Health Service Act, to carry out the National Cen-
25 ter for Health Statistics surveys: *Provided further*, That

1 none of the funds made available for injury prevention and
 2 control at the Centers for Disease Control and Prevention
 3 may be used to advocate or promote gun control: *Provided*
 4 *further*, That the Director may redirect the total amount
 5 made available under authority of Public Law 101–502,
 6 section 3, dated November 3, 1990, to activities the Direc-
 7 tor may so designate: *Provided further*, That the Congress
 8 is to be notified promptly of any such transfer.

9 In addition, \$51,000,000, to be derived from the Vio-
 10 lent Crime Reduction Trust Fund, for carrying out sec-
 11 tions 40151 and 40261 of Public Law 103–322.

12 NATIONAL INSTITUTES OF HEALTH

13 NATIONAL CANCER INSTITUTE

14 For carrying out section 301 and title IV of the Pub-
 15 lic Health Service Act with respect to cancer,
 16 \$2,558,377,000.

17 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

18 For carrying out section 301 and title IV of the Pub-
 19 lic Health Service Act with respect to cardiovascular, lung,
 20 and blood diseases, and blood and blood products,
 21 \$1,531,898,000.

22 NATIONAL INSTITUTE OF DENTAL RESEARCH

23 For carrying out section 301 and title IV of the Pub-
 24 lic Health Service Act with respect to dental disease,
 25 \$211,611,000.

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, \$883,321,000.

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, \$781,351,000.

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, \$1,359,688,000.

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, \$1,058,969,000.

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, \$676,870,000.

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, \$357,695,000.

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, \$331,969,000.

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 \$520,705,000.

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, \$272,631,000.

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, \$200,428,000.

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 \$64,016,000.

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, \$228,585,000.

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 \$531,751,000.

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 \$753,334,000.

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, \$218,851,000.

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, \$455,805,000: *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, \$28,468,000.

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, \$162,825,000, 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, \$292,196,000
 22 of which \$40,266,000 shall be for the Office of AIDS Re-
 23 search: *Provided*, That funding shall be available for the
 24 purchase of not to exceed five passenger motor vehicles
 25 for replacement only: *Provided further*, That the Director
 26 may direct up to 1 percent of the total amount made avail-

1 able in this Act to all National Institutes of Health appro-
2 priations to activities the Director may so designate: *Pro-*
3 *vided further*, That no such appropriation shall be de-
4 creased by more than 1 percent by any such transfers and
5 that the Congress is promptly notified of the transfer: *Pro-*
6 *vided further*, That NIH is authorized to collect third
7 party payments for the cost of clinical services that are
8 incurred in National Institutes of Health research facili-
9 ties and that such payments shall be credited to the Na-
10 tional Institutes of Health Management Fund: *Provided*
11 *further*, That all funds credited to the NIH Management
12 Fund shall remain available for one fiscal year after the
13 fiscal year in which they are deposited: *Provided further*,
14 That up to \$500,000 shall be available to carry out section
15 499 of the Public Health Service Act: *Provided further*,
16 That \$13,000,000 shall be available to carry out section
17 404E of the Public Health Service Act.

18 BUILDINGS AND FACILITIES

19 For the study of, construction of, and acquisition of
20 equipment for, facilities of or used by the National Insti-
21 tutes of Health, including the acquisition of real property,
22 \$211,500,000, to remain available until expended, of
23 which \$90,000,000 shall be for the clinical research cen-
24 ter: *Provided*, That, notwithstanding any other provision
25 of law, a single contract or related contracts for the devel-
26 opment and construction of the clinical research center

1 may be employed which collectively include the full scope
2 of the project: *Provided further*, That the solicitation and
3 contract shall contain the clause “availability of funds”
4 found at 48 CFR 52.232–18.

5 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
6 ADMINISTRATION

7 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

8 For carrying out titles V and XIX of the Public
9 Health Service Act with respect to substance abuse and
10 mental health services, the Protection and Advocacy for
11 Mentally Ill Individuals Act of 1986, and section 301 of
12 the Public Health Service Act with respect to program
13 management, \$2,126,643,000 of which \$10,000,000 shall
14 be for grants to rural and Native American projects: *Pro-*
15 *vided*, That in addition to amounts provided herein, up
16 to \$10,000,000 shall be available from amounts available
17 under section 241 of the Public Health Service Act, for
18 State-level data collection activities by the National
19 Household Survey on Drug Abuse: *Provided further*, That
20 notwithstanding any other provision of law, each State’s
21 allotment for fiscal year 1998 for each of the programs
22 under subparts I and II of part B of title XIX of the Pub-
23 lic Health Service Act shall be equal to such State’s allot-
24 ment for such programs for fiscal year 1997.

1 HEALTH CARE FINANCING ADMINISTRATION
2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, \$71,602,429,000,
5 to remain available until expended.

6 For making, after May 31, 1998, payments to States
7 under title XIX of the Social Security Act for the last
8 quarter of fiscal year 1998 for unanticipated costs, in-
9 curred for the current fiscal year, such sums as may be
10 necessary.

11 For making payments to States under title XIX of
12 the Social Security Act for the first quarter of fiscal year
13 1999, \$27,800,689,000, to remain available until ex-
14 pended.

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

19 PAYMENTS TO HEALTH CARE TRUST FUNDS

20 For payment to the Federal Hospital Insurance and
21 the Federal Supplementary Medical Insurance Trust
22 Funds, as provided under sections 217(g) and 1844 of the
23 Social Security Act, sections 103(c) and 111(d) of the So-
24 cial Security Amendments of 1965, section 278(d) of Pub-
25 lic Law 97-248, and for administrative expenses incurred

1 pursuant to section 201(g) of the Social Security Act,
2 \$63,581,000,000.

3 PROGRAM MANAGEMENT

4 For carrying out, except as otherwise provided, titles
5 XI, XVIII, and XIX of the Social Security Act, titles XIII
6 and XXVII of the Public Health Service Act, the Clinical
7 Laboratory Improvement Amendments of 1988, and sec-
8 tion 191 of Public Law 104–191, not to exceed
9 \$1,719,241,000 to be transferred from the Federal Hos-
10 pital Insurance and the Federal Supplementary Medical
11 Insurance Trust Funds, as authorized by section 201(g)
12 of the Social Security Act; together with all funds collected
13 in accordance with section 353 of the Public Health Serv-
14 ice Act, the latter funds to remain available until ex-
15 pended, together with such sums as may be collected from
16 authorized user fees and the sale of data, which shall re-
17 main available until expended: *Provided*, That all funds
18 derived in accordance with 31 U.S.C. 9701 from organiza-
19 tions established under title XIII of the Public Health
20 Service Act are to be credited to and available for carrying
21 out the purposes of this appropriation: *Provided further*,
22 That \$55,000,000 appropriated under this heading for the
23 development of, transition to, and implementation of the
24 Medicare Transaction System shall remain available until
25 expended.

1 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
2 GUARANTEE FUND

3 For carrying out subsections (d) and (e) of section
4 1308 of the Public Health Service Act, any amounts re-
5 ceived by the Secretary in connection with loans and loan
6 guarantees under title XIII of the Public Health Service
7 Act, to be available without fiscal year limitation for the
8 payment of outstanding obligations. During fiscal year
9 1998, no commitments for direct loans or loan guarantees
10 shall be made.

11 ADMINISTRATION FOR CHILDREN AND FAMILIES

12 FAMILY SUPPORT PAYMENTS TO STATES

13 For making payments to each State for carrying out
14 the program of Aid to Families with Dependent Children
15 under title IV–A of the Social Security Act before the ef-
16 fective date of the program of Temporary Assistance to
17 Needy Families (TANF) with respect to such State, such
18 sums as may be necessary: *Provided*, That the sum of the
19 amounts available to a State with respect to expenditures
20 under such title IV–A in fiscal year 1997 under this ap-
21 propriation and under such title IV–A as amended by the
22 Personal Responsibility and Work Opportunity Reconcili-
23 ation Act of 1996 shall not exceed the limitations under
24 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, \$1,200,000,000,
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 \$392,332,000: *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), in addi-
18 tion to amounts already appropriated for fiscal year 1998,
19 \$26,120,000; and to become available on October 1, 1998
20 and remain available through September 30, 1999,
21 \$1,000,000,000: *Provided*, That of funds appropriated for
22 each of fiscal years 1998 and 1999, \$19,120,000 shall be
23 available for child care resource and referral and school-
24 aged child care activities, of which for fiscal year 1998
25 \$6,120,000 shall be derived from an amount that shall be
26 transferred from the amount appropriated under section

1 452(j) of the Social Security Act (42 U.S.C. 652(j)) for
2 fiscal year 1997 and remaining available for expenditure.

3 SOCIAL SERVICES BLOCK GRANT

4 For making grants to States pursuant to section
5 2002 of the Social Security Act, \$2,245,000,000: *Pro-*
6 *vided*, That notwithstanding section 2003(c) of such Act,
7 as amended, the amount specified for allocation under
8 such section for fiscal year 1998 shall be \$2,245,000,000.

9 CHILDREN AND FAMILIES SERVICES PROGRAMS

10 (INCLUDING RESCISSIONS)

11 For carrying out, except as otherwise provided, the
12 Runaway and Homeless Youth Act, the Developmental
13 Disabilities Assistance and Bill of Rights Act, the Head
14 Start Act, the Child Abuse Prevention and Treatment Act,
15 (including section 105(a)(2) of the Child Abuse Prevention
16 and Treatment Act), the Native American Programs Act
17 of 1974, title II of Public Law 95-266 (adoption opportu-
18 nities), the Abandoned Infants Assistance Act of 1988,
19 part B(1) of title IV and sections 413, 429A and 1110
20 of the Social Security Act; for making payments under the
21 Community Services Block Grant Act; and for necessary
22 administrative expenses to carry out said Acts and titles
23 I, IV, X, XI, XIV, XVI, and XX of the Social Security
24 Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omni-
25 bus Budget Reconciliation Act of 1981, title IV of the Im-
26 migration and Nationality Act, section 501 of the Refugee

1 Education Assistance Act of 1980, and section 126 and
2 titles IV and V of Public Law 100–485, \$5,606,094,000,
3 of which \$539,432,000 shall be for making payments
4 under the Community Services Block Grant Act: *Provided*,
5 That to the extent Community Services Block Grant funds
6 are distributed as grant funds by a State to an eligible
7 entity as provided under the Act, and have not been ex-
8 pended by such entity, they shall remain with such entity
9 for carryover into the next fiscal year for expenditure by
10 such entity consistent with program purposes: *Provided*
11 *further*, That notwithstanding any other provision of law,
12 10 percent of any additional funds for Head Start over
13 the fiscal year 1997 appropriation shall be made available
14 for Early Head Start programs.

15 In addition, \$93,000,000, to be derived from the Vio-
16 lent Crime Reduction Trust Fund, for carrying out sec-
17 tions 40155, 40211 and 40241 of Public Law 103–322.

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

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

24 FAMILY PRESERVATION AND SUPPORT

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

1 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
2 ASSISTANCE

3 For making payments to States or other non-Federal
4 entities, under title IV–E of the Social Security Act,
5 \$3,200,000,000.

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

9 ADMINISTRATION ON AGING

10 AGING SERVICES PROGRAMS

11 For carrying out, to the extent not otherwise pro-
12 vided, the Older Americans Act of 1965, as amended,
13 \$854,074,000: *Provided*, That notwithstanding section
14 308(b)(1) of such Act, the amounts available to each State
15 for administration of the State plan under title III of such
16 Act shall be reduced not more than 5 percent below the
17 amount that was available to such State for such purpose
18 for fiscal year 1995: *Provided further*, That of the funds
19 appropriated to carry out section 303(a)(1) of such Act,
20 \$4,449,000 shall be available for carrying out section
21 702(a) of such Act and \$4,732,000 shall be available for
22 carrying out section 702(c) of such Act: *Provided further*,
23 That in considering grant applications for nutrition serv-
24 ices for elder Indian recipients, the Assistant Secretary
25 shall provide maximum flexibility to applicants who seek

1 to take into account subsistence, local customs, and other
2 characteristics that are appropriate to the unique cultural,
3 regional, and geographic needs of the American Indian,
4 Alaskan and Hawaiian native communities to be served.

5 OFFICE OF THE SECRETARY

6 GENERAL DEPARTMENTAL MANAGEMENT

7 For necessary expenses, not otherwise provided, for
8 general departmental management, including hire of six
9 sedans, and for carrying out titles III, XVII, and XX of
10 the Public Health Service Act, the United States-Mexico
11 Border Health Commission Act, and research studies
12 under section 1110 of the Social Security Act,
13 \$174,588,000, together with \$5,851,000, to be transferred
14 and expended as authorized by section 201(g)(1) of the
15 Social Security Act from the Hospital Insurance Trust
16 Fund and the Supplemental Medical Insurance Trust
17 Fund.

18 OFFICE OF INSPECTOR GENERAL

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

22 OFFICE FOR CIVIL RIGHTS

23 For expenses necessary for the Office for Civil
24 Rights, \$16,345,000, together with not to exceed
25 \$3,314,000, to be transferred and expended as authorized
26 by section 201(g)(1) of the Social Security Act from the

1 Hospital Insurance Trust Fund and the Supplemental
2 Medical Insurance Trust Fund.

3 POLICY RESEARCH

4 For carrying out, to the extent not otherwise pro-
5 vided, research studies under section 1110 of the Social
6 Security Act, \$9,500,000.

7 GENERAL PROVISIONS

8 SEC. 201. Funds appropriated in this title shall be
9 available for not to exceed \$37,000 for official reception
10 and representation expenses when specifically approved by
11 the Secretary.

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

19 SEC. 203. None of the funds appropriated under this
20 Act may be used to implement section 399L(b) of the Pub-
21 lic Health Service Act or section 1503 of the National In-
22 stitutes of Health Revitalization Act of 1993, Public Law
23 103-43.

24 SEC. 204. None of the funds appropriated in this Act
25 for the National Institutes of Health and the Substance
26 Abuse and Mental Health Services Administration shall

1 tees of both Houses of Congress are notified at least fif-
2 teen days in advance of any transfer.

3 (TRANSFER OF FUNDS)

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

11 (TRANSFER OF FUNDS)

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

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

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

3 TITLE III—DEPARTMENT OF EDUCATION

4 EDUCATION REFORM

5 For carrying out activities authorized by titles III
6 and IV of the Goals 2000: Educate America Act, the
7 School-to-Work Opportunities Act, and sections 3132,
8 3136, and 3141 of the Elementary and Secondary Edu-
9 cation Act of 1965, \$1,271,000,000, of which
10 \$530,000,000 for the Goals 2000: Educate America Act
11 and \$200,000,000 for the School-to-Work Opportunities
12 Act shall become available on July 1, 1998, and remain
13 available through September 30, 1999: *Provided*, That
14 none of the funds appropriated under this heading shall
15 be obligated or expended to carry out section 304(a)(2)(A)
16 of the Goals 2000: Educate America Act, except that no
17 more than \$1,500,000 may be used to carry out activities
18 under section 314(a)(2) of that Act: *Provided further*,
19 That section 315(a)(2) of the Goals 2000 Act shall not
20 apply: *Provided further*, That up to one-half of one percent
21 of the amount available under section 3132 shall be set
22 aside for the outlying areas, to be distributed on the basis
23 of their relative need as determined by the Secretary in
24 accordance with the purposes of the program: *Provided*
25 *further*, That if any State educational agency does not

1 apply for a grant under section 3132, that State's allot-
2 ment under section 3131 shall be reserved by the Sec-
3 retary for grants to local educational agencies in that
4 State that apply directly to the Secretary according to the
5 terms and conditions published by the Secretary in the
6 Federal Register.

7 EDUCATION FOR THE DISADVANTAGED

8 For carrying out title I of the Elementary and Sec-
9 ondary Education Act of 1965, and section 418A of the
10 Higher Education Act, \$7,807,349,000, of which
11 \$6,488,271,000 shall become available on July 1, 1998,
12 and shall remain available through September 30, 1999,
13 and of which \$1,298,386,000 shall become available on
14 October 1, 1998 and shall remain available through Sep-
15 tember 30, 1999, for academic year 1998–1999: *Provided*,
16 That \$6,273,712,000 shall be available for basic grants
17 under section 1124: *Provided further*, That up to
18 \$4,000,000 of these funds shall be available to the Sec-
19 retary on October 1, 1997, to obtain updated local-edu-
20 cational-agency-level census poverty data from the Bureau
21 of the Census: *Provided further*, That \$1,022,020,000
22 shall be available for concentration grants under section
23 1124A, \$6,977,000 shall be available for evaluations
24 under section 1501 and not more than \$7,500,000 shall
25 be reserved for section 1308, of which not more than
26 \$3,000,000 shall be reserved for section 1308(d): *Provided*

1 *further*, That grant awards under section 1124 and
2 1124(A) of title I of the Elementary and Secondary Edu-
3 cation Act shall be made to each State or local educational
4 agency at no less than 100 percent of the amount such
5 State or local educational agency received under this au-
6 thority for fiscal year 1997 under Public Laws 104–208
7 and 105–18: *Provided further*, That in determining State
8 allocations under any other program administered by the
9 Secretary, amounts provided under Public Law 105–18,
10 or equivalent amounts provided for in this bill, will not
11 be taken into account in determining State allocations.

12 IMPACT AID

13 For carrying out programs of financial assistance to
14 federally affected schools authorized by title VIII of the
15 Elementary and Secondary Education Act of 1965,
16 \$794,500,000, of which \$623,500,000 shall be for basic
17 support payments under section 8003(b), \$80,000,000
18 shall be for payments for children with disabilities under
19 section 8003(d), \$52,000,000, to remain available until
20 expended, shall be for payments under section 8003(f),
21 \$5,000,000 shall be for construction under section 8007,
22 and \$24,000,000 shall be for Federal property payments
23 under section 8002 and \$10,000,000, to remain available
24 until expended, shall be for facilities maintenance under
25 section 8008.

1 SCHOOL IMPROVEMENT PROGRAMS

2 For carrying out school improvement activities au-
3 thorized by titles II, IV–A–1 and 2, V–A and B, VI, IX,
4 X, XII and XIII of the Elementary and Secondary Edu-
5 cation Act of 1965; the Stewart B. McKinney Homeless
6 Assistance Act; and the Civil Rights Act of 1964;
7 \$1,482,293,000, of which \$1,206,278,000 shall become
8 available on July 1, 1998, and remain available through
9 September 30, 1999: *Provided*, That of the amount appro-
10 priated, \$310,000,000 shall be for Eisenhower profes-
11 sional development State grants under title II–B of the
12 Elementary and Secondary Education Act, \$310,000,000
13 shall be for innovative education program strategies State
14 grants under title VI–A of said Act and \$750,000 shall
15 be for an evaluation of comprehensive regional assistance
16 centers under title XIII of said Act.

17 INDIAN EDUCATION

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

23 BILINGUAL AND IMMIGRANT EDUCATION

24 For carrying out, to the extent not otherwise pro-
25 vided, bilingual, foreign language and immigrant edu-
26 cation activities authorized by parts A and C and section

1 7203 of title VII of the Elementary and Secondary Edu-
2 cation Act, without regard to section 7103(b),
3 \$354,000,000: *Provided*, That State educational agencies
4 may use all, or any part of, their part C allocation for
5 competitive grants to local educational agencies: *Provided*
6 *further*, That the Department of Education should only
7 support instructional programs which ensure that students
8 completely master English in a timely fashion (a period
9 of three to five years) while meeting rigorous achievement
10 standards in the academic content areas.

11 SPECIAL EDUCATION

12 For carrying out the Individuals with Disabilities
13 Education Act, \$4,958,073,000, of which \$4,713,112,000
14 shall become available for obligation on July 1, 1998, and
15 shall remain available through September 30, 1999: *Pro-*
16 *vided*, That \$1,500,000 of the funds provided shall be for
17 section 687(b)(2)(G), and shall remain available until ex-
18 pended.

19 REHABILITATION SERVICES AND DISABILITY RESEARCH

20 For carrying out, to the extent not otherwise pro-
21 vided, the Rehabilitation Act of 1973, the Technology-Re-
22 lated Assistance for Individuals with Disabilities Act, and
23 the Helen Keller National Center Act, as amended,
24 \$2,591,286,000.

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.), \$7,906,000.

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.), \$44,141,000: *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.), \$81,000,000: *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 and
26 the National Literacy Act of 1991, \$1,486,698,000, of

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

12 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

13 For Federal administrative expenses to carry out
 14 guaranteed student loans authorized by title IV, part B,
 15 of the Higher Education Act, as amended, \$46,482,000.

16 HIGHER EDUCATION

17 For carrying out, to the extent not otherwise pro-
 18 vided, parts A and B of title III, without regard to section
 19 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, and part
 20 A and subpart 1 of parts B and E of title X and title
 21 XI of the Higher Education Act of 1965, as amended, part
 22 G of title XV of Public Law 102-325, the Mutual Edu-
 23 cational and Cultural Exchange Act of 1961, and Public
 24 Law 102-423; \$929,752,000, of which \$13,700,000 for
 25 interest subsidies under title VII of the Higher Education
 26 Act shall remain available until expended: *Provided*, That

1 gram entered into pursuant to title VII, part B of the
2 Higher Education Act, as amended, \$104,000.

3 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

4 For carrying out activities authorized by the Edu-
5 cational Research, Development, Dissemination, and Im-
6 provement Act of 1994, including part E; the National
7 Education Statistics Act of 1994; section 2102 of title II,
8 and parts B, C, and D of title III, and parts A, B, I,
9 and K and section 10601 of title X, and part C of title
10 XIII of the Elementary and Secondary Education Act of
11 1965, as amended, and title VI of Public Law 103-227,
12 \$362,225,000.

13 CHILD LITERACY INITIATIVE

14 For carrying out a child literacy initiative,
15 \$260,000,000, which shall become available on October 1,
16 1998 and shall remain available through September 30,
17 1999 only if specifically authorized by subsequent legisla-
18 tion enacted by April 1, 1998.

19 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

20 For carrying out subtitle B of the Museum and Li-
21 brary Services Act, \$146,369,000, of which \$15,455,000
22 shall be for national leadership grants, notwithstanding
23 section 221(a)(1)(B).

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act, in-
5 cluding rental of conference rooms in the District of Co-
6 lumbia and hire of two passenger motor vehicles,
7 \$338,964,000.

8 OFFICE FOR CIVIL RIGHTS

9 For expenses necessary for the Office for Civil
10 Rights, as authorized by section 203 of the Department
11 of Education Organization Act, \$57,522,000.

12 OFFICE OF THE INSPECTOR GENERAL

13 For expenses necessary for the Office of the Inspector
14 General, as authorized by section 212 of the Department
15 of Education Organization Act, \$32,000,000.

16 GENERAL PROVISIONS

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

25 SEC. 302. None of the funds contained in this Act
26 shall be used to require, directly or indirectly, the trans-

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

3 TITLE IV—RELATED AGENCIES

4 ARMED FORCES RETIREMENT HOME

5 For expenses necessary for the Armed Forces Retire-
6 ment Home to operate and maintain the United States
7 Soldiers’ and Airmen’s Home and the United States Naval
8 Home, to be paid from funds available in the Armed
9 Forces Retirement Home Trust Fund, \$65,452,000, of
10 which \$10,000,000 shall remain available until expended
11 for construction and renovation of the physical plants at
12 the United States Soldiers’ and Airmen’s Home and the
13 United States Naval Home.

14 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

15 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING

16 EXPENSES

17 For expenses necessary for the Corporation for Na-
18 tional and Community Service to carry out the provisions
19 of the Domestic Volunteer Service Act of 1973, as amend-
20 ed, \$232,604,000.

21 CORPORATION FOR PUBLIC BROADCASTING

22 For payment to the Corporation for Public Broad-
23 casting, as authorized by the Communications Act of
24 1934, an amount which shall be available within limita-
25 tions specified by that Act, for the fiscal year 2000,

1 \$300,000,000: *Provided*, That no funds made available to
2 the Corporation for Public Broadcasting by this Act shall
3 be used to pay for receptions, parties, or similar forms
4 of entertainment for Government officials or employees:
5 *Provided further*, That none of the funds contained in this
6 paragraph shall be available or used to aid or support any
7 program or activity from which any person is excluded,
8 or is denied benefits, or is discriminated against, on the
9 basis of race, color, national origin, religion, or sex.

10 FEDERAL MEDIATION AND CONCILIATION SERVICE

11 SALARIES AND EXPENSES

12 For expenses necessary for the Federal Mediation
13 and Conciliation Service to carry out the functions vested
14 in it by the Labor Management Relations Act, 1947 (29
15 U.S.C. 171–180, 182–183), including hire of passenger
16 motor vehicles; and for expenses necessary for the Labor-
17 Management Cooperation Act of 1978 (29 U.S.C. 175a);
18 and for expenses necessary for the Service to carry out
19 the functions vested in it by the Civil Service Reform Act,
20 Public Law 95-454 (5 U.S.C. chapter 71), \$33,481,000,
21 including \$1,500,000, to remain available through Sep-
22 tember 30, 1999, for activities authorized by the Labor-
23 Management Cooperation Act of 1978 (29 U.S.C. 175a):
24 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
25 charged, up to full-cost recovery, for special training ac-

1 tivities and for arbitration services shall be credited to and
2 merged with this account, and shall remain available until
3 expended: *Provided further*, That fees for arbitration serv-
4 ices shall be available only for education, training, and
5 professional development of the agency workforce: *Pro-*
6 *vided further*, That the Director of the Service is author-
7 ized to accept on behalf of the United States gifts of serv-
8 ices and real, personal, or other property in the aid of any
9 projects or functions within the Director's jurisdiction.

10 FEDERAL MINE SAFETY AND HEALTH REVIEW

11 COMMISSION

12 SALARIES AND EXPENSES

13 For expenses necessary for the Federal Mine Safety
14 and Health Review Commission (30 U.S.C. 801 et seq.),
15 \$6,060,000.

16 NATIONAL COMMISSION ON LIBRARIES AND

17 INFORMATION SCIENCE

18 SALARIES AND EXPENSES

19 For necessary expenses for the National Commission
20 on Libraries and Information Science, established by the
21 Act of July 20, 1970 (Public Law 91-345, as amended
22 by Public Law 102-95), \$1,000,000.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

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

6 NATIONAL EDUCATION GOALS PANEL

7 For expenses necessary for the National Education
8 Goals Panel, as authorized by title II, part A of the Goals
9 2000: Educate America Act, \$2,000,000.

10 NATIONAL LABOR RELATIONS BOARD

11 SALARIES AND EXPENSES

12 For expenses necessary for the National Labor Rela-
13 tions Board to carry out the functions vested in it by the
14 Labor-Management Relations Act, 1947, as amended (29
15 U.S.C. 141–167), and other laws, \$174,661,000: *Pro-*
16 *vided*, That no part of this appropriation shall be available
17 to organize or assist in organizing agricultural laborers or
18 used in connection with investigations, hearings, direc-
19 tives, or orders concerning bargaining units composed of
20 agricultural laborers as referred to in section 2(3) of the
21 Act of July 5, 1935 (29 U.S.C. 152), and as amended
22 by the Labor-Management Relations Act, 1947, as amend-
23 ed, and as defined in section 3(f) of the Act of June 25,
24 1938 (29 U.S.C. 203), and including in said definition em-
25 ployees engaged in the maintenance and operation of

1 ditches, canals, reservoirs, and waterways when main-
2 tained or operated on a mutual, nonprofit basis and at
3 least 95 per centum of the water stored or supplied there-
4 by is used for farming purposes: *Provided further*, That
5 none of the funds made available by this Act shall be used
6 in any way to promulgate a final rule (altering 29 CFR
7 part 103) regarding single location bargaining units in
8 representation cases.

9 NATIONAL MEDIATION BOARD

10 SALARIES AND EXPENSES

11 For expenses necessary to carry out the provisions
12 of the Railway Labor Act, as amended (45 U.S.C. 151–
13 188), including emergency boards appointed by the Presi-
14 dent, \$8,600,000: Provided, That unobligated balances at
15 the end of fiscal year 1998 not needed for emergency
16 boards shall remain available for other statutory purposes
17 through September 30, 1999.

18 OCCUPATIONAL SAFETY AND HEALTH REVIEW

19 COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Occupational Safety
22 and Health Review Commission (29 U.S.C. 661),
23 \$7,800,000.

1 PHYSICIAN PAYMENT REVIEW COMMISSION

2 SALARIES AND EXPENSES

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

7 PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

8 SALARIES AND EXPENSES

9 For expenses necessary to carry out section 1886(e)
10 of the Social Security Act, \$3,257,000, to be transferred
11 to this appropriation from the Federal Hospital Insurance
12 and the Federal Supplementary Medical Insurance Trust
13 Funds.

14 RAILROAD RETIREMENT BOARD

15 DUAL BENEFITS PAYMENTS ACCOUNT

16 For payment to the Dual Benefits Payments Ac-
17 count, authorized under section 15(d) of the Railroad Re-
18 tirement Act of 1974, \$206,000,000, which shall include
19 amounts becoming available in fiscal year 1998 pursuant
20 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
21 tion, an amount, not to exceed 2 percent of the amount
22 provided herein, shall be available proportional to the
23 amount by which the product of recipients and the average
24 benefit received exceeds \$206,000,000: Provided, That the
25 total amount provided herein shall be credited in 12 ap-

1 proximately equal amounts on the first day of each month
2 in the fiscal year.

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the
6 Treasury for the payment of benefits under the Railroad
7 Retirement Act for interest earned on unnegotiated
8 checks, \$50,000, to remain available through September
9 30, 1999, which shall be the maximum amount available
10 for payment pursuant to section 417 of Public Law 98–
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement
14 Board for administration of the Railroad Retirement Act
15 and the Railroad Unemployment Insurance Act,
16 \$87,728,000, to be derived in such amounts as determined
17 by the Board from the railroad retirement accounts and
18 from moneys credited to the railroad unemployment insur-
19 ance administration fund.

20 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General for audit, investigatory and review activities, as
23 authorized by the Inspector General Act of 1978, as
24 amended, not more than \$5,394,000, to be derived from
25 the railroad retirement accounts and railroad unemploy-
26 ment insurance account.

1 SOCIAL SECURITY ADMINISTRATION

2 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

7 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

20 SUPPLEMENTAL SECURITY INCOME PROGRAM

21 For carrying out titles XI and XVI of the Social Se-
22 curity Act, section 401 of Public Law 92-603, section 212
23 of Public Law 93-66, as amended, and section 405 of
24 Public Law 95-216, including payment to the Social Secu-
25 rity trust funds for administrative expenses incurred pur-
26 suant to section 201(g)(1) of the Social Security Act,

1 \$16,160,300,000, to remain available until expended: *Pro-*
2 *vided*, That any portion of the funds provided to a State
3 in the current fiscal year and not obligated by the State
4 during that year shall be returned to the Treasury.

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

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

20 For making, after June 15 of the current fiscal year,
21 benefit payments to individuals under title XVI of the So-
22 cial Security Act, for unanticipated costs incurred for the
23 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 \$5,937,708,000 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 \$1,268,000 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.

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

21 In addition to funding already available under this
22 heading, and subject to the same terms and conditions,
23 \$245,000,000, to remain available until September 30,
24 1999, for continuing disability reviews as authorized by
25 section 103 of Public Law 104–121 and Supplemental Se-
26 curity Income administrative work as authorized by Public

1 Law 104–193. The term “continuing disability reviews”
2 means reviews and redeterminations as defined under sec-
3 tion 201(g)(1)(A) of the Social Security Act as amended,
4 and reviews and redeterminations authorized under sec-
5 tion 211 of Public Law 104–193.

6 In addition to funding already available under this
7 heading, and subject to the same terms and conditions,
8 \$200,000,000, which shall remain available until ex-
9 pended, to invest in a state-of-the-art computing network,
10 including related equipment and non-payroll administra-
11 tive expenses associated solely with this network, for the
12 Social Security Administration and the State Disability
13 Determination Services, may be expended from any or all
14 of the trust funds as authorized by section 201(g)(1) of
15 the Social Security Act.

16 In addition, \$35,000,000 to be derived from adminis-
17 tration fees in excess of \$5.00 per supplementary payment
18 collected pursuant to section 1616(d) of the Social Secu-
19 rity Act or section 212(b)(3) of Public Law 93–66, which
20 shall remain available until expended. To the extent that
21 the amounts collected pursuant to such section 1616(d)
22 or 212(b)(3) in fiscal year 1998 exceed \$35,000,000, the
23 amounts shall be available in fiscal year 1999 only to the
24 extent provided in advance in appropriations Acts.

1 OFFICE OF INSPECTOR GENERAL
2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses necessary for the Office of Inspector
4 General in carrying out the provisions of the Inspector
5 General Act of 1978, as amended, \$6,265,000, together
6 with not to exceed \$31,089,000, to be transferred and ex-
7 pended as authorized by section 201(g)(1) of the Social
8 Security Act from the Federal Old-Age and Survivors In-
9 surance Trust Fund and the Federal Disability Insurance
10 Trust Fund.

11 In addition, an amount not to exceed 3 percent of
12 the total provided in this appropriation may be transferred
13 from the “Limitation on Administrative Expenses”, Social
14 Security Administration, to be merged with this account,
15 to be available for the time and purposes for which this
16 account is available: Provided, That notice of such trans-
17 fers shall be transmitted promptly to the Committees on
18 Appropriations of the House and Senate.

19 UNITED STATES INSTITUTE OF PEACE
20 OPERATING EXPENSES

21 For necessary expenses of the United States Institute
22 of Peace as authorized in the United States Institute of
23 Peace Act, \$11,160,000.

24 TITLE V—GENERAL PROVISIONS

25 SEC. 501. The Secretaries of Labor, Health and
26 Human Services, and Education are authorized to transfer

1 unexpended balances of prior appropriations to accounts
2 corresponding to current appropriations provided in this
3 Act: *Provided*, That such transferred balances are used for
4 the same purpose, and for the same periods of time, for
5 which they were originally appropriated.

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

9 SEC. 503. (a) No part of any appropriation contained
10 in this Act shall be used, other than for normal and recog-
11 nized executive-legislative relationships, for publicity or
12 propaganda purposes, for the preparation, distribution, or
13 use of any kit, pamphlet, booklet, publication, radio, tele-
14 vision, or video presentation designed to support or defeat
15 legislation pending before the Congress or any State legis-
16 lature, except in presentation to the Congress or any State
17 legislature itself.

18 (b) No part of any appropriation contained in this
19 Act shall be used to pay the salary or expenses of any
20 grant or contract recipient, or agent acting for such recipi-
21 ent, related to any activity designed to influence legislation
22 or appropriations pending before the Congress or any
23 State legislature.

24 SEC. 504. The Secretaries of Labor and Education
25 are each authorized to make available not to exceed

1 \$15,000 from funds available for salaries and expenses
2 under titles I and III, respectively, for official reception
3 and representation expenses; the Director of the Federal
4 Mediation and Conciliation Service is authorized to make
5 available for official reception and representation expenses
6 not to exceed \$2,500 from the funds available for “Sala-
7 ries and expenses, Federal Mediation and Conciliation
8 Service”; and the Chairman of the National Mediation
9 Board is authorized to make available for official reception
10 and representation expenses not to exceed \$2,500 from
11 funds available for “Salaries and expenses, National Medi-
12 ation Board”.

13 SEC. 505. Notwithstanding any other provision of
14 this Act, no funds appropriated under this Act shall be
15 used to carry out any program of distributing sterile nee-
16 dles for the hypodermic injection of any illegal drug unless
17 the Secretary of Health and Human Services determines
18 that such programs are effective in preventing the spread
19 of HIV and do not encourage the use of illegal drugs.

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

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

7 (c) PROHIBITION OF CONTRACTS WITH PERSONS
8 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
9 If it has been finally determined by a court or Federal
10 agency that any person intentionally affixed a label bear-
11 ing a “Made in America” inscription, or any inscription
12 with the same meaning, to any product sold in or shipped
13 to the United States that is not made in the United
14 States, the person shall be ineligible to receive any con-
15 tract or subcontract made with funds made available in
16 this Act, pursuant to the debarment, suspension, and ineli-
17 gibility procedures described in sections 9.400 through
18 9.409 of title 48, Code of Federal Regulations.

19 SEC. 507. When issuing statements, press releases,
20 requests for proposals, bid solicitations and other docu-
21 ments describing projects or programs funded in whole or
22 in part with Federal money, all grantees receiving Federal
23 funds included in this Act, including but not limited to
24 State and local governments and recipients of Federal re-
25 search grants, shall clearly state (1) the percentage of the

1 total costs of the program or project which will be financed
2 with Federal money, (2) the dollar amount of Federal
3 funds for the project or program, and (3) percentage and
4 dollar amount of the total costs of the project or program
5 that will be financed by nongovernmental sources.

6 SEC. 508. None of the funds appropriated under this
7 Act shall be expended for any abortion except when it is
8 made known to the Federal entity or official to which
9 funds are appropriated under this Act that such procedure
10 is necessary to save the life of the mother or that the preg-
11 nancy is the result of an act of rape or incest.

12 SEC. 509. Notwithstanding any other provision of
13 law—

14 (1) no amount may be transferred from an ap-
15 propriation account for the Departments of Labor,
16 Health and Human Services, and Education except
17 as authorized in this or any subsequent appropria-
18 tion Act, or in the Act establishing the program or
19 activity for which funds are contained in this Act;

20 (2) no department, agency, or other entity,
21 other than the one responsible for administering the
22 program or activity for which an appropriation is
23 made in this Act, may exercise authority for the tim-
24 ing of the obligation and expenditure of such appro-
25 priation, or for the purpose for which it is obligated

1 and expended, except to the extent and in the man-
2 ner otherwise provided in sections 1512 and 1513 of
3 title 31, United States Code; and

4 (3) no funds provided under this Act shall be
5 available for the salary (or any part thereof) of an
6 employee who is reassigned on a temporary detail
7 basis to another position in the employing agency or
8 department or in any other agency or department,
9 unless the detail is independently approved by the
10 head of the employing department or agency.

11 SEC. 510. None of the funds made available in this
12 Act may be used to enforce the requirements of section
13 428(b)(1)(U)(iii) of the Higher Education Act of 1965
14 with respect to any lender when it is made known to the
15 Federal official having authority to obligate or expend
16 such funds that the lender has a loan portfolio under part
17 B of title IV of such Act that is equal to or less than
18 \$5,000,000.

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

21 (1) the creation of a human embryo or embryos
22 for research purposes; or

23 (2) research in which a human embryo or em-
24 bryos are destroyed, discarded, or knowingly sub-
25 jected to risk of injury or death greater than that

1 allowed for research on fetuses in utero under 45
2 CFR 46.208(a)(2) and section 498(b) of the Public
3 Health Service Act (42 U.S.C. 289g(b)).

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

10 SEC. 512. (a) LIMITATION ON USE OF FUNDS FOR
11 PROMOTION OF LEGALIZATION OF CONTROLLED SUB-
12 STANCES.—None of the funds made available in this Act
13 may be used for any activity when it is made known to
14 the Federal official having authority to obligate or expend
15 such funds that the activity promotes the legalization of
16 any drug or other substance included in schedule I of the
17 schedules of controlled substances established by section
18 202 of the Controlled Substances Act (21 U.S.C. 812).

19 (b) EXCEPTIONS.—The limitation in subsection (a)
20 shall not apply when it is made known to the Federal offi-
21 cial having authority to obligate or expend such funds that
22 there is significant medical evidence of a therapeutic ad-
23 vantage to the use of such drug or other substance or that
24 Federally-sponsored clinical trials are being conducted to
25 determine therapeutic advantage.

1 SEC. 513. None of the funds made available in this
2 Act may be obligated or expended to enter into or renew
3 a contract with an entity when it is made known to the
4 Federal official having authority to obligate or expend
5 such funds that—

6 (1) such entity is otherwise a contractor with
7 the United States and is subject to the requirement
8 in section 4212(d) of title 38, United States Code,
9 regarding submission of an annual report to the Sec-
10 retary of Labor concerning employment of certain
11 veterans; and

12 (2) such entity has not submitted a report as
13 required by that section for the most recent year for
14 which such requirement was applicable to such en-
15 tity.

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

18 (1) OPTIONAL STATE SUPPLEMENTARY PAY-
19 MENTS.—

20 (A) IN GENERAL.—Section 1616(d)(2)(B)
21 of the Social Security Act (42 U.S.C.
22 1382e(d)(2)(B)) is amended—

23 (i) by striking “and” at the end of
24 clause (iii); and

1 (ii) by striking clause (iv) and insert-
2 ing the following:

3 “(iv) for fiscal year 1997, \$5.00;

4 “(v) for fiscal year 1998, \$6.20;

5 “(vi) for fiscal year 1999, \$7.60;

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

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

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

9 “(x) for fiscal year 2003 and each succeeding
10 fiscal year—

11 “(I) the applicable rate in the preceding
12 fiscal year, increased by the percentage, if any,
13 by which the Consumer Price Index for the
14 month of June of the calendar year of the in-
15 crease exceeds the Consumer Price Index for
16 the month of June of the calendar year preced-
17 ing the calendar year of the increase, and
18 rounded to the nearest whole cent; or

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

21 (B) CONFORMING AMENDMENT.—Section
22 1616(d)(2)(C) of such Act (42 U.S.C.
23 1382e(d)(2)(C)) is amended by striking
24 “(B)(iv)” and inserting “(B)(x)(II)”.

1 (2) MANDATORY STATE SUPPLEMENTARY PAY-
2 MENTS.—

3 (A) IN GENERAL.—Section
4 212(b)(3)(B)(ii) of Public Law 93–66 (42
5 U.S.C. 1382 note) is amended—

6 (i) by striking “and” at the end of
7 subclause (III); and

8 (ii) by striking subclause (IV) and in-
9 serting the following:

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

11 “(V) for fiscal year 1998, \$6.20;

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

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

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

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

16 “(X) for fiscal year 2003 and each succeeding
17 fiscal year—

18 “(aa) the applicable rate in the preceding
19 fiscal year, increased by the percentage, if any,
20 by which the Consumer Price Index for the
21 month of June of the calendar year of the in-
22 crease exceeds the Consumer Price Index for
23 the month of June of the calendar year preced-
24 ing the calendar year of the increase, and
25 rounded to the nearest whole cent; or

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

3 (B) CONFORMING AMENDMENT.—Section
4 212(b)(3)(B)(iii) of such Act (42 U.S.C. 1382
5 note) is amended by striking “(ii)(IV)” and in-
6 serting “(ii)(X)(bb)”.

7 (b) USE OF NEW FEES TO DEFRAY THE SOCIAL SE-
8 CURITY ADMINISTRATION’S ADMINISTRATIVE EX-
9 PENSES.—

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

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

16 “(4)(A) The first \$5 of each administration fee as-
17 sessed pursuant to paragraph (2), upon collection, shall
18 be deposited in the general fund of the Treasury of the
19 United States as miscellaneous receipts.

20 “(B) That portion of each administration fee in ex-
21 cess of \$5, and 100 percent of each additional services
22 fee charged pursuant to paragraph (3), upon collection for
23 fiscal year 1998 and each subsequent fiscal year, shall be
24 credited to a special fund established in the Treasury of
25 the United States for State supplementary payment fees.

1 The amounts so credited, to the extent and in the amounts
2 provided in advance in appropriations Acts, shall be avail-
3 able to defray expenses incurred in carrying out this title
4 and related laws.”.

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

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

13 “(ii) The portion of each administration fee in excess
14 of \$5, and 100 percent of each additional services fee
15 charged pursuant to subparagraph (C), upon collection for
16 fiscal year 1998 and each subsequent fiscal year, shall be
17 credited to a special fund established in the Treasury of
18 the United States for State supplementary payment fees.
19 The amounts so credited, to the extent and in the amounts
20 provided in advance in appropriations Acts, shall be avail-
21 able to defray expenses incurred in carrying out this sec-
22 tion and title XVI of the Social Security Act and related
23 laws.”.

24 (2) LIMITATIONS ON AUTHORIZATION OF AP-
25 PROPRIATIONS.—From amounts credited pursuant

1 to section 1616(d)(4)(B) of the Social Security Act
2 and section 212(b)(3)(D)(ii) of Public Law 93-66 to
3 the special fund established in the Treasury of the
4 United States for State supplementary payment
5 fees, there is authorized to be appropriated an
6 amount not to exceed \$35,000,000 for fiscal year
7 1998, and such sums as may be necessary for each
8 fiscal year thereafter, for administrative expenses in
9 carrying out the supplemental security income pro-
10 gram under title XVI of the Social Security Act and
11 related laws.

12 SEC. 515. Section 520(c)(2)(D) of Departments of
13 Labor, Health and Human Services, and Education, and
14 Related Agencies Appropriations Act, 1997, is amended
15 by striking "September 30, 1997" and inserting in lieu
16 thereof "December 31, 1997".

17 SEC. 516. Of the budgetary resources available to
18 agencies funded in this Act for salaries and expenses dur-
19 ing fiscal year 1998, \$30,500,000, to be allocated by the
20 Office of Management and Budget, are permanently can-
21 celed: *Provided further*, That this provision shall not apply
22 to the Food and Drug Administration and the Indian
23 Health Service.

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”.