

105TH CONGRESS
1ST SESSION

H. R. 2264

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1997

Ordered to be printed with the amendments of the Senate numbered

AN ACT

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 ~~(1) 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~~
6 ~~Education, and related agencies for the fiscal year ending~~
7 ~~September 30, 1998, and for other purposes, namely:~~

1 TITLE I—DEPARTMENT OF LABOR

2 EMPLOYMENT AND TRAINING ADMINISTRATION

3 TRAINING AND EMPLOYMENT SERVICES

4 For necessary expenses of the Job Training Partner-
5 ship Act, as amended, including the purchase and hire of
6 passenger motor vehicles, the construction, alteration, and
7 repair of buildings and other facilities, and the purchase
8 of real property for training centers as authorized by the
9 Job Training Partnership Act; the Stewart B. McKinney
10 Homeless Assistance Act; the Women in Apprenticeship
11 and Nontraditional Occupations Act; the National Skill
12 Standards Act of 1994; and the School-to-Work Opportu-
13 nities Act; \$5,162,601,000 (reduced by \$21,000,000) plus
14 reimbursements, of which \$2,500,000 shall be available
15 for purposes of carrying out section 738 of the Stewart
16 B. McKinney Homeless Assistance Act (relating to
17 homeless veterans' reintegration projects); of which
18 \$3,872,463,000 (reduced by \$21,000,000) is available for
19 obligation for the period July 1, 1998 through June 30,
20 1999; of which \$118,491,000 is available for the period
21 July 1, 1998 through June 30, 2001 for necessary ex-
22 penses of construction, rehabilitation, and acquisition of
23 Job Corps centers; of which \$200,000,000 shall be avail-
24 able from July 1, 1998 through September 30, 1999, for
25 carrying out activities of the School-to-Work Opportuni-

1 ties Act; and of which \$100,000,000 shall be available for
2 obligation for the period July 1, 1999 through June 30,
3 2000 for Opportunity Areas for Out-of-School Youth only
4 if specifically authorized by subsequent legislation: *Pro-*
5 *vided*, That \$52,502,000 shall be for carrying out section
6 401 of the Job Training Partnership Act, \$69,285,000
7 shall be for carrying out section 402 of such Act,
8 \$7,300,000 shall be for carrying out section 441 of such
9 Act, \$5,000,000 shall be for all activities conducted by and
10 through the National Occupational Information Coordi-
11 nating Committee under such Act, \$1,063,990,000 (re-
12 duced by \$21,000,000) shall be for carrying out title II,
13 part A of such Act, and \$129,965,000 shall be for carry-
14 ing out title II, part C of such Act: *Provided further*, That
15 no funds from any other appropriation shall be used to
16 provide meal services at or for Job Corps centers: *Provided*
17 *further*, That funds provided for title III of the Job Train-
18 ing Partnership Act shall not be subject to the limitation
19 contained in subsection (b) of section 315 of such Act;
20 that the waiver described in section 315(a)(2) may be
21 granted if a substate grantee demonstrates to the Gov-
22 ernor that such waiver is appropriate due to the availabil-
23 ity of low-cost retraining services, is necessary to facilitate
24 the provision of needs-related payments to accompany
25 long-term training, or is necessary to facilitate the provi-

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

1 standards, worker rights, participation and protection,
2 grievance procedures and judicial review, nondiscrimina-
3 tion, allocation of funds to local areas, eligibility, review
4 and approval of plans, the establishment and functions of
5 service delivery areas and private industry councils, and
6 the basic purposes of the Act), 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), only for funds
12 available for expenditure in program year 1998, pursuant
13 to a request submitted by a State which identifies the stat-
14 utory or regulatory requirements that are requested to be
15 waived and the goals which the State or local service deliv-
16 ery areas intend to achieve, describes the actions that the
17 State or local service delivery areas have undertaken to
18 remove State or local statutory or regulatory barriers, de-
19 scribes the goals of the waiver and the expected pro-
20 grammatic outcomes if the request is granted, describes
21 the individuals impacted by the waiver, and describes the
22 process used to monitor the progress in implementing a
23 waiver, and for which notice and an opportunity to com-
24 ment on such request has been provided to the organiza-
25 tions identified in section 105(a)(1) of the Job Training

1 Partnership Act, if and only to the extent that the Sec-
2 retary determines that such requirements impede the abil-
3 ity of the State to implement a plan to improve the
4 workforce development system and the State has executed
5 a Memorandum of Understanding with the Secretary re-
6 quiring such State to meet agreed upon outcomes and im-
7 plement other appropriate measures to ensure accountabil-
8 ity: *Provided further*, That the Secretary of Labor shall
9 establish a workforce flexibility (work-flex) partnership
10 demonstration program under which the Secretary shall
11 authorize not more than six States, of which at least three
12 States shall each have populations not in excess of
13 3,500,000, with a preference given to those States that
14 have been designated Ed-Flex Partnership States under
15 section 311(e) of Public Law 103-227, to waive any statu-
16 tory or regulatory requirement applicable to service deliv-
17 ery areas or substate areas within the State under titles
18 I-III of the Job Training Partnership Act (except for re-
19 quirements relating to wage and labor standards, griev-
20 ance procedures and judicial review, nondiscrimination, al-
21 lotment of funds, and eligibility), and any of the statutory
22 or regulatory requirements of sections 8-10 of the Wag-
23 ner-Peyser Act (except for requirements relating to the
24 provision of services to unemployment insurance claimants
25 and veterans, and to universal access to basic labor ex-

1 change services without cost to job seekers); for a duration
2 not to exceed the waiver period authorized under section
3 311(c) of Public Law 103-227, pursuant to a plan sub-
4 mitted by such States and approved by the Secretary for
5 the provision of workforce employment and training activi-
6 ties in the States, which includes a description of the pro-
7 cess by which service delivery areas and substate areas may
8 apply for and have waivers approved by the State, the re-
9 quirements of the Wagner-Peyser Act to be waived, the
10 outcomes to be achieved and other measures to be taken
11 to ensure appropriate accountability for Federal funds.

12 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

13 AMERICANS

14 (TRANSFER OF FUNDS)

15 To carry out the activities for national grants or con-
16 tracts with public agencies and public or private nonprofit
17 organizations under paragraph (1)(A) of section 506(a)
18 of title V of the Older Americans Act of 1965, as amended,
19 or to carry out older worker activities as subsequently au-
20 thorized, \$343,356,000.

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

25 The funds appropriated under this heading shall be
26 transferred to and merged with the Department of Health

1 and Human Services, "Aging Services Programs", for the
 2 same purposes and the same period as the account to
 3 which transferred, following the enactment of legislation
 4 authorizing the administration of the program by that De-
 5 partment.

6 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

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

17 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
 18 SERVICE OPERATIONS

19 For authorized administrative expenses,
 20 \$173,452,000, together with not to exceed
 21 \$3,332,476,000 (reduced by \$20,000,000) (including not
 22 to exceed \$1,228,000 which may be used for amortization
 23 payments to States which had independent retirement
 24 plans in their State employment service agencies prior to
 25 1980, and including not to exceed \$2,000,000 which may
 26 be obligated in contracts with non-State entities for activi-

1 ties such as occupational and test research activities which
2 benefit the Federal-State Employment Service System),
3 which may be expended from the Employment Security
4 Administration account in the Unemployment Trust Fund
5 including the cost of administering section 1201 of the
6 Small Business Job Protection Act of 1996, section 7(d)
7 of the Wagner-Peyser Act, as amended, the Trade Act of
8 1974, as amended, the Immigration Act of 1990, and the
9 Immigration and Nationality Act, as amended, and of
10 which the sums available in the allocation for activities au-
11 thorized by title III of the Social Security Act, as amended
12 (42 U.S.C. 502–504), and the sums available in the alloca-
13 tion for necessary administrative expenses for carrying out
14 5 U.S.C. 8501–8523, shall be available for obligation by
15 the States through December 31, 1998, except that funds
16 used for automation acquisitions shall be available for obli-
17 gation by States through September 30, 2000; and of
18 which \$173,452,000, together with not to exceed
19 \$738,283,000 of the amount which may be expended from
20 said trust fund, shall be available for obligation for the
21 period July 1, 1998 through June 30, 1999, to fund ac-
22 tivities under the Act of June 6, 1933, as amended, in-
23 cluding the cost of penalty mail authorized under 39
24 U.S.C. 3202(a)(1)(E) made available to States in lieu of
25 allotments for such purpose, and of which \$200,000,000

1 (reduced by \$10,000,000) shall be available solely for the
2 purpose of assisting States to convert their automated
3 State employment security agency systems to be year
4 2000 compliant, and of which \$206,333,000 (reduced by
5 \$10,000,000) shall be available only to the extent nec-
6 essary for additional State allocations to administer unem-
7 ployment compensation laws to finance increases in the
8 number of unemployment insurance claims filed and
9 claims paid or changes in a State law: *Provided*, That to
10 the extent that the Average Weekly Insured Unemploy-
11 ment (AWIU) for fiscal year 1998 is projected by the De-
12 partment of Labor to exceed 2,789,000 an additional
13 \$28,600,000 shall be available for obligation for every
14 100,000 increase in the AWIU level (including a pro rata
15 amount for any increment less than 100,000) from the
16 Employment Security Administration Account of the Un-
17 employment Trust Fund: *Provided further*, That funds ap-
18 propriated in this Act which are used to establish a na-
19 tional one-stop career center network may be obligated in
20 contracts, grants or agreements with non-State entities:
21 *Provided further*, That funds appropriated under this Act
22 for activities authorized under the Wagner-Peyser Act, as
23 amended, and title III of the Social Security Act, may be
24 used by the States to fund integrated Employment Service
25 and Unemployment Insurance automation efforts, not-

1 PENSION AND WELFARE BENEFITS ADMINISTRATION
2 SALARIES AND EXPENSES

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

8 PENSION BENEFIT GUARANTY CORPORATION
9 PENSION BENEFIT GUARANTY CORPORATION FUND

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

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

3 EMPLOYMENT STANDARDS ADMINISTRATION

4 SALARIES AND EXPENSES

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

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

9 SPECIAL BENEFITS

10 (INCLUDING TRANSFER OF FUNDS)

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

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

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

5 BLACK LUNG DISABILITY TRUST FUND

6 (INCLUDING TRANSFER OF FUNDS)

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

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

3 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
4 SALARIES AND EXPENSES

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

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

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

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

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

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

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

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

1 MINE SAFETY AND HEALTH ADMINISTRATION

2 SALARIES AND EXPENSES

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

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

3 BUREAU OF LABOR STATISTICS

4 SALARIES AND EXPENSES

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

14 DEPARTMENTAL MANAGEMENT

15 SALARIES AND EXPENSES

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

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

21 WORKING CAPITAL FUND

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

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

9 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT
10 AND TRAINING

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

17 OFFICE OF INSPECTOR GENERAL

18 For salaries and expenses of the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, as amended, \$43,105,000, (reduced
21 by \$1,000,000) together with not to exceed \$3,645,000,
22 which may be expended from the Employment Security
23 Administration account in the Unemployment Trust
24 Fund.

1 tember 30, 1998: *Provided*, That nothing in this section
 2 shall be construed to limit the Occupational Safety and
 3 Health Administration from issuing voluntary guidelines
 4 on ergonomic protection or from developing a proposed
 5 standard regarding ergonomic protection: *Provided fur-*
 6 *ther*, That no funds made available in this Act may be
 7 used by the Occupational Safety and Health Administra-
 8 tion to enforce voluntary ergonomics guidelines through
 9 section 5 (the general duty clause) of the Occupational
 10 Safety and Health Act of 1970 (29 U.S.C. 654).

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

13 TITLE II—DEPARTMENT OF HEALTH AND
 14 HUMAN SERVICES

15 HEALTH RESOURCES AND SERVICES ADMINISTRATION

16 HEALTH RESOURCES AND SERVICES

17 For carrying out titles II, III, VII, VIII, X, XII, XIX,
 18 and XXVI of the Public Health Service Act, section
 19 427(a) of the Federal Coal Mine Health and Safety Act,
 20 title V of the Social Security Act, and the Health Care
 21 Quality Improvement Act of 1986, as amended,
 22 \$3,616,068,000 (reduced by \$9,000,000), of which
 23 \$225,000 shall remain available until expended for inter-
 24 est subsidies on loan guarantees made prior to fiscal year
 25 1981 under part B of title VII of the Public Health Serv-

1 ice Act: *Provided*, That the Division of Federal Occupa-
2 tional Health may utilize personal services contracting to
3 employ professional management/administrative and occu-
4 pational health professionals: *Provided further*, That of the
5 funds made available under this heading, \$2,500,000 shall
6 be available until expended for facilities renovations at the
7 Gillis W. Long Hansen's Disease Center: *Provided further*,
8 That in addition to fees authorized by section 427(b) of
9 the Health Care Quality Improvement Act of 1986, fees
10 shall be collected for the full disclosure of information
11 under the Act sufficient to recover the full costs of operat-
12 ing the National Practitioner Data Bank, and shall re-
13 main available until expended to carry out that Act: *Pro-*
14 *vided further*, That no more than \$5,000,000 is available
15 for carrying out the provisions of Public Law 104-73: *Pro-*
16 *vided further*, That of the funds made available under this
17 heading, \$203,452,000 (reduced by \$9,000,000) shall be
18 for the program under title X of the Public Health Service
19 Act to provide for voluntary family planning projects: *Pro-*
20 *vided further*, That amounts provided to said projects
21 under such title shall not be expended for abortions, that
22 all pregnancy counseling shall be nondirective, and that
23 such amounts shall not be expended for any activity (in-
24 cluding the publication or distribution of literature) that
25 in any way tends to promote public support or opposition

1 to any legislative proposal or candidate for public office:
2 *Provided further,* That \$299,000,000 shall be for State
3 AIDS Drug Assistance Programs authorized by section
4 2616 of the Public Health Service Act: *Provided further,*
5 That notwithstanding any other provision of law, funds
6 made available under this heading may be used to con-
7 tinue operating the Council on Graduate Medical Edu-
8 cation established by section 301 of Public Law 102-408:
9 *Provided further,* That, of the funds made available under
10 this heading, not more than \$4,600,000 shall be made
11 available and shall remain available until expended for
12 loan guarantees for loans made by non-Federal lenders to
13 health centers under section 330(d) of the Public Health
14 Service Act as amended by Public Law 104-299, and that
15 such funds be available to subsidize guarantees of total
16 loan principal in an amount not to exceed \$53,300,000:
17 *Provided further,* That notwithstanding section 502(a)(1)
18 of the Social Security Act, not to exceed \$105,624,000 is
19 available for carrying out special projects of regional and
20 national significance pursuant to section 501(a)(2) of such
21 Act.

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

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

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

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

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

23 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

24 For payments from the Vaccine Injury Compensation
25 Program Trust Fund, such sums as may be necessary for
26 claims associated with vaccine-related injury or death with

1 respect to vaccines administered after September 30,
 2 1988, pursuant to subtitle 2 of title XXI of the Public
 3 Health Service Act, to remain available until expended:
 4 *Provided*, That for necessary administrative expenses, not
 5 to exceed \$3,000,000 shall be available from the Trust
 6 Fund to the Secretary of Health and Human Services.

7 CENTERS FOR DISEASE CONTROL AND PREVENTION

8 DISEASE CONTROL, RESEARCH, AND TRAINING

9 To carry out titles II, III, VII, XI, XV, XVII, and
 10 XIX of the Public Health Service Act, sections 101, 102,
 11 103, 201, 202, 203, 301, and 501 of the Federal Mine
 12 Safety and Health Act of 1977, and sections 20, 21 and
 13 22 of the Occupational Safety and Health Act of 1970,
 14 title IV of the Immigration and Nationality Act and sec-
 15 tion 501 of the Refugee Education Assistance Act of 1980;
 16 including insurance of official motor vehicles in foreign
 17 countries; and hire, maintenance, and operation of air-
 18 craft, \$2,343,737,000, of which \$20,000,000 shall remain
 19 available until expended for equipment and construction
 20 and renovation of facilities, and in addition, such sums
 21 as may be derived from authorized user fees, which shall
 22 be credited to this account: *Provided*, That in addition to
 23 amounts provided herein, up to \$48,400,000 shall be
 24 available from amounts available under section 241 of the
 25 Public Health Service Act, to carry out the National Cen-

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

10 In addition, \$45,000,000, to be derived from the Vio-
 11 lent Crime Reduction Trust Fund, for carrying out section
 12 40151 of Public Law 103-322.

13 NATIONAL INSTITUTES OF HEALTH

14 NATIONAL CANCER INSTITUTE

15 For carrying out section 301 and title IV of the Pub-
 16 lic Health Service Act with respect to cancer,
 17 \$2,513,020,000.

18 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

19 For carrying out section 301 and title IV of the Pub-
 20 lic Health Service Act with respect to cardiovascular, lung,
 21 and blood diseases, and blood and blood products,
 22 \$1,513,004,000.

23 NATIONAL INSTITUTE OF DENTAL RESEARCH

24 For carrying out section 301 and title IV of the Pub-
 25 lic Health Service Act with respect to dental disease,
 26 \$209,403,000.

1 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
2 KIDNEY DISEASES

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

6 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
7 AND STROKE

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

11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
12 DISEASES

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

16 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

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

20 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
21 DEVELOPMENT

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

1 NATIONAL EYE INSTITUTE

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

5 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
6 SCIENCES

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

10 NATIONAL INSTITUTE ON AGING

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

14 NATIONAL INSTITUTE OF ARTHRITIS AND
15 MUSCULOSKELETAL AND SKIN DISEASES

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

19 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
20 COMMUNICATION DISORDERS

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

1 NATIONAL INSTITUTE OF NURSING RESEARCH

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

5 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
6 ALCOHOLISM

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

10 NATIONAL INSTITUTE ON DRUG ABUSE

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

14 NATIONAL INSTITUTE OF MENTAL HEALTH

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

18 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

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

22 NATIONAL CENTER FOR RESEARCH RESOURCES

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

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

5 JOHN E. FOGARTY INTERNATIONAL CENTER

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

8 NATIONAL LIBRARY OF MEDICINE

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

18 OFFICE OF THE DIRECTOR

19 (INCLUDING TRANSFER OF FUNDS)

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

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

15 **BUILDINGS AND FACILITIES**

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

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

8 HEALTH CARE FINANCING ADMINISTRATION
9 GRANTS TO STATES FOR MEDICAID

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

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

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

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

1 PAYMENTS TO HEALTH CARE TRUST FUNDS

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

10 PROGRAM MANAGEMENT

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

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

3 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
4 GUARANTEE FUND

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

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

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

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

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

13 LOW INCOME HOME ENERGY ASSISTANCE

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

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

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

3 REFUGEE AND ENTRANT ASSISTANCE

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

14 CHILD CARE AND DEVELOPMENT BLOCK GRANT

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

24 SOCIAL SERVICES BLOCK GRANT

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

1 CHILDREN AND FAMILIES SERVICES PROGRAMS
2 (INCLUDING RESCISSIONS)

3 For carrying out, except as otherwise provided, the
4 Runaway and Homeless Youth Act, the Developmental
5 Disabilities Assistance and Bill of Rights Act, the Head
6 Start Act, the Child Abuse Prevention and Treatment Act,
7 the Native American Programs Act of 1974, title II of
8 Public Law 95-266 (adoption opportunities), the Aban-
9 doned Infants Assistance Act of 1988, part B(1) of title
10 IV and sections 413, 429A and 1110 of the Social Secu-
11 rity Act; for making payments under the Community Serv-
12 ices Block Grant Act; and for necessary administrative ex-
13 penses to carry out said Acts and titles I, IV, X, XI, XIV,
14 XVI, and XX of the Social Security Act, the Act of July
15 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconcili-
16 ation Act of 1981, title IV of the Immigration and Nation-
17 ality Act, section 501 of the Refugee Education Assistance
18 Act of 1980, and section 126 and titles IV and V of Public
19 Law 100-485, \$5,565,217,000 (increased by
20 \$22,835,000, for community based resource centers), of
21 which \$537,165,000 shall be for making payments under
22 the Community Services Block Grant Act: *Provided*, That
23 to the extent Community Services Block Grant funds are
24 distributed as grant funds by a State to an eligible entity
25 as provided under the Act, and have not been expended
26 by such entity, they shall remain with such entity for car-

1 ryover into the next fiscal year for expenditure by such
2 entity consistent with program purposes.

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

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

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

12 FAMILY PRESERVATION AND SUPPORT

13 For carrying out section 430 of the Social Security
14 Act, ~~\$255,000,000~~.

15 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

16 ASSISTANCE

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

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

23 ADMINISTRATION ON AGING

24 AGING SERVICES PROGRAMS

25 For carrying out, to the extent not otherwise pro-
26 vided, the Older Americans Act of 1965, as amended,

1 \$810,545,000 (increased by \$4,725,000): *Provided*, That
2 notwithstanding section 308(b)(1) of such Act, the
3 amounts available to each State for administration of the
4 State plan under title III of such Act shall be reduced
5 not more than 5 percent below the amount that was avail-
6 able to such State for such purpose for fiscal year 1995.

7 OFFICE OF THE SECRETARY

8 GENERAL DEPARTMENTAL MANAGEMENT

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

17 OFFICE OF INSPECTOR GENERAL

18 For expenses necessary for the Office of Inspector
19 General in carrying out the provisions of the Inspector
20 General Act of 1978, as amended, \$31,921,000 (reduced
21 by \$1,000,000).

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, \$14,000,000.

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 ~~SEC. 211.~~ (a) The Secretary of Health and Human
2 Services may in accordance with this section provide for
3 the relocation of the Federal facility known as the Gillis
4 W. Long Hansen's Disease Center (located in the vicinity
5 of Carville, in the State of Louisiana), including the relo-
6 cation of the patients of the Center.

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

16 ~~(2)~~ Any conveyance under paragraph ~~(1)~~ is not effec-
17 tive unless the deed or other instrument of conveyance
18 contains the conditions specified in subsection ~~(d)~~; the in-
19 strument specifies that the United States and the State
20 of Louisiana agree to such conditions; and the instrument
21 specifies that, if the State engages in a material breach
22 of the conditions, title to the real property and improve-
23 ments involved reverts to the United States at the election
24 of the Secretary.

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

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

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

19 (1) During the 30-year period beginning on the
20 date on which the transfer is made, the real property
21 and improvements referred to in subsection (b)(1)
22 (referred to in this subsection as the “transferred
23 property”) will be used exclusively for purposes that
24 promote the health or education of the public, with

1 such incidental exceptions as the Secretary may ap-
2 prove.

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

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

22 ~~(4)(A)~~ With respect to projects to make repairs
23 and energy-related improvements at the transferred
24 property, the Secretary will provide for the comple-
25 tion of all such projects for which contracts have

1 been awarded and appropriations have been made as
2 of the date on which the transfer is made.

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

8 (i) the Secretary will transfer the amount
9 of such excess to the State; and

10 (ii) the State will expend such amount for
11 the purposes referred to in paragraph (1),
12 which may include the renovation of facilities at
13 the transferred property.

14 (5)(A) The State will maintain the cemetery lo-
15 cated on the transferred property; will permit indi-
16 viduals who were long-term-care patients of the Cen-
17 ter to be buried at the cemetery; and will permit
18 members of the public to visit the cemetery.

19 (B) The State will permit the Center to main-
20 tain a museum on the transferred property; and will
21 permit members of the public to visit the museum.

22 (C) In the case of any waste products stored at
23 the transferred property as of the date of the trans-
24 fer, the Federal Government will after the transfer
25 retain title to and responsibility for the products;

1 and the State will not require that the Federal Gov-
2 ernment remove the products from the transferred
3 property.

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

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

18 (B) If the individual becomes an employee
19 of the State pursuant to subparagraph (A), the
20 State will make payments in accordance with
21 subsection (e)(2)(B) (relating to disability), as
22 applicable with respect to the individual.

23 (7) The Federal Government may, consistent
24 with the intended uses by the State of the trans-

1 ferred property, carry out at such property activities
2 regarding at-risk youth.

3 (8) Such additional conditions as the Secretary
4 determines to be necessary to protect the interests of
5 the United States.

6 (c)(1) This subsection applies if the transfer under
7 subsection (b) is made.

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

13 (A) The provisions of subchapter III of chapter
14 83 of title 5, United States Code, or of chapter 84
15 of such title, whichever are applicable, that relate to
16 disability shall be considered to remain in effect with
17 respect to the individual (subject to subparagraph
18 (C)) until the earlier of—

19 (i) the expiration of the 2-year period be-
20 ginning on the date on which the transfer under
21 subsection (b) is made; or

22 (ii) the date on which the individual first
23 meets all conditions for coverage under a State
24 program for payments during retirement by
25 reason of disability.

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

18 (C) In the determination pursuant to subpara-
19 graph (A) of whether the individual is eligible for
20 Federal disability coverage (during the applicable pe-
21 riod of time under such subparagraph), service as an
22 employee of the State after the date of the transfer
23 under subsection (b) shall be counted toward the
24 service requirement specified in the first sentence of

1 section 8337(a) or 8451(a)(1)(A) of such title 5
2 (whichever is applicable).

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

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

19 (B) If the individual is not eligible for such an
20 annuity as of the date of the transfer under sub-
21 section (b) but subsequently does become eligible,
22 then once the individual separates from the service
23 and thereby becomes entitled to receive the annuity,
24 the pay differential shall be included in the computa-
25 tion of the annuity if the individual separated from

1 the service not later than the expiration of the 90-
2 day period beginning on the date on which the indi-
3 vidual first became eligible for the annuity.

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

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

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

22 (B) During calendar year 1997, any payment
23 under subparagraph (A) shall be made under section
24 663 of the Treasury, Postal Service, and General
25 Government Appropriations Act, 1997 (as contained

1 in section 101(f) of division A of Public Law 104-
2 208), except that, for purposes of this subparagraph,
3 subsection (b) of such section 663 does not apply.

4 (C) During calendar year 1998, such section
5 663 applies with respect to payments under subpara-
6 graph (A) to the same extent and in the same man-
7 ner as such section applied with respect to the pay-
8 ments during fiscal year 1997, and for purposes of
9 this subparagraph, the reference in subsection
10 (e)(2)(D) of such section 663 to December 31, 1997,
11 is deemed to be a reference to December 31, 1998.

12 (f) The following provisions apply if under subsection
13 (a) the Secretary makes the decision to relocate the Cen-
14 ter:

15 (1) The site to which the Center is relocated
16 shall be in the vicinity of Baton Rouge, in the State
17 of Louisiana.

18 (2) The facility involved shall continue to be
19 designated as the Gillis W. Long Hansen's Disease
20 Center.

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

24 (4) In the case of each individual who as of Oc-
25 tober 1, 1996, was a patient of the Center and is

1 considered by the Director of the Center to be a
2 long-term-care patient (referred to in this subsection
3 as an “eligible patient”); the Secretary shall con-
4 tinue to provide for the long-term care of the eligible
5 patient, without charge, for the remainder of the life
6 of the patient.

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

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

13 (ii) For the remainder of his or her life,
14 the patient may receive payments each year at
15 an annual rate of \$33,000 (adjusted in accord-
16 ance with subparagraphs (C) and (D)); and
17 may not reside at the Center. Payments under
18 this clause are in complete discharge of the ob-
19 ligation of the Federal Government under para-
20 graph (4) for support and maintenance and
21 other nonmedical expenses of the patient.

22 (B) The choice by an eligible patient of the op-
23 tion under clause (i) of subparagraph (A) may at
24 any time be revoked by the patient, and the patient
25 may instead choose the option under clause (ii) of

1 such subparagraph. The choice by an eligible patient
2 of the option under such clause (ii) is irrevocable.

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

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

19 (i) The choice the patient makes under
20 subparagraph (A) does not affect the respon-
21 sibility of the Secretary for providing to the pa-
22 tient such care at or through the Center.

23 (ii) If the patient chooses the option under
24 subparagraph (A)(ii) and receives inpatient care
25 at or through the Center, the Secretary may re-

1 duce the amount of payments under such sub-
2 paragraph, except to the extent that reimburse-
3 ment for the expenses of such care is available
4 to the provider of the care through the program
5 under title XVIII of the Social Security Act or
6 the program under title XIX of such Act. Any
7 such reduction shall be made on the basis of the
8 number of days for which the patient received
9 the inpatient care.

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

14 (7) After the date of the enactment of this Act,
15 the Center may not provide long-term care for any
16 individual who as of such date was not receiving
17 such care as a patient of the Center.

18 (8) If upon completion of the projects referred
19 to in subsection (d)(4)(A) there are unobligated bal-
20 ances of amounts appropriated for the projects, such
21 balances are available to the Secretary for expenses
22 relating to the relocation of the Center, except that,
23 if the sum of such balances is in excess of \$100,000,
24 such excess is available to the State in accordance
25 with subsection (d)(4)(B). The amounts available to

1 the Secretary pursuant to the preceding sentence are
2 available until expended.

3 (g) For purposes of this section:

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

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

8 (3) The term “State” means the State of Lou-
9 isiana.

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

13 “SEC. 320. (a)(1) At or through the Gillis W. Long
14 Hansen’s Disease Center (located in the State of Louisi-
15 ana); the Secretary shall without charge provide short-
16 term care and treatment, including outpatient care, for
17 Hansen’s disease and related complications to any person
18 determined by the Secretary to be in need of such care
19 and treatment. The Secretary may not at or through such
20 Center provide long-term care for any such disease or
21 complication.

22 “(2) The Center referred to in paragraph (1) shall
23 conduct training in the diagnosis and management of
24 Hansen’s disease and related complications, and shall con-
25 duct and promote the coordination of research (including

1 clinical research); investigations, demonstrations, and
2 studies relating to the causes, diagnosis, treatment, con-
3 trol, and prevention of Hansen's disease and other
4 mycobacterial diseases and complications related to such
5 diseases.

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

9 “(b) In addition to the Center referred to in sub-
10 section (a), the Secretary may establish sites regarding
11 persons with Hansen's disease. Each such site shall pro-
12 vide for the outpatient care and treatment for Hansen's
13 disease and related complications to any person deter-
14 mined by the Secretary to be in need of such care and
15 treatment.

16 “(c) The Secretary shall carry out subsections (a)
17 and (b) acting through an agency of the Service. For pur-
18 poses of the preceding sentence, the agency designated by
19 the Secretary shall carry out both activities relating to the
20 provision of health services and activities relating to the
21 conduct of research.

22 “(d) The Secretary shall make payments to the
23 Board of Health of the State of Hawaii for the care and
24 treatment (including outpatient care) in its facilities of
25 persons suffering from Hansen's disease at a rate deter-

1 mined by the Secretary. The rate shall be approximately
2 equal to the operating cost per patient of such facilities,
3 except that the rate may not exceed the comparable costs
4 per patient with Hansen's disease for care and treatment
5 provided by the Center referred to in subsection (a). Pay-
6 ments under this subsection are subject to the availability
7 of appropriations for such purpose."

8 SEC. 212. None of the funds appropriated in the Act
9 may be made available to any entity under title X of the
10 Public Health Service Act unless the applicant for the
11 award certifies to the Secretary that it encourages family
12 participation in the decision of minors to seek family plan-
13 ning services and that it provides counseling to minors on
14 resisting attempts to coerce minors into engaging in sexual
15 activities.

16 SEC. 213. None of the funds appropriated in the Act
17 may be made available to any entity under title X of the
18 Public Health Service Act unless the applicant for the
19 award certifies to the Secretary that it encourages family
20 participation in the decision of minors to seek family plan-
21 ning services and that it provides counseling to minors on
22 how to resist attempts to coerce minors into engaging in
23 sexual activities.

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

1 *further*, That if any State educational agency does not
2 apply for a grant under section 3132, that State's allot-
3 ment under section 3131 shall be reserved by the Sec-
4 retary for grants to local educational agencies in that
5 State that apply directly to the Secretary according to the
6 terms and conditions published by the Secretary in the
7 Federal Register.

8 EDUCATION FOR THE DISADVANTAGED

9 For carrying out title I of the Elementary and Sec-
10 ondary Education Act of 1965, and section 418A of the
11 Higher Education Act, \$8,204,217,000, of which
12 \$6,882,616,000 shall become available on July 1, 1998,
13 and shall remain available through September 30, 1999,
14 and of which \$1,298,386,000 shall become available on
15 October 1, 1998 and shall remain available through Sep-
16 tember 30, 1999, for academic year 1998–1999: *Provided*,
17 That \$6,191,350,000 shall be available for basic grants
18 under section 1124: *Provided further*, That up to
19 \$3,500,000 of these funds shall be available to the Sec-
20 retary on October 1, 1997, to obtain updated local-edu-
21 cational-agency-level census poverty data from the Bureau
22 of the Census: *Provided further*, That \$949,249,000 shall
23 be available for concentration grants under section 1124A,
24 \$400,000,000 shall be available for targeted grants under
25 section 1125, \$150,000,000 shall be available under sec-
26 tion 1002(g)(2) to demonstrate effective approaches to

1 comprehensive school reform: *Provided*, That such ap-
2 proaches show the most promise of enabling children
3 served by title I to meet challenging State content stand-
4 ards and challenging State student performance standards
5 which shall include an emphasis on basic academics and
6 parental involvement based on proven research and prac-
7 tices, \$10,000,000 shall be available for evaluations under
8 section ~~1501~~ and not more than \$7,500,000 shall be re-
9 served for section ~~1308~~, of which not more than
10 \$3,000,000 shall be reserved for section ~~1308(d)~~.

11 IMPACT AID

12 For carrying out programs of financial assistance to
13 federally affected schools authorized by title VIII of the
14 Elementary and Secondary Education Act of 1965,
15 \$796,000,000, of which \$667,000,000 shall be for basic
16 support payments under section ~~8003(b)~~, \$40,000,000
17 shall be for payments for children with disabilities under
18 section ~~8003(d)~~, \$62,000,000, to remain available until
19 expended, shall be for payments under section ~~8003(f)~~,
20 \$7,000,000 shall be for construction under section ~~8007~~,
21 and \$20,000,000 shall be for Federal property payments
22 under section ~~8002~~.

23 SCHOOL IMPROVEMENT PROGRAMS

24 For carrying out school improvement activities au-
25 thorized by titles II, ~~IV-A-1~~ and ~~2~~, ~~V-A~~ and ~~B~~, VI, X
26 and XIII of the Elementary and Secondary Education Act

1 of 1965; the Stewart B. McKinney Homeless Assistance
 2 Act; and the Civil Rights Act of 1964; \$1,480,888,000 (in-
 3 creased by \$25,000,000) (increased by \$1,500,000); of
 4 which \$1,219,500,000 (increased by \$1,500,000) shall be-
 5 come available on July 1, 1998, and remain available
 6 through September 30, 1999: *Provided*, That of the
 7 amount appropriated, \$310,000,000 shall be for Eisen-
 8 hower professional development State grants under title
 9 H-B of the Elementary and Secondary Education Act,
 10 \$350,000,000 shall be for innovative education program
 11 strategies State grants under title VI-A of said Act and
 12 \$750,000 shall be for an evaluation of comprehensive re-
 13 gional assistance centers under title XIII of said Act.

14 LITERACY

15 (INCLUDING TRANSFER OF FUNDS)

16 For carrying out a literacy initiative, \$260,000,000,
 17 which shall become available on October 1, 1998 and shall
 18 remain available through September 30, 1999 only if spe-
 19 cifically authorized by subsequent legislation enacted by
 20 April 1, 1998: *Provided*, That, if the initiative is not au-
 21 thorized by such date, the funds shall be transferred to
 22 "Special Education" to be merged with that account and
 23 to be available for the same purposes for which that ac-
 24 count is available: *Provided further*, That the transferred
 25 funds shall become available for obligation on July 1,

1 1999, and shall remain available through September 30,
2 2000 for academic year 1999–2000.

3 INDIAN EDUCATION

4 For expenses necessary to carry out, to the extent
5 not otherwise provided, title IX, part A of the Elementary
6 and Secondary Education Act of 1965, as amended, and
7 section 215 of the Department of Education Organization
8 Act, \$62,600,000.

9 BILINGUAL AND IMMIGRANT EDUCATION

10 For carrying out, to the extent not otherwise pro-
11 vided, bilingual, foreign language and immigrant edu-
12 cation activities authorized by parts A and C and section
13 7203 of title VII of the Elementary and Secondary Edu-
14 cation Act, without regard to section 7103(b),
15 \$354,000,000: *Provided*, That State educational agencies
16 may use all, or any part of, their part C allocation for
17 competitive grants to local educational agencies: *Provided*
18 *further*, That the Department of Education should only
19 support instructional programs which ensure that students
20 completely master English in a timely fashion (a period
21 of three to five years) while meeting rigorous achievement
22 standards in the academic content areas.

23 SPECIAL EDUCATION

24 For carrying out the Individuals with Disabilities
25 Education Act, \$4,348,647,000 (increased by
26 \$25,000,000) (increased by \$55,000,000), of which

1 \$4,117,186,000 (increased by \$25,000,000) (increased by
 2 \$55,000,000) shall become available for obligation on July
 3 1, 1998, and shall remain available through September 30,
 4 1999.

5 REHABILITATION SERVICES AND DISABILITY RESEARCH

6 For carrying out, to the extent not otherwise pro-
 7 vided, the Rehabilitation Act of 1973, the Technology-Re-
 8 lated Assistance for Individuals with Disabilities Act, and
 9 the Helen Keller National Center Act, as amended,
 10 \$2,589,176,000.

11 SPECIAL INSTITUTIONS FOR PERSONS WITH
 12 DISABILITIES

13 AMERICAN PRINTING HOUSE FOR THE BLIND

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

16 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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

23 GALLAUDET UNIVERSITY

24 For the Kendall Demonstration Elementary School,
 25 the Model Secondary School for the Deaf, and the partial
 26 support of Gallaudet University under titles I and II of

1 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
2 et seq.), \$80,682,000: *Provided*, That from the amount
3 available, the University may at its discretion use funds
4 for the endowment program as authorized under section
5 207.

6 VOCATIONAL AND ADULT EDUCATION

7 For carrying out, to the extent not otherwise pro-
8 vided, the Carl D. Perkins Vocational and Applied Tech-
9 nology Education Act and the Adult Education Act,
10 \$1,486,975,000 (increased by \$20,000,000), of which
11 \$1,483,875,000 (increased by \$20,000,000) shall become
12 available on July 1, 1998 and shall remain available
13 through September 30, 1999; and of which \$4,491,000
14 from amounts available under the Adult Education Act
15 shall be for the National Institute for Literacy under sec-
16 tion 384(c): *Provided*, That, of the amounts made avail-
17 able for title II of the Carl D. Perkins Vocational and Ap-
18 plied Technology Education Act, \$13,497,000 shall be
19 used by the Secretary for national programs under title
20 IV, without regard to section 451: *Provided further*, That
21 the Secretary may reserve up to \$4,998,000 under section
22 313(d) of the Adult Education Act for activities carried
23 out under section 383 of that Act: *Provided further*, That
24 no funds shall be awarded to a State Council under section
25 112(f) of the Carl D. Perkins Vocational and Applied

1 Technology Education Act, and no State shall be required
2 to operate such a Council.

3 STUDENT FINANCIAL ASSISTANCE

4 For carrying out subparts 1 and 3 of part A, part
5 C and part E of title IV of the Higher Education Act of
6 1965, as amended, \$9,046,407,000, which shall remain
7 available through September 30, 1999.

8 The maximum Pell Grant for which a student shall
9 be eligible during award year 1998–1999 shall be \$3,000:
10 *Provided*, That notwithstanding section 401(g) of the Act,
11 if the Secretary determines, prior to publication of the
12 payment schedule for such award year, that the amount
13 included within this appropriation for Pell Grant awards
14 in such award year, and any funds available from the fis-
15 cal year 1997 appropriation for Pell Grant awards, are
16 insufficient to satisfy fully all such awards for which stu-
17 dents are eligible, as calculated under section 401(b) of
18 the Act, the amount paid for each such award shall be
19 reduced by either a fixed or variable percentage, or by a
20 fixed dollar amount, as determined in accordance with a
21 schedule of reductions established by the Secretary for this
22 purpose.

23 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

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

HIGHER EDUCATION

1
2 For carrying out, to the extent not otherwise pro-
3 vided, parts A and B of title III, without regard to section
4 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, and part
5 A and subpart 1 of part B of title X of the Higher Edu-
6 cation Act of 1965, as amended, the Mutual Educational
7 and Cultural Exchange Act of 1961, and Public Law 102-
8 423, \$909,893,000, of which \$13,700,000 for interest
9 subsidies under title VII of the Higher Education Act shall
10 remain available until expended: *Provided*, That funds
11 available for part D of title IX of the Higher Education
12 Act shall be available to fund noncompeting continuation
13 awards for academic year 1998-1999 for fellowships
14 awarded originally under part C of title IX of said Act,
15 under the terms and conditions of part C: *Provided fur-*
16 *ther*, That notwithstanding sections 419D, 419E, and
17 419H of the Higher Education Act, scholarships made
18 under title IV, part A, subpart 6 shall be prorated to
19 maintain the same number of new scholarships in fiscal
20 year 1998 as in fiscal year 1997.

HOWARD UNIVERSITY

21
22 For partial support of Howard University (20 U.S.C.
23 121 et seq.), \$210,000,000: *Provided*, That from the
24 amount available, the University may at its discretion use
25 funds for the endowment program as authorized under the
26 Howard University Endowment Act (Public Law 98-480).

1 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
2 PROGRAM

3 For Federal administrative expenses to carry out ac-
4 tivities related to facility loans entered into under title VII,
5 part C and section 702 of the Higher Education Act, as
6 amended, \$698,000.

7 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
8 CAPITAL FINANCING, PROGRAM ACCOUNT

9 The total amount of bonds insured pursuant to see-
10 tion 724 of title VII, part B of the Higher Education Act
11 shall not exceed \$357,000,000, and the cost, as defined
12 in section 502 of the Congressional Budget Act of 1974,
13 of such bonds shall not exceed zero.

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

18 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

19 For carrying out activities authorized by the Edu-
20 cational Research, Development, Dissemination, and Im-
21 provement Act of 1994, including part E, the National
22 Education Statistics Act of 1994, section 2102, sections
23 3136 and 3141 and parts A, B, I, and K and section
24 10601 of title X, and part C of title XIII of the Elemen-
25 tary and Secondary Education Act of 1965, as amended,
26 \$508,752,000 (increased by \$1,000,000) (reduced by

1 \$1,500,000): *Provided*, That \$50,000,000 of the amount
2 provided for section 10101 of part A of title X of the Ele-
3 mentary and Secondary Education Act shall be for grants
4 to local educational agencies to demonstrate effective ap-
5 proaches to comprehensive school reform: *Provided*, That
6 such approaches show the most promise of enabling chil-
7 dren to meet challenging State content standards and
8 challenging State student performance standards which
9 shall include an emphasis on basic academics and parental
10 involvement based on proven research and practices.

11 LIBRARIES

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

14 DEPARTMENTAL MANAGEMENT

15 PROGRAM ADMINISTRATION

16 For carrying out, to the extent not otherwise pro-
17 vided, the Department of Education Organization Act, in-
18 cluding rental of conference rooms in the District of Co-
19 lumbia and hire of two passenger motor vehicles,
20 \$329,479,000 (increased by \$100,000).

21 OFFICE FOR CIVIL RIGHTS

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

1 OFFICE OF THE INSPECTOR GENERAL

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

5 GENERAL PROVISIONS

6 SEC. 301. No funds appropriated in this Act may be
7 used for the transportation of students or teachers (or for
8 the purchase of equipment for such transportation) in
9 order to overcome racial imbalance in any school or school
10 system, or for the transportation of students or teachers
11 (or for the purchase of equipment for such transportation)
12 in order to carry out a plan of racial desegregation of any
13 school or school system.

14 SEC. 302. None of the funds contained in this Act
15 shall be used to require, directly or indirectly, the trans-
16 portation of any student to a school other than the school
17 which is nearest the student's home, except for a student
18 requiring special education, to the school offering such
19 special education, in order to comply with title VI of the
20 Civil Rights Act of 1964. For the purpose of this section
21 an indirect requirement of transportation of students in-
22 cludes the transportation of students to carry out a plan
23 involving the reorganization of the grade structure of
24 schools, the pairing of schools, or the clustering of schools,
25 or any combination of grade restructuring, pairing or clus-

1 tering. The prohibition described in this section does not
2 include the establishment of magnet schools.

3 ~~SEC. 303.~~ No funds appropriated under this Act may
4 be used to prevent the implementation of programs of vol-
5 untary prayer and meditation in the public schools.

6 ~~SEC. 304.~~ None of the funds appropriated in this Act
7 may be obligated or expended to carry out section 621(b)
8 of Public Law 101–589.

9 (TRANSFER OF FUNDS)

10 ~~SEC. 305.~~ Not to exceed 1 percent of any discre-
11 tionary funds (pursuant to the Balanced Budget and
12 Emergency Deficit Control Act, as amended) which are
13 appropriated for the current fiscal year for the Depart-
14 ment of Education in this Act may be transferred between
15 appropriations, but no such appropriation shall be in-
16 creased by more than 3 percent by any such transfer: *Pro-*
17 *vided,* That the Appropriations Committees of both
18 Houses of Congress are notified at least fifteen days in
19 advance of any transfer.

20 ~~SEC. 306.~~ Notwithstanding any other provision of
21 law, from funds appropriated under the Fund for the Im-
22 provement of Education, the Secretary of Education shall
23 make an award, in an amount not to exceed \$1,000,000,
24 to the National Academy of Sciences to evaluate and sub-
25 mit a preliminary report by June 30, 1998 and a final
26 report by August 31, 1998 to the Committee on Appro-

1 priations and the Committee on Education and the
2 Workforce of the House of Representatives on the follow-
3 ing items with respect to the Administration's proposed
4 national tests in 4th grade reading and 8th grade math:
5 (1) the technical quality of the work performed under the
6 test development contract(s); linking activities; and con-
7 tract(s) for providing the tests to States and school dis-
8 tricts; (2) the adequacy of the administration of the field
9 tests; (3) the validity and reliability of the data produced
10 by the field tests; (4) the reasonableness and validity of
11 the contractors' design for linking test results to student
12 performance levels; and (5) the degree to which the tests
13 can be expected to provide valid and useful information
14 to the public: *Provided*, That in no event may the Depart-
15 ment of Education proceed to administer any final version
16 of the tests, until such time as a final National Academy
17 of Sciences report is completed.

18 SEC. 307. Notwithstanding any other provision of
19 law, any institution of higher education which receives
20 funds under title III of the Higher Education Act, except
21 for grants made under section 326, may use up to twenty
22 percent of its award under part A or part B of the Act
23 for endowment building purposes authorized under section
24 331. Any institution seeking to use part A or part B funds
25 for endowment building purposes shall indicate such inten-

1 tion in its application to the Secretary and shall abide by
 2 departmental regulations governing the endowment chal-
 3 lenge grant program.

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

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

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

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

18 (4) by adding at the end the following new sub-
 19 paragraph:

20 “(K) a wholly owned subsidiary of a pub-
 21 licly-held holding company which, as of the date
 22 of enactment of this subparagraph, through one
 23 or more subsidiaries (i) acts as a finance com-
 24 pany, and (ii) participates in the program au-

1 thorized by this part pursuant to subparagraph
2 (C).”.

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

5 TITLE IV—RELATED AGENCIES

6 ARMED FORCES RETIREMENT HOME

7 For expenses necessary for the Armed Forces Retire-
8 ment Home to operate and maintain the United States
9 Soldiers’ and Airmen’s Home and the United States Naval
10 Home, to be paid from funds available in the Armed
11 Forces Retirement Home Trust Fund, \$71,777,000 (re-
12 duced by \$1,500,000), of which \$16,325,000 (reduced by
13 \$1,500,000) shall remain available until expended for con-
14 struction and renovation of the physical plants at the
15 United States Soldiers’ and Airmen’s Home and the Unit-
16 ed States Naval Home.

17 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

18 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING

19 EXPENSES

20 For expenses necessary for the Corporation for Na-
21 tional and Community Service to carry out the provisions
22 of the Domestic Volunteer Service Act of 1973, as amend-
23 ed, \$227,547,000.

1 CORPORATION FOR PUBLIC BROADCASTING

2 For payment to the Corporation for Public Broad-
3 casting, as authorized by the Communications Act of
4 1934, an amount which shall be available within limita-
5 tions specified by that Act, for the fiscal year 2000,
6 ~~\$300,000,000~~: *Provided*, That no funds made available to
7 the Corporation for Public Broadcasting by this Act shall
8 be used to pay for receptions, parties, or similar forms
9 of entertainment for Government officials or employees:
10 *Provided further*, That none of the funds contained in this
11 paragraph shall be available or used to aid or support any
12 program or activity from which any person is excluded,
13 or is denied benefits, or is discriminated against, on the
14 basis of race, color, national origin, religion, or sex.

15 FEDERAL MEDIATION AND CONCILIATION SERVICE

16 SALARIES AND EXPENSES

17 For expenses necessary for the Federal Mediation
18 and Conciliation Service to carry out the functions vested
19 in it by the Labor Management Relations Act, 1947 (29
20 U.S.C. 171–180, 182, and 183), including hire of pas-
21 senger motor vehicles; and for expenses necessary for the
22 Labor-Management Cooperation Act of 1978 (29 U.S.C.
23 175a); and for expenses necessary for the Service to carry
24 out the functions vested in it by the Civil Service Reform
25 Act, Public Law 95-454 (5 U.S.C. ch. 71), ~~\$33,481,000~~,

1 including \$1,500,000, to remain available through Sep-
 2 tember 30, 1999, for activities authorized by the Labor-
 3 Management Cooperation Act of 1978 (29 U.S.C. 175a):
 4 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
 5 charged, up to full-cost recovery, for special training ac-
 6 tivities and for arbitration services shall be credited to and
 7 merged with this account, and shall remain available until
 8 expended: *Provided further*, That fees for arbitration serv-
 9 ices shall be available only for education, training, and
 10 professional development of the agency workforce: *Pro-*
 11 *vided further*, That the Director of the Service is author-
 12 ized to accept on behalf of the United States gifts of serv-
 13 ices and real, personal, or other property in the aid of any
 14 projects or functions within the Director's jurisdiction.

15 FEDERAL MINE SAFETY AND HEALTH REVIEW

16 COMMISSION

17 SALARIES AND EXPENSES

18 For expenses necessary for the Federal Mine Safety
 19 and Health Review Commission (30 U.S.C. 801 et seq.),
 20 \$6,060,000.

21 NATIONAL COMMISSION ON LIBRARIES AND

22 INFORMATION SCIENCE

23 SALARIES AND EXPENSES

24 For necessary expenses for the National Commission
 25 on Libraries and Information Science, established by the

1 Act of July 20, 1970 (Public Law 91-345, as amended
2 by Public Law 102-95), \$1,000,000.

3 NATIONAL COUNCIL ON DISABILITY

4 SALARIES AND EXPENSES

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

8 NATIONAL EDUCATION GOALS PANEL

9 For expenses necessary for the National Education
10 Goals Panel, as authorized by title II, part A of the Goals
11 2000: Educate America Act, \$2,000,000.

12 NATIONAL LABOR RELATIONS BOARD

13 SALARIES AND EXPENSES

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

1 1938 (29 U.S.C. 203), and including in said definition em-
2 ployees engaged in the maintenance and operation of
3 ditches, canals, reservoirs, and waterways when main-
4 tained or operated on a mutual, nonprofit basis and at
5 least 95 per centum of the water stored or supplied there-
6 by is used for farming purposes: *Provided further*, That
7 none of the funds made available by this Act shall be used
8 in any way to promulgate a final rule (altering 29 CFR
9 part 103) regarding single location bargaining units in
10 representation cases.

11 NATIONAL MEDIATION BOARD

12 SALARIES AND EXPENSES

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

20 OCCUPATIONAL SAFETY AND HEALTH REVIEW

21 COMMISSION

22 SALARIES AND EXPENSES

23 For expenses necessary for the Occupational Safety
24 and Health Review Commission (29 U.S.C. 661),
25 \$7,900,000.

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(e)(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 \$87,228,000 (reduced by \$1,500,000), to be derived in
17 such amounts as determined by the Board from the rail-
18 road retirement accounts and from moneys credited to the
19 railroad unemployment insurance 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 \$5,000,000, to be derived from
25 the railroad retirement accounts and railroad unemploy-
26 ment insurance account: *Provided*, That none of the funds

1 made available in any other paragraph of this Act may
2 be transferred to the Office; used to carry out any such
3 transfer; used to provide any office space, equipment, of-
4 fice supplies, communications facilities or services, mainte-
5 nance services, or administrative services for the Office;
6 used to pay any salary, benefit, or award for any personnel
7 of the Office; used to pay any other operating expense of
8 the Office; or used to reimburse the Office for any service
9 provided, or expense incurred, by the Office: *Provided fur-*
10 *ther,* That none of the funds made available in this para-
11 graph may be used for any audit, investigation, or review
12 of the Medicare Program.

13 SOCIAL SECURITY ADMINISTRATION

14 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

15 For payment to the Federal Old-Age and Survivors
16 Insurance and the Federal Disability Insurance trust
17 funds, as provided under sections 201(m), 228(g), and
18 1131(b)(2) of the Social Security Act, \$20,308,000.

19 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

23 For making, after July 31 of the current fiscal year,
24 benefit payments to individuals under title IV of the Fed-
25 eral Mine Safety and Health Act of 1977, for costs in-

1 curred in the current fiscal year, such amounts as may
2 be necessary.

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

7 SUPPLEMENTAL SECURITY INCOME PROGRAM

8 For carrying out titles XI and XVI of the Social Se-
9 curity Act, section 401 of Public Law 92-603, section 212
10 of Public Law 93-66, as amended, and section 405 of
11 Public Law 95-216, including payment to the Social Secu-
12 rity trust funds for administrative expenses incurred pur-
13 suant to section 201(g)(1) of the Social Security Act,
14 \$16,170,000,000, to remain available until expended. *Pro-*
15 *vided,* That any portion of the funds provided to a State
16 in the current fiscal year and not obligated by the State
17 during that year shall be returned to the Treasury.

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

22 In addition, \$175,000,000, to remain available until
23 September 30, 1999, for payment to the Social Security
24 trust funds for administrative expenses for continuing dis-
25 ability reviews as authorized by section 103 of Public Law
26 104-121 and Supplemental Security Income administra-

1 tive work as authorized by Public Law 104-193. The term
2 “continuing disability reviews” means reviews and redeter-
3 minations as defined under section 201(g)(1)(A) of the
4 Social Security Act, as amended, and reviews and redeter-
5 minations authorized under section 211 of Public Law
6 104-193.

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

11 For making benefit payments under title XVI of the
12 Social Security Act for the first quarter of fiscal year
13 1999, \$8,680,000,000, to remain available until expended.

14 LIMITATION ON ADMINISTRATIVE EXPENSES

15 For necessary expenses, including the hire of two pas-
16 senger motor vehicles, and not to exceed \$10,000 for offi-
17 cial reception and representation expenses, not more than
18 \$5,938,040,000 may be expended, as authorized by sec-
19 tion 201(g)(1) of the Social Security Act, from any one
20 or all of the trust funds referred to therein: *Provided*, That
21 not less than \$1,600,000 shall be for the Social Security
22 Advisory Board: *Provided further*, That unobligated bal-
23 ances at the end of fiscal year 1998 not needed for fiscal
24 year 1998 shall remain available until expended for a
25 state-of-the-art computing network, including related
26 equipment and non-payroll administrative expenses associ-

1 ated solely with this network. *Provided further*, That reim-
2 bursement to the trust funds under this heading for ex-
3 penditures for official time for employees of the Social Se-
4 curity Administration pursuant to section 7131 of title 5,
5 United States Code, and for facilities or support services
6 for labor organizations pursuant to policies, regulations,
7 or procedures referred to in section 7135(b) of such title
8 shall be made by the Secretary of the Treasury, with inter-
9 est, from amounts in the general fund not otherwise ap-
10 propriated, as soon as possible after such expenditures are
11 made.

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

15 In addition to funding already available under this
16 heading, and subject to the same terms and conditions,
17 \$245,000,000, to remain available until September 30,
18 1999, for continuing disability reviews as authorized by
19 section 103 of Public Law 104-121 and Supplemental Se-
20 curity Income administrative work as authorized by Public
21 Law 104-193. The term "continuing disability reviews"
22 means reviews and redeterminations as defined under sec-
23 tion 201(g)(1)(A) of the Social Security Act as amended,
24 and reviews and redeterminations authorized under sec-
25 tion 211 of Public Law 104-193.

1 In addition to funding already available under this
2 heading, and subject to the same terms and conditions,
3 \$200,000,000, which shall remain available until ex-
4 pended, to invest in a state-of-the-art computing network,
5 including related equipment and non-payroll administra-
6 tive expenses associated solely with this network, for the
7 Social Security Administration and the State Disability
8 Determination Services, may be expended from any or all
9 of the trust funds as authorized by section 201(g)(1) of
10 the Social Security Act.

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

20 OFFICE OF INSPECTOR GENERAL

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses necessary for the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, as amended, \$10,164,000, together
25 with not to exceed \$42,260,000, to be transferred and ex-
26 pended as authorized by section 201(g)(1) of the Social

1 Security Act from the Federal Old-Age and Survivors In-
2 surance Trust Fund and the Federal Disability Insurance
3 Trust Fund.

4 In addition, an amount not to exceed 3 percent of
5 the total provided in this appropriation may be transferred
6 from the “Limitation on Administrative Expenses”, Social
7 Security Administration, to be merged with this account,
8 to be available for the time and purposes for which this
9 account is available: *Provided*, That notice of such trans-
10 fers shall be transmitted promptly to the Committees on
11 Appropriations of the House and Senate.

12 UNITED STATES INSTITUTE OF PEACE

13 OPERATING EXPENSES

14 For necessary expenses of the United States Institute
15 of Peace as authorized in the United States Institute of
16 Peace Act, \$11,160,000.

17 TITLE V—GENERAL PROVISIONS

18 SEC. 501. The Secretaries of Labor, Health and
19 Human Services, and Education are authorized to transfer
20 unexpended balances of prior appropriations to accounts
21 corresponding to current appropriations provided in this
22 Act: *Provided*, That such transferred balances are used for
23 the same purpose, and for the same periods of time, for
24 which they were originally appropriated.

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

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

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

19 SEC. 504. The Secretaries of Labor and Education
20 are each authorized to make available not to exceed
21 \$15,000 from funds available for salaries and expenses
22 under titles I and III, respectively, for official reception
23 and representation expenses; the Director of the Federal
24 Mediation and Conciliation Service is authorized to make
25 available for official reception and representation expenses

1 not to exceed \$2,500 from the funds available for “Sala-
2 ries and expenses, Federal Mediation and Conciliation
3 Service”; and the Chairman of the National Mediation
4 Board is authorized to make available for official reception
5 and representation expenses not to exceed \$2,500 from
6 funds available for “Salaries and expenses, National Medi-
7 ation Board”.

8 SEC. 505. Notwithstanding any other provision of
9 this Act, no funds appropriated under this Act shall be
10 used to carry out any program of distributing sterile nec-
11 dles for the hypodermic injection of any illegal drug.

12 SEC. 506. (a) PURCHASE OF AMERICAN-MADE
13 EQUIPMENT AND PRODUCTS.—It is the sense of the Con-
14 gress that, to the greatest extent practicable, all equip-
15 ment and products purchased with funds made available
16 in this Act should be American-made.

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

23 (c) PROHIBITION OF CONTRACTS WITH PERSONS
24 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
25 If it has been finally determined by a court or Federal

1 agency that any person intentionally affixed a label bear-
2 ing a “Made in America” inscription, or any inscription
3 with the same meaning, to any product sold in or shipped
4 to the United States that is not made in the United
5 States, the person shall be ineligible to receive any con-
6 tract or subcontract made with funds made available in
7 this Act, pursuant to the debarment, suspension, and ineli-
8 gibility procedures described in sections 9.400 through
9 9.409 of title 48, Code of Federal Regulations.

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

22 SEC. 508. (a) None of the funds appropriated under
23 this Act shall be expended for any abortion.

1 (b) None of the funds appropriated under this Act
2 shall be expended for health benefits coverage that in-
3 cludes coverage of abortion.

4 (c) The term “health benefits coverage” means the
5 package of services covered by a managed care provider or
6 organization pursuant to a contract or other arrangement.

7 SEC. 509. (a) The limitations established in the pre-
8 ceding section shall not apply to an abortion—

9 (1) if the pregnancy is the result of an act of
10 rape or incest; or

11 (2) in the case where a woman suffers from a
12 physical disorder, physical injury, or physical illness,
13 including a life-endangering physical condition
14 caused by or arising from the pregnancy itself, that
15 would, as certified by a physician, place the woman
16 in danger of death unless an abortion is performed.

17 (b) Nothing in the preceding section shall be con-
18 strued as prohibiting the expenditure by a State locality,
19 entity, or private person of State, local, or private funds
20 (other than a State’s or locality’s contribution of Medicaid
21 matching funds).

22 (c) Nothing in the preceding section shall be con-
23 strued as restricting the ability of any managed care pro-
24 vider from offering abortion coverage or the ability of a
25 State or locality to contract separately with such a pro-

1 vider for such coverage with State funds (other than a
2 State's or locality's contribution of Medicaid matching
3 funds).

4 SEC. 510. Notwithstanding any other provision of
5 law—

6 (1) no amount may be transferred from an ap-
7 propriation account for the Departments of Labor,
8 Health and Human Services, and Education except
9 as authorized in this or any subsequent appropria-
10 tion Act, or in the Act establishing the program or
11 activity for which funds are contained in this Act;

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

21 (3) no funds provided under this Act shall be
22 available for the salary (or any part thereof) of an
23 employee who is reassigned on a temporary detail
24 basis to another position in the employing agency or
25 department or in any other agency or department;

1 unless the detail is independently approved by the
2 head of the employing department or agency.

3 ~~SEC. 511.~~ None of the funds made available in this
4 Act may be used to enforce the requirements of section
5 ~~428(b)(1)(U)(iii)~~ of the Higher Education Act of 1965
6 with respect to any lender when it is made known to the
7 Federal official having authority to obligate or expend
8 such funds that the lender has a loan portfolio under part
9 B of title IV of such Act that is equal to or less than
10 \$5,000,000.

11 ~~SEC. 512.~~ (a) None of the funds made available in
12 this Act may be used for—

13 (1) the creation of a human embryo or embryos
14 for research purposes; or

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

21 (b) For purposes of this section, the term “human
22 embryo or embryos” include any organism, not protected
23 as a human subject under 45 CFR 46 as of the date of
24 the enactment of this Act, that is derived by fertilization,

1 parthenogenesis, cloning, or any other means from one or
2 more human gametes or human diploid cells.

3 SEC. 513. (a) LIMITATION ON USE OF FUNDS FOR
4 PROMOTION OF LEGALIZATION OF CONTROLLED SUB-
5 STANCES.—None of the funds made available in this Act
6 may be used for any activity when it is made known to
7 the Federal official having authority to obligate or expend
8 such funds that the activity promotes the legalization of
9 any drug or other substance included in schedule I of the
10 schedules of controlled substances established by section
11 202 of the Controlled Substances Act (21 U.S.C. 812).

12 (b) EXCEPTIONS.—The limitation in subsection (a)
13 shall not apply when it is made known to the Federal offi-
14 cial having authority to obligate or expend such funds that
15 there is significant medical evidence of a therapeutic ad-
16 vantage to the use of such drug or other substance or that
17 Federally-sponsored clinical trials are being conducted to
18 determine therapeutic advantage.

19 SEC. 514. None of the funds made available in this
20 Act may be obligated or expended to enter into or renew
21 a contract with an entity when it is made known to the
22 Federal official having authority to obligate or expend
23 such funds that—

24 (1) such entity is otherwise a contractor with
25 the United States and is subject to the requirement

1 in section 4212(d) of title 38, United States Code,
2 regarding submission of an annual report to the Sec-
3 retary of Labor concerning employment of certain
4 veterans; and

5 (2) such entity has not submitted a report as
6 required by that section for the most recent year for
7 which such requirement was applicable to such en-
8 tity.

9 SEC. 515. (a) FEES FOR FEDERAL ADMINISTRATION
10 OF STATE SUPPLEMENTARY SSI PAYMENTS.—

11 (1) OPTIONAL STATE SUPPLEMENTARY PAY-
12 MENTS.—

13 (A) IN GENERAL.—Section 1616(d)(2)(B)
14 of the Social Security Act (42 U.S.C.
15 1382c(d)(2)(B)) is amended—

16 (i) by striking “and” at the end of
17 clause (iii); and

18 (ii) by striking clause (iv) and insert-
19 ing the following:

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

21 “(v) for fiscal year 1998, \$6.20;

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

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

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

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

1 ~~“(x) for fiscal year 2003 and each succeeding~~
2 ~~fiscal year—~~

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

11 ~~“(II) such different rate as the Commis-~~
12 ~~sioner determines is appropriate for the State.”.~~

13 ~~(B) CONFORMING AMENDMENT.—Section~~
14 ~~1616(d)(2)(C) of such Act (42 U.S.C.~~
15 ~~1382c(d)(2)(C)) is amended by striking~~
16 ~~“(B)(iv)” and inserting “(B)(x)(II)”.~~

17 ~~(2) MANDATORY STATE SUPPLEMENTARY PAY-~~
18 ~~MENTS.—~~

19 ~~(A) IN GENERAL.—Section~~
20 ~~212(b)(3)(B)(ii) of Public Law 93–66 (42~~
21 ~~U.S.C. 1382 note) is amended—~~

22 ~~(i) by striking “and” at the end of~~
23 ~~subclause (III); and~~

24 ~~(ii) by striking subclause (IV) and in-~~
25 ~~serting the following:~~

1 ~~“(IV) for fiscal year 1997, \$5.00;~~
 2 ~~“(V) for fiscal year 1998, \$6.20;~~
 3 ~~“(VI) for fiscal year 1999, \$7.60;~~
 4 ~~“(VII) for fiscal year 2000, \$7.80;~~
 5 ~~“(VIII) for fiscal year 2001, \$8.10;~~
 6 ~~“(IX) for fiscal year 2002, \$8.50; and~~
 7 ~~“(X) for fiscal year 2003 and each succeeding~~
 8 ~~fiscal year—~~

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

17 ~~“(bb) such different rate as the Commis-~~
 18 ~~sioner determines is appropriate for the State.”.~~

19 ~~(B) CONFORMING AMENDMENT.—Section~~
 20 ~~212(b)(3)(B)(iii) of such Act (42 U.S.C. 1382~~
 21 ~~note) is amended by striking “(ii)(IV)” and in-~~
 22 ~~serting “(ii)(X)(bb)”.~~

23 ~~(b) USE OF NEW FEES TO DEFRAY THE SOCIAL SE-~~
 24 ~~CURITY ADMINISTRATION’S ADMINISTRATIVE EX-~~
 25 ~~PENSES.—~~

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

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

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

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

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

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

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

16 (2) LIMITATIONS ON AUTHORIZATION OF AP-
17 PROPRIATIONS.—From amounts credited pursuant
18 to section 1616(d)(4)(B) of the Social Security Act
19 and section 212(b)(3)(D)(ii) of Public Law 93-66 to
20 the special fund established in the Treasury of the
21 United States for State supplementary payment
22 fees, there is authorized to be appropriated an
23 amount not to exceed \$35,000,000 for fiscal year
24 1998, and such sums as may be necessary for each
25 fiscal year thereafter, for administrative expenses in

1 carrying out the supplemental security income pro-
2 gram under title XVI of the Social Security Act and
3 related laws.

4 SEC. 516. Section 520(c)(2)(D) of the Departments
5 of Labor, Health and Human Services, and Education,
6 and Related Agencies Appropriations Act, 1997, is amend-
7 ed by striking “September 30, 1997” and inserting in lieu
8 thereof “December 31, 1997”.

9 SEC. 517. The amounts otherwise provided by this
10 Act are revised by reducing the amount made available
11 for “DEPARTMENT OF LABOR—EMPLOYMENT AND
12 TRAINING ADMINISTRATION—STATE UNEMPLOYMENT IN-
13 SURANCE AND EMPLOYMENT SERVICE OPERATIONS” from
14 the Unemployment Trust Fund (and the amount specified
15 under such heading for assisting States to convert their
16 automated State employment security agency systems to
17 be year 2000 compliant); and increasing the amount made
18 available for “DEPARTMENT OF HEALTH AND
19 HUMAN SERVICES—CENTERS FOR DISEASE CONTROL
20 AND PREVENTION—DISEASE CONTROL, RESEARCH, AND
21 TRAINING” from general Federal funds, by \$7,000,000.

22 SEC. 518. (a) PROHIBITION OF FUNDS FOR NA-
23 TIONAL TESTING IN READING AND MATHEMATICS.—
24 None of the funds made available in this Act may be used

1 to develop, plan, implement, or administer any national
2 testing program in reading or mathematics.

3 (b) EXCEPTIONS.—Subsection (a) shall not apply to
4 the following:

5 (1) The National Assessment of Educational
6 Progress carried out under sections 411 through
7 413 of the Improving America's Schools Act of 1994
8 (20 U.S.C. 9010–9012).

9 (2) The Third International Math and Science
10 Study (TIMSS).

11 SEC. 519. None of the funds made available in this
12 Act may be used to pay the expenses of an election officer
13 appointed by a court to oversee an election of any officer
14 or trustee for the International Brotherhood of Teamsters.

15 SEC. 520. Subsection (k) of section 9302 of the Bal-
16 anced Budget Act of 1997, as added by section 1604(f)(3)
17 of the Taxpayer Relief Act of 1997, is repealed.

18 SEC. 521. (a) LIMITATION ON PENALTIES UNDER
19 IDEA.—None of the funds made available in this Act may
20 be used by the Department of Education to investigate,
21 or to impose, administer, or enforce any penalty, sanction,
22 or remedy for, a State's election not to provide special edu-
23 cation and related services under the Individuals with Dis-
24 abilities Education Act (20 U.S.C. 1400 et seq.) to indi-

1 individuals who are 18 years of age or older and are incarcerated
 2 in adult State prisons.

3 (b) EXCEPTION.—Subsection (a) shall not apply to
 4 any withholding of financial assistance to a State by the
 5 Department of Education pursuant to the Individuals with
 6 Disabilities Education Act (20 U.S.C. 1400 et seq.).

7 This Act may be cited as the “Departments of Labor,
 8 Health and Human Services, and Education, and Related
 9 Agencies Appropriations Act, 1998”.

10 *That the following sums are appropriated, out of any*
 11 *money in the Treasury not otherwise appropriated, for the*
 12 *Departments of Labor, Health and Human Services, and*
 13 *Education, and related agencies for the fiscal year ending*
 14 *September 30, 1998, and for other purposes, namely:*

15 *TITLE I—DEPARTMENT OF LABOR*

16 *EMPLOYMENT AND TRAINING ADMINISTRATION*

17 *TRAINING AND EMPLOYMENT SERVICES*

18 *For necessary expenses of the Job Training Partner-*
 19 *ship Act, as amended, including the purchase and hire of*
 20 *passenger motor vehicles, the construction, alteration, and*
 21 *repair of buildings and other facilities, and the purchase*
 22 *of real property for training centers as authorized by the*
 23 *Job Training Partnership Act; the Stewart B. McKinney*
 24 *Homeless Assistance Act; the Women in Apprenticeship and*
 25 *Nontraditional Occupations Act; the National Skill Stand-*

1 *ards Act of 1994; and the School-to-Work Opportunities*
2 *Act; \$5,010,053,000 plus reimbursements, of which*
3 *\$3,815,062,000 is available for obligation for the period*
4 *July 1, 1998 through June 30, 1999; of which \$118,491,000*
5 *is available for the period July 1, 1998 through June 30,*
6 *2001 for necessary expenses of construction, rehabilitation,*
7 *and acquisition of Job Corps centers; and of which*
8 *\$200,000,000 shall be available from July 1, 1998 through*
9 *September 30, 1999, for carrying out activities of the*
10 *School-to-Work Opportunities Act: Provided, That*
11 *\$55,127,000 shall be for carrying out section 401 of the Job*
12 *Training Partnership Act, \$72,749,000 shall be for carry-*
13 *ing out section 402 of such Act, \$7,300,000 shall be for car-*
14 *rying out section 441 of such Act, \$10,000,000 shall be for*
15 *all activities conducted by and through the National Occu-*
16 *pational Information Coordinating Committee under such*
17 *Act, \$955,000,000 shall be for carrying out title II, part*
18 *A of such Act, and \$129,965,000 shall be for carrying out*
19 *title II, part C of such Act: Provided further, That the Na-*
20 *tional Occupational Information Coordinating Committee*
21 *is authorized, effective upon enactment, to charge fees for*
22 *publications, training and technical assistance developed by*
23 *the National Occupational Information Coordinating Com-*
24 *mittee: Provided further, That revenues received from publi-*
25 *cations and delivery of technical assistance and training,*

1 *notwithstanding 31 U.S.C. 3302, shall be credited to the*
2 *National Occupational Information Coordinating Commit-*
3 *tee program account and shall be available to the National*
4 *Occupational Information Coordinating Committee without*
5 *further appropriations, so long as such revenues are used*
6 *for authorized activities of the National Occupational Infor-*
7 *mation Coordinating Committee: Provided further, That no*
8 *funds from any other appropriation shall be used to provide*
9 *meal services at or for Job Corps centers: Provided further,*
10 *That funds provided for title III of the Job Training Part-*
11 *nership Act shall not be subject to the limitation contained*
12 *in subsection (b) of section 315 of such Act; that the waiver*
13 *described in section 315(a)(2) may be granted if a substate*
14 *grantee demonstrates to the Governor that such waiver is*
15 *appropriate due to the availability of low-cost retraining*
16 *services, is necessary to facilitate the provision of needs-re-*
17 *lated payments to accompany long-term training, or is nec-*
18 *essary to facilitate the provision of appropriate basic read-*
19 *justment services; and that funds provided for discretionary*
20 *grants under part B of such title III may be used to provide*
21 *needs-related payments to participants who, in lieu of meet-*
22 *ing the enrollment requirements under section 314(e) of*
23 *such Act, are enrolled in training by the end of the sixth*
24 *week after grant funds have been awarded: Provided further,*
25 *That funds provided to carry out section 324 of such Act*

1 *may be used for demonstration projects that provide assist-*
2 *ance to new entrants in the workforce and incumbent work-*
3 *ers: Provided further, That service delivery areas may*
4 *transfer funding provided herein under authority of title*
5 *II, parts B and C of the Job Training Partnership Act be-*
6 *tween the programs authorized by those titles of the Act,*
7 *if the transfer is approved by the Governor: Provided fur-*
8 *ther, That service delivery areas and substate areas may*
9 *transfer up to 20 percent of the funding provided herein*
10 *under authority of title II, part A and title III of the Job*
11 *Training Partnership Act between the programs authorized*
12 *by those titles of the Act, if such transfer is approved by*
13 *the Governor: Provided further, That, notwithstanding any*
14 *other provision of law, any proceeds from the sale of Job*
15 *Corps center facilities shall be retained by the Secretary of*
16 *Labor to carry out the Job Corps program: Provided fur-*
17 *ther, That notwithstanding any other provision of law, the*
18 *Secretary of Labor may waive any of the statutory or regu-*
19 *latory requirements of titles I–III of the Job Training Part-*
20 *nership Act (except for requirements relating to wage and*
21 *labor standards, worker rights, participation and protec-*
22 *tion, grievance procedures and judicial review, non-*
23 *discrimination, allocation of funds to local areas, eligi-*
24 *bility, review and approval of plans, the establishment and*
25 *functions of service delivery areas and private industry*

1 *councils, and the basic purposes of the Act), and any of*
2 *the statutory or regulatory requirements of sections 8–10*
3 *of the Wagner-Peyser Act (except for requirements relating*
4 *to the provision of services to unemployment insurance*
5 *claimants and veterans, and to universal access to basic*
6 *labor exchange services without cost to job seekers), only for*
7 *funds available for expenditure in program year 1998, pur-*
8 *suant to a request submitted by a State which identifies*
9 *the statutory or regulatory requirements that are requested*
10 *to be waived and the goals which the State or local service*
11 *delivery areas intend to achieve, describes the actions that*
12 *the State or local service delivery areas have undertaken*
13 *to remove State or local statutory or regulatory barriers,*
14 *describes the goals of the waiver and the expected pro-*
15 *grammatic outcomes if the request is granted, describes the*
16 *individuals impacted by the waiver, and describes the proc-*
17 *ess used to monitor the progress in implementing a waiver,*
18 *and for which notice and an opportunity to comment on*
19 *such request has been provided to the organizations identi-*
20 *fied in section 105(a)(1) of the Job Training Partnership*
21 *Act, if and only to the extent that the Secretary determines*
22 *that such requirements impede the ability of the State to*
23 *implement a plan to improve the workforce development*
24 *system and the State has executed a Memorandum of Un-*
25 *derstanding with the Secretary requiring such State to meet*

1 *agreed upon outcomes and implement other appropriate*
2 *measures to ensure accountability: Provided further, That*
3 *the Secretary of Labor shall establish a workforce flexibility*
4 *(work-flex) partnership demonstration program under*
5 *which the Secretary shall authorize not more than six*
6 *States, of which at least three States shall each have popu-*
7 *lations not in excess of 3,500,000, with a preference given*
8 *to those States that have been designated Ed-Flex Partner-*
9 *ship States under section 311(e) of Public Law 103–227,*
10 *to waive any statutory or regulatory requirement applica-*
11 *ble to service delivery areas or substate areas within the*
12 *State under titles I–III of the Job Training Partnership*
13 *Act (except for requirements relating to wage and labor*
14 *standards, grievance procedures and judicial review, non-*
15 *discrimination, allotment of funds, and eligibility), and*
16 *any of the statutory or regulatory requirements of sections*
17 *8–10 of the Wagner-Peyser Act (except for requirements re-*
18 *lating to the provision of services to unemployment insur-*
19 *ance claimants and veterans, and to universal access to*
20 *basic labor exchange services without cost to job seekers),*
21 *for a duration not to exceed the waiver period authorized*
22 *under section 311(e) of Public Law 103–227, pursuant to*
23 *a plan submitted by such States and approved by the Sec-*
24 *retary for the provision of workforce employment and train-*
25 *ing activities in the States, which includes a description*

1 *of the process by which service delivery areas and substate*
2 *areas may apply for and have waivers approved by the*
3 *State, the requirements of the Wagner-Peyser Act to be*
4 *waived, the outcomes to be achieved and other measures to*
5 *be taken to ensure appropriate accountability for Federal*
6 *funds.*

7 *For necessary expenses of Opportunity Areas of Out-*
8 *of-School Youth, in addition to amounts otherwise provided*
9 *herein, \$250,000,000, to be available for obligation for the*
10 *period October 1, 1998 through September 30, 1999, if job*
11 *training reform legislation authorizing this or similar at-*
12 *risk youth projects is enacted by April 1, 1998.*

13 *COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS*
14 *(TRANSFER OF FUNDS)*

15 *To carry out the activities for national grants or con-*
16 *tracts with public agencies and public or private nonprofit*
17 *organizations under paragraph (1)(A) of section 506(a) of*
18 *title V of the Older Americans Act of 1965, as amended,*
19 *or to carry out older worker activities as subsequently au-*
20 *thorized, \$353,340,000.*

21 *To carry out the activities for grants to States under*
22 *paragraph (3) of section 506(a) of title V of the Older Amer-*
23 *icans Act of 1965, as amended, or to carry out older worker*
24 *activities as subsequently authorized, \$99,660,000.*

25 *The funds appropriated under this heading shall be*
26 *transferred to and merged with the Department of Health*

1 *and Human Services, "Aging Services Programs", for the*
2 *same purposes and the same period as the account to which*
3 *transferred, following the enactment of legislation authoriz-*
4 *ing the administration of the program by that Department.*

5 *FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES*

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

15 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

16 *SERVICE OPERATIONS*

17 *For authorized administrative expenses, \$173,452,000,*
18 *together with not to exceed \$3,288,476,000 (including not*
19 *to exceed \$1,228,000 which may be used for amortization*
20 *payments to States which had independent retirement plans*
21 *in their State employment service agencies prior to 1980,*
22 *and including not to exceed \$2,000,000 which may be obli-*
23 *gated in contracts with non-State entities for activities such*
24 *as occupational and test research activities which benefit*
25 *the Federal-State Employment Service System), which may*
26 *be expended from the Employment Security Administration*

1 *account in the Unemployment Trust Fund including the*
2 *cost of administering section 1201 of the Small Business*
3 *Job Protection Act of 1996, section 7(d) of the Wagner-*
4 *Peyster Act, as amended, the Trade Act of 1974, as amended,*
5 *the Immigration Act of 1990, and the Immigration and Na-*
6 *tionality Act, as amended, and of which the sums available*
7 *in the allocation for activities authorized by title III of the*
8 *Social Security Act, as amended (42 U.S.C. 502–504), and*
9 *the sums available in the allocation for necessary adminis-*
10 *trative expenses for carrying out 5 U.S.C. 8501–8523, shall*
11 *be available for obligation by the States through December*
12 *31, 1998, except that funds used for automation acquisi-*
13 *tions shall be available for obligation by States through*
14 *September 30, 2000; and of which \$173,452,000, together*
15 *with not to exceed \$738,283,000 of the amount which may*
16 *be expended from said trust fund, shall be available for obli-*
17 *gation for the period July 1, 1998 through June 30, 1999,*
18 *to fund activities under the Act of June 6, 1933, as amend-*
19 *ed, including the cost of penalty mail authorized under 39*
20 *U.S.C. 3202(a)(1)(E) made available to States in lieu of*
21 *allotments for such purpose, and of which \$150,000,000*
22 *shall be available solely for the purpose of assisting States*
23 *to convert their automated State employment security agen-*
24 *cy systems to be year 2000 compliant, and of which*
25 *\$212,333,000 shall be available only to the extent necessary*

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

22 *ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND*
23 *OTHER FUNDS*

24 *For repayable advances to the Unemployment Trust*
25 *Fund as authorized by sections 905(d) and 1203 of the So-*
26 *cial Security Act, as amended, and to the Black Lung Dis-*

1 ability Trust Fund as authorized by section 9501(c)(1) of
2 the Internal Revenue Code of 1954, as amended; and for
3 nonrepayable advances to the Unemployment Trust Fund
4 as authorized by section 8509 of title 5, United States Code,
5 section 104(d) of Public Law 102–164, and section 5 of
6 Public Law 103–6, and to the “Federal unemployment ben-
7 efits and allowances” account, to remain available until
8 September 30, 1999, \$392,000,000.

9 In addition, for making repayable advances to the
10 Black Lung Disability Trust Fund in the current fiscal
11 year after September 15, 1998, for costs incurred by the
12 Black Lung Disability Trust Fund in the current fiscal
13 year, such sums as may be necessary.

14 PROGRAM ADMINISTRATION

15 For expenses of administering employment and train-
16 ing programs, \$88,308,000, together with not to exceed
17 \$41,285,000, which may be expended from the Employment
18 Security Administration account in the Unemployment
19 Trust Fund.

20 PENSION AND WELFARE BENEFITS ADMINISTRATION

21 SALARIES AND EXPENSES

22 For necessary expenses for the Pension and Welfare
23 Benefits Administration, \$82,000,000, of which \$3,000,000
24 shall remain available through September 30, 1999 for ex-
25 penses of completing the revision of the processing of em-
26 ployee benefit plan returns.

1 *PENSION BENEFIT GUARANTY CORPORATION*

2 *PENSION BENEFIT GUARANTY CORPORATION FUND*

3 *The Pension Benefit Guaranty Corporation is author-*
4 *ized to make such expenditures, including financial assist-*
5 *ance authorized by section 104 of Public Law 96-364, with-*
6 *in limits of funds and borrowing authority available to*
7 *such Corporation, and in accord with law, and to make*
8 *such contracts and commitments without regard to fiscal*
9 *year limitations as provided by section 104 of the Govern-*
10 *ment Corporation Control Act, as amended (31 U.S.C.*
11 *9104), as may be necessary in carrying out the program*
12 *through September 30, 1998, for such Corporation: Pro-*
13 *vided, That not to exceed \$10,433,000 shall be available for*
14 *administrative expenses of the Corporation: Provided fur-*
15 *ther, That expenses of such Corporation in connection with*
16 *the termination of pension plans, for the acquisition, pro-*
17 *tection or management, and investment of trust assets, and*
18 *for benefits administration services shall be considered as*
19 *non-administrative expenses for the purposes hereof, and ex-*
20 *cluded from the above limitation.*

21 *EMPLOYMENT STANDARDS ADMINISTRATION*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses for the Employment Standards*
24 *Administration, including reimbursement to State, Federal,*
25 *and local agencies and their employees for inspection serv-*

1 ices rendered, \$299,660,000, together with \$993,000 which
2 may be expended from the Special Fund in accordance with
3 sections 39(c) and 44(j) of the Longshore and Harbor Work-
4 ers' Compensation Act: Provided further, That the Secretary
5 of Labor is authorized to accept, retain, and spend, until
6 expended, in the name of the Department of Labor, all sums
7 of money ordered to be paid to the Secretary of Labor, in
8 accordance with the terms of the Consent Judgment in Civil
9 Action No. 91-0027 of the United States District Court for
10 the District of the Northern Mariana Islands (May 21,
11 1992): Provided further, That the Secretary of Labor is au-
12 thorized to establish and, in accordance with 31 U.S.C.
13 3302, collect and deposit in the Treasury fees for processing
14 applications and issuing certificates under sections 11(d)
15 and 14 of the Fair Labor Standards Act of 1938, as amend-
16 ed (29 U.S.C. 211(d) and 214) and for processing applica-
17 tions and issuing registrations under title I of the Migrant
18 and Seasonal Agricultural Worker Protection Act, 29
19 U.S.C. 1801 et seq.

20 *SPECIAL BENEFITS*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For the payment of compensation, benefits, and ex-*
23 *penses (except administrative expenses) accruing during the*
24 *current or any prior fiscal year authorized by title 5, chap-*
25 *ter 81 of the United States Code; continuation of benefits*
26 *as provided for under the head "Civilian War Benefits" in*

1 *the Federal Security Agency Appropriation Act, 1947; the*
2 *Employees' Compensation Commission Appropriation Act,*
3 *1944; and sections 4(c) and 5(f) of the War Claims Act of*
4 *1948 (50 U.S.C. App. 2012); and 50 per centum of the addi-*
5 *tional compensation and benefits required by section 10(h)*
6 *of the Longshore and Harbor Workers' Compensation Act,*
7 *as amended, \$201,000,000 together with such amounts as*
8 *may be necessary to be charged to the subsequent year ap-*
9 *propriation for the payment of compensation and other ben-*
10 *efits for any period subsequent to August 15 of the current*
11 *year: Provided, That amounts appropriated may be used*
12 *under section 8104 of title 5, United States Code, by the*
13 *Secretary to reimburse an employer, who is not the em-*
14 *ployer at the time of injury, for portions of the salary of*
15 *a reemployed, disabled beneficiary: Provided further, That*
16 *balances of reimbursements unobligated on September 30,*
17 *1997, shall remain available until expended for the pay-*
18 *ment of compensation, benefits, and expenses: Provided fur-*
19 *ther, That in addition there shall be transferred to this ap-*
20 *propriation from the Postal Service and from any other cor-*
21 *poration or instrumentality required under section 8147(c)*
22 *of title 5, United States Code, to pay an amount for its*
23 *fair share of the cost of administration, such sums as the*
24 *Secretary of Labor determines to be the cost of administra-*
25 *tion for employees of such fair share entities through Sep-*

1 tember 30, 1998: Provided further, That of those funds
2 transferred to this account from the fair share entities to
3 pay the cost of administration, \$7,269,000 shall be made
4 available to the Secretary of Labor for expenditures relating
5 to capital improvements in support of Federal Employees'
6 Compensation Act administration, and the balance of such
7 funds shall be paid into the Treasury as miscellaneous re-
8 ceipts: Provided further, That the Secretary may require
9 that any person filing a notice of injury or a claim for
10 benefits under chapter 81 of title 5, United States Code,
11 or 33 U.S.C. 901 et seq., provide as part of such notice and
12 claim, such identifying information (including Social Secu-
13 rity account number) as such regulations may prescribe.

14 *BLACK LUNG DISABILITY TRUST FUND*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For payments from the Black Lung Disability Trust*
17 *Fund, \$1,007,000,000, of which \$960,650,000 shall be avail-*
18 *able until September 30, 1999, for payment of all benefits*
19 *as authorized by section 9501(d) (1), (2), (4), and (7) of*
20 *the Internal Revenue Code of 1954, as amended, and inter-*
21 *est on advances as authorized by section 9501(c)(2) of that*
22 *Act, and of which \$26,147,000 shall be available for transfer*
23 *to Employment Standards Administration, Salaries and*
24 *Expenses, \$19,551,000 for transfer to Departmental Man-*
25 *agement, Salaries and Expenses, \$296,000 for transfer to*

1 *Departmental Management, Office of Inspector General,*
2 *and \$356,000 for payment into miscellaneous receipts for*
3 *the expenses of the Department of Treasury, for expenses*
4 *of operation and administration of the Black Lung Benefits*
5 *program as authorized by section 9501(d)(5) of that Act:*
6 *Provided, That, in addition, such amounts as may be nec-*
7 *essary may be charged to the subsequent year appropriation*
8 *for the payment of compensation, interest, or other benefits*
9 *for any period subsequent to August 15 of the current year.*

10 *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*

11 *SALARIES AND EXPENSES*

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

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

1 *the Secretary, acting through the Bureau of Labor Statis-*
2 *tics, in accordance with section 24 of that Act (29 U.S.C.*
3 *673), except—*

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

7 *(2) to conduct an inspection or investigation in*
8 *response to an employee complaint, to issue a citation*
9 *for violations found during such inspection, and to*
10 *assess a penalty for violations which are not corrected*
11 *within a reasonable abatement period and for any*
12 *willful violations found;*

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

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

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

23 *(6) to take any action authorized by such Act*
24 *with respect to complaints of discrimination against*
25 *employees for exercising rights under such Act: Pro-*

1 *vided further, That the foregoing proviso shall not*
2 *apply to any person who is engaged in a farming op-*
3 *eration which does not maintain a temporary labor*
4 *camp and employs ten or fewer employees.*

5 *MINE SAFETY AND HEALTH ADMINISTRATION*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses for the Mine Safety and Health*
8 *Administration, \$205,804,000, including purchase and be-*
9 *stowal of certificates and trophies in connection with mine*
10 *rescue and first-aid work, and the hire of passenger motor*
11 *vehicles; the Secretary is authorized to accept lands, build-*
12 *ings, equipment, and other contributions from public and*
13 *private sources and to prosecute projects in cooperation*
14 *with other agencies, Federal, State, or private; the Mine*
15 *Safety and Health Administration is authorized to promote*
16 *health and safety education and training in the mining*
17 *community through cooperative programs with States, in-*
18 *dustry, and safety associations; and any funds available to*
19 *the Department may be used, with the approval of the Sec-*
20 *retary, to provide for the costs of mine rescue and survival*
21 *operations in the event of a major disaster: Provided, That*
22 *none of the funds appropriated under this paragraph shall*
23 *be obligated or expended to carry out section 115 of the Fed-*
24 *eral Mine Safety and Health Act of 1977 or to carry out*
25 *that portion of section 104(g)(1) of such Act relating to the*

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

5 *BUREAU OF LABOR STATISTICS*

6 *SALARIES AND EXPENSES*

7 *For necessary expenses for the Bureau of Labor Statis-*
8 *tics, including advances or reimbursements to State, Fed-*
9 *eral, and local agencies and their employees for services ren-*
10 *dered, \$320,097,000, of which \$15,430,000 shall be for ex-*
11 *penses of revising the Consumer Price Index and shall re-*
12 *main available until September 30, 1999, together with not*
13 *to exceed \$52,574,000, which may be expended from the*
14 *Employment Security Administration account in the Un-*
15 *employment Trust Fund.*

16 *DEPARTMENTAL MANAGEMENT*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses for Departmental Management,*
19 *including the hire of three sedans, and including up to*
20 *\$4,439,000 for the President's Committee on Employment*
21 *of People With Disabilities, \$152,131,000; together with not*
22 *to exceed \$282,000, which may be expended from the Em-*
23 *ployment Security Administration account in the Unem-*
24 *ployment Trust Fund: Provided, That no funds made avail-*
25 *able by this Act may be used by the Solicitor of Labor to*

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

22 **WORKING CAPITAL FUND**

23 *The paragraph under this heading in Public Law 85–*
24 *67 (29 U.S.C. 563) is amended by striking the last period*
25 *and inserting after “appropriation action” the following:*
26 *“: Provided further, That the Secretary of Labor may trans-*

1 *fer annually an amount not to exceed \$3,000,000 from un-*
2 *obligated balances in the Department's salaries and ex-*
3 *penses accounts, to the unobligated balance of the Working*
4 *Capital Fund, to be merged with such Fund and used for*
5 *the acquisition of capital equipment and the improvement*
6 *of financial management, information technology and other*
7 *support systems, and to remain available until expended:*
8 *Provided further, That the unobligated balance of the Fund*
9 *shall not exceed \$20,000,000."*

10 *ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND*
11 *TRAINING*

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

18 *OFFICE OF INSPECTOR GENERAL*

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

1 *GENERAL PROVISIONS*

2 *SEC. 101. None of the funds appropriated in this title*
3 *for the Job Corps shall be used to pay the compensation*
4 *of an individual, either as direct costs or any proration*
5 *as an indirect cost, at a rate in excess of \$125,000.*

6 *(TRANSFER OF FUNDS)*

7 *SEC. 102. Not to exceed 1 percent of any discretionary*
8 *funds (pursuant to the Balanced Budget and Emergency*
9 *Deficit Control Act, as amended) which are appropriated*
10 *for the current fiscal year for the Department of Labor in*
11 *this Act may be transferred between appropriations, but no*
12 *such appropriation shall be increased by more than 3 per-*
13 *cent by any such transfer: Provided, That the Appropria-*
14 *tions Committees of both Houses of Congress are notified*
15 *at least fifteen days in advance of any transfer.*

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

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

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

8 *SEC. 105. Section 13(b)(12) of the Fair Labor Stand-*
9 *ards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by in-*
10 *serting after “water” the following: “, at least 90 percent*
11 *of which is ultimately delivered”.*

12 *SEC. 106. (a) IN GENERAL.—Except as provided in*
13 *subsection (b), none of the funds made available under this*
14 *Act, or any other Act making appropriations for fiscal year*
15 *1998, may be used by the Department of Labor or the De-*
16 *partment of Justice to conduct a rerun of a 1996 election*
17 *for the office of President, General Secretary, Vice-Presi-*
18 *dent, or Trustee of the International Brotherhood of Team-*
19 *sters.*

20 *(b) EXCEPTION.—*

21 *(1) IN GENERAL.—Upon the submission to Con-*
22 *gress of a certification by the President of the United*
23 *States that the International Brotherhood of Team-*
24 *sters does not have funds sufficient to conduct a rerun*
25 *of a 1996 election for the office of President, General*

1 *Secretary, Vice-President, or Trustee of the Inter-*
2 *national Brotherhood of Teamsters, the President of*
3 *the United States may transfer funds from the De-*
4 *partment of Justice and the Department of Labor for*
5 *the conduct and oversight of such a rerun election.*

6 (2) *REQUIREMENT.*—*Prior to the transfer of*
7 *funds under paragraph (1), the International Broth-*
8 *erhood of Teamsters shall agree to repay the Secretary*
9 *of the Treasury for the costs incurred by the Depart-*
10 *ment of Labor and the Department of Justice in con-*
11 *nection with the conduct of an election described in*
12 *paragraph (1). Such agreement shall provide that any*
13 *such repayment plan be reasonable and practicable,*
14 *as determined by the Attorney General and the Sec-*
15 *retary of the Treasury, and be structured in a man-*
16 *ner that permits the International Brotherhood of*
17 *Teamsters to continue to operate.*

18 (3) *REPAYMENT PLAN.*—*The International*
19 *Brotherhood of Teamsters shall submit to the Presi-*
20 *dent of the United States, the Majority and Minority*
21 *Leaders of the Senate, the Majority and Minority*
22 *Leaders of the House of Representatives, and the*
23 *Speaker of the House of Representatives, a plan for*
24 *the repayment of amounts described in paragraph*
25 *(2), at an interest rate equal to the Federal underpay-*

1 *ment rate established under section 6621(a)(2) of the*
 2 *Internal Revenue Code of 1986 as in effect for the cal-*
 3 *ender quarter in which the plan is submitted, prior*
 4 *to the expenditure of any funds under this section.*

5 *(c) EFFECTIVE DATE.—This section shall take effect*
 6 *one day after enactment of this Act.*

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

9 *TITLE II—DEPARTMENT OF HEALTH AND*
 10 *HUMAN SERVICES*

11 *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

12 *HEALTH RESOURCES AND SERVICES*

13 *For carrying out titles II, III, VII, VIII, X, XII, XVI,*
 14 *XIX, and XXVI of the Public Health Service Act, section*
 15 *427(a) of the Federal Coal Mine Health and Safety Act,*
 16 *title V of the Social Security Act, and the Health Care*
 17 *Quality Improvement Act of 1986, as amended, and the Na-*
 18 *tive Hawaiian Health Care Act of 1988, as amended,*
 19 *\$3,449,071,000, of which \$225,000 shall remain available*
 20 *until expended for interest subsidies on loan guarantees*
 21 *made prior to fiscal year 1981 under part B of title VII*
 22 *of the Public Health Service Act: Provided, That the Divi-*
 23 *sion of Federal Occupational Health may utilize personal*
 24 *services contracting to employ professional management/ad-*
 25 *ministrative and occupational health professionals: Pro-*

1 *vided further, That in addition to fees authorized by section*
2 *427(b) of the Health Care Quality Improvement Act of*
3 *1986, fees shall be collected for the full disclosure of informa-*
4 *tion under the Act sufficient to recover the full costs of oper-*
5 *ating the National Practitioner Data Bank, and shall re-*
6 *main available until expended to carry out that Act: Pro-*
7 *vided further, That no more than \$5,000,000 is available*
8 *for carrying out the provisions of Public Law 104–73: Pro-*
9 *vided further, That of the funds made available under this*
10 *heading, \$208,452,000 shall be for the program under title*
11 *X of the Public Health Service Act to provide for voluntary*
12 *family planning projects: Provided further, That amounts*
13 *provided to said projects under such title shall not be ex-*
14 *pended for abortions, that all pregnancy counseling shall*
15 *be nondirective, and that such amounts shall not be ex-*
16 *pended for any activity (including the publication or dis-*
17 *tribution of literature) that in any way tends to promote*
18 *public support or opposition to any legislative proposal or*
19 *candidate for public office: Provided further, That*
20 *\$217,000,000 shall be for State AIDS Drug Assistance Pro-*
21 *grams authorized by section 2616 of the Public Health Serv-*
22 *ice Act: Provided further, That notwithstanding any other*
23 *provision of law, funds made available under this heading*
24 *may be used to continue operating the Council on Graduate*
25 *Medical Education established by section 301 of Public Law*

1 102–408: *Provided further, That, of the funds made avail-*
2 *able under this heading, not more than \$6,000,000 shall be*
3 *made available and shall remain available until expended*
4 *for loan guarantees for loans funded under part A of title*
5 *XVI of the Public Health Service Act as amended, made*
6 *by non-Federal lenders for the construction, renovation, and*
7 *modernization of medical facilities that are owned and op-*
8 *erated by health centers, and for loans made to health cen-*
9 *ters under section 330(d) of the Public Health Service Act*
10 *as amended by Public Law 104–299, and that such funds*
11 *be available to subsidize guarantees of total loan principal*
12 *in an amount not to exceed \$80,000,000: Provided further,*
13 *That notwithstanding section 502(a)(1) of the Social Secu-*
14 *rity Act, not to exceed \$103,609,000 is available for carry-*
15 *ing out special projects of regional and national signifi-*
16 *cance pursuant to section 501(a)(2) of such Act.*

17 *MEDICAL FACILITIES GUARANTEE AND LOAN FUND*

18 *FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES*

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

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

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

18 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

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

3 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

4 *DISEASE CONTROL, RESEARCH, AND TRAINING*

5 *To carry out titles II, III, VII, XI, XV, XVII, and XIX*
6 *of the Public Health Service Act, sections 101, 102, 103,*
7 *201, 202, 203, 301, and 501 of the Federal Mine Safety*
8 *and Health Act of 1977, and sections 20, 21 and 22 of the*
9 *Occupational Safety and Health Act of 1970, title IV of*
10 *the Immigration and Nationality Act and section 501 of*
11 *the Refugee Education Assistance Act of 1980; including in-*
12 *surance of official motor vehicles in foreign countries; and*
13 *hire, maintenance, and operation of aircraft,*
14 *\$2,317,113,000, of which \$23,007,000 shall remain avail-*
15 *able until expended for equipment and construction and*
16 *renovation of facilities, and in addition, such sums as may*
17 *be derived from authorized user fees, which shall be credited*
18 *to this account: Provided, That in addition to amounts pro-*
19 *vided herein, up to \$70,063,000 shall be available from*
20 *amounts available under section 241 of the Public Health*
21 *Service Act, to carry out the National Center for Health*
22 *Statistics surveys: Provided further, That none of the funds*
23 *made available for injury prevention and control at the*
24 *Centers for Disease Control and Prevention may be used*
25 *to advocate or promote gun control: Provided further, That*

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

6 *In addition, \$51,000,000, to be derived from the Vio-*
7 *lent Crime Reduction Trust Fund, for carrying out sections*
8 *40151 and 40261 of Public Law 103–322.*

9 *NATIONAL INSTITUTES OF HEALTH*

10 *NATIONAL CANCER INSTITUTE*

11 *For carrying out section 301 and title IV of the Public*
12 *Health Service Act with respect to cancer, \$2,558,377,000.*

13 *NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

14 *For carrying out section 301 and title IV of the Public*
15 *Health Service Act with respect to cardiovascular, lung,*
16 *and blood diseases, and blood and blood products,*
17 *\$1,539,898,000.*

18 *NATIONAL INSTITUTE OF DENTAL RESEARCH*

19 *For carrying out section 301 and title IV of the Public*
20 *Health Service Act with respect to dental disease,*
21 *\$211,611,000.*

22 *NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND*

23 *KIDNEY DISEASES*

24 *For carrying out section 301 and title IV of the Public*
25 *Health Service Act with respect to diabetes and digestive*
26 *and kidney disease, \$883,321,000.*

1 *NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND*
2 *STROKE*

3 *For carrying out section 301 and title IV of the Public*
4 *Health Service Act with respect to neurological disorders*
5 *and stroke, \$781,351,000.*

6 *NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS*
7 *DISEASES*

8 *For carrying out section 301 and title IV of the Public*
9 *Health Service Act with respect to allergy and infectious*
10 *diseases, \$1,359,688,000.*

11 *NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES*

12 *For carrying out section 301 and title IV of the Public*
13 *Health Service Act with respect to general medical sciences,*
14 *\$1,058,969,000.*

15 *NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN*
16 *DEVELOPMENT*

17 *For carrying out section 301 and title IV of the Public*
18 *Health Service Act with respect to child health and human*
19 *development, \$676,870,000.*

20 *NATIONAL EYE INSTITUTE*

21 *For carrying out section 301 and title IV of the Public*
22 *Health Service Act with respect to eye diseases and visual*
23 *disorders, \$357,695,000.*

1 *JOHN E. FOGARTY INTERNATIONAL CENTER*

2 *For carrying out the activities at the John E. Fogarty*
3 *International Center, \$28,468,000.*

4 *NATIONAL LIBRARY OF MEDICINE*

5 *For carrying out section 301 and title IV of the Public*
6 *Health Service Act with respect to health information com-*
7 *munications, \$162,825,000, of which \$4,000,000 shall be*
8 *available until expended for improvement of information*
9 *systems: Provided, That in fiscal year 1998, the Library*
10 *may enter into personal services contracts for the provision*
11 *of services in facilities owned, operated, or constructed*
12 *under the jurisdiction of the National Institutes of Health.*

13 *OFFICE OF THE DIRECTOR*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For carrying out the responsibilities of the Office of*
16 *the Director, National Institutes of Health, \$292,196,000 of*
17 *which \$40,266,000 shall be for the Office of AIDS Research:*
18 *Provided, That funding shall be available for the purchase*
19 *of not to exceed five passenger motor vehicles for replace-*
20 *ment only: Provided further, That the Director may direct*
21 *up to 1 percent of the total amount made available in this*
22 *Act to all National Institutes of Health appropriations to*
23 *activities the Director may so designate: Provided further,*
24 *That no such appropriation shall be decreased by more than*
25 *1 percent by any such transfers and that the Congress is*
26 *promptly notified of the transfer: Provided further, That*

1 *NIH is authorized to collect third party payments for the*
2 *cost of clinical services that are incurred in National Insti-*
3 *tutes of Health research facilities and that such payments*
4 *shall be credited to the National Institutes of Health Man-*
5 *agement Fund: Provided further, That all funds credited*
6 *to the NIH Management Fund shall remain available for*
7 *one fiscal year after the fiscal year in which they are depos-*
8 *ited: Provided further, That up to \$500,000 shall be avail-*
9 *able to carry out section 499 of the Public Health Service*
10 *Act: Provided further, That \$13,000,000 shall be available*
11 *to carry out section 404E of the Public Health Service Act.*

12

BUILDINGS AND FACILITIES

13 *For the study of, construction of, and acquisition of*
14 *equipment for, facilities of or used by the National Insti-*
15 *tutes of Health, including the acquisition of real property,*
16 *\$203,500,000, to remain available until expended, of which*
17 *\$90,000,000 shall be for the clinical research center: Pro-*
18 *vided, That, notwithstanding any other provision of law,*
19 *a single contract or related contracts for the development*
20 *and construction of the clinical research center may be em-*
21 *ployed which collectively include the full scope of the project:*
22 *Provided further, That the solicitation and contract shall*
23 *contain the clause “availability of funds” found at 48 CFR*
24 *52.232–18.*

1 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*2 *ADMINISTRATION*3 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

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

21 *RETIREMENT PAY AND MEDICAL BENEFITS FOR*22 *COMMISSIONED OFFICERS*

23 *For retirement pay and medical benefits of Public*
24 *Health Service Commissioned Officers as authorized by law,*
25 *and for payments under the Retired Serviceman's Family*
26 *Protection Plan and Survivor Benefit Plan and for medical*

1 *care of dependents and retired personnel under the Depend-*
2 *ents' Medical Care Act (10 U.S.C. ch. 55), and for payments*
3 *pursuant to section 229(b) of the Social Security Act (42*
4 *U.S.C. 429(b)), such amounts as may be required during*
5 *the current fiscal year.*

6 *AGENCY FOR HEALTH CARE POLICY AND RESEARCH*

7 *HEALTH CARE POLICY AND RESEARCH*

8 *For carrying out titles III and IX of the Public Health*
9 *Service Act, and part A of title XI of the Social Security*
10 *Act, \$77,587,000; in addition, amounts received from Free-*
11 *dom of Information Act fees, reimbursable and interagency*
12 *agreements, and the sale of data tapes shall be credited to*
13 *this appropriation and shall remain available until ex-*
14 *pended: Provided, That the amount made available pursu-*
15 *ant to section 926(b) of the Public Health Service Act shall*
16 *not exceed \$65,000,000.*

17 *HEALTH CARE FINANCING ADMINISTRATION*

18 *GRANTS TO STATES FOR MEDICAID*

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

22 *For making, after May 31, 1998, payments to States*
23 *under title XIX of the Social Security Act for the last quar-*
24 *ter of fiscal year 1998 for unanticipated costs, incurred for*
25 *the current fiscal year, such sums as may be necessary.*

1 *For making payments to States under title XIX of the*
2 *Social Security Act for the first quarter of fiscal year 1999,*
3 *\$27,800,689,000, to remain available until expended.*

4 *Payment under title XIX may be made for any quarter*
5 *with respect to a State plan or plan amendment in effect*
6 *during such quarter, if submitted in or prior to such quar-*
7 *ter and approved in that or any subsequent quarter.*

8 *PAYMENTS TO HEALTH CARE TRUST FUNDS*

9 *For payment to the Federal Hospital Insurance and*
10 *the Federal Supplementary Medical Insurance Trust*
11 *Funds, as provided under sections 217(g) and 1844 of the*
12 *Social Security Act, sections 103(c) and 111(d) of the So-*
13 *cial Security Amendments of 1965, section 278(d) of Public*
14 *Law 97–248, and for administrative expenses incurred pur-*
15 *suant to section 201(g) of the Social Security Act,*
16 *\$63,581,000,000.*

17 *PROGRAM MANAGEMENT*

18 *For carrying out, except as otherwise provided, titles*
19 *XI, XVIII, and XIX of the Social Security Act, titles XIII*
20 *and XXVII of the Public Health Service Act, the Clinical*
21 *Laboratory Improvement Amendments of 1988, and section*
22 *191 of Public Law 104–191, not to exceed \$1,719,241,000*
23 *to be transferred from the Federal Hospital Insurance and*
24 *the Federal Supplementary Medical Insurance Trust*
25 *Funds, as authorized by section 201(g) of the Social Secu-*
26 *rity Act; together with all funds collected in accordance with*

1 *section 353 of the Public Health Service Act, the latter*
2 *funds to remain available until expended, together with*
3 *such sums as may be collected from authorized user fees and*
4 *the sale of data, which shall remain available until ex-*
5 *pended, and together with administrative fees collected rel-*
6 *ative to medicare overpayment recovery activities, which*
7 *shall remain available until expended: Provided, That all*
8 *funds derived in accordance with 31 U.S.C. 9701 from or-*
9 *ganizations established under title XIII of the Public Health*
10 *Service Act are to be credited to and available for carrying*
11 *out the purposes of this appropriation: Provided further,*
12 *That \$900,000 shall be for carrying out section 4021 of Pub-*
13 *lic Law 105–33: Provided further, That in carrying out its*
14 *legislative mandate, the National Bipartisan Commission*
15 *on the Future of Medicare shall examine the role increased*
16 *investments in health research can play in reducing future*
17 *Medicare costs, and the potential for coordinating Medicare*
18 *with cost-effective long-term care services: Provided further,*
19 *That \$54,100,000 appropriated under this heading for the*
20 *development of, transition to, and implementation of the*
21 *Medicare Transaction System shall remain available until*
22 *expended: Provided further, That \$2,000,000 of the amount*
23 *available for research, demonstration, and evaluation ac-*
24 *tivities shall be available for carrying out demonstration*
25 *projects on Medicaid coverage of community-based attend-*

1 *ant care services for people with disabilities which ensures*
2 *maximum control by the consumer to select and manage*
3 *their attendant care services: Provided further, That no less*
4 *than \$50,000,000 appropriated under this heading in fiscal*
5 *year 1997 shall be obligated in fiscal year 1997 to increase*
6 *medicare provider audits and implement the Department's*
7 *corrective action plan to the Chief Financial Officer's audit*
8 *of the Health Care Financing Administration's oversight*
9 *of medicare.*

10 *HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN*

11 *GUARANTEE FUND*

12 *For carrying out subsections (d) and (e) of section*
13 *1308 of the Public Health Service Act, any amounts re-*
14 *ceived by the Secretary in connection with loans and loan*
15 *guarantees under title XIII of the Public Health Service*
16 *Act, to be available without fiscal year limitation for the*
17 *payment of outstanding obligations. During fiscal year*
18 *1998, no commitments for direct loans or loan guarantees*
19 *shall be made.*

20 *ADMINISTRATION FOR CHILDREN AND FAMILIES*

21 *FAMILY SUPPORT PAYMENTS TO STATES*

22 *For making payments to each State for carrying out*
23 *the program of Aid to Families with Dependent Children*
24 *under title IV-A of the Social Security Act before the effec-*
25 *tive date of the program of Temporary Assistance to Needy*
26 *Families (TANF) with respect to such State, such sums as*

1 *may be necessary: Provided, That the sum of the amounts*
2 *available to a State with respect to expenditures under such*
3 *title IV–A in fiscal year 1997 under this appropriation and*
4 *under such title IV–A as amended by the Personal Respon-*
5 *sibility and Work Opportunity Reconciliation Act of 1996*
6 *shall not exceed the limitations under section 116(b) of such*
7 *Act: Provided further, That, notwithstanding section 418(a)*
8 *of the Social Security Act, for fiscal year 1997 only, the*
9 *amount of payment under section 418(a)(1) to which each*
10 *State is entitled shall equal the amount specified as manda-*
11 *tory funds with respect to such State for such fiscal year*
12 *in the table transmitted by the Administration for Children*
13 *and Families to State Child Care and Development Block*
14 *Grant Lead Agencies on August 27, 1996, and the amount*
15 *of State expenditures in fiscal year 1994 or 1995 (whichever*
16 *is greater) that equals the non-Federal share for the pro-*
17 *grams described in section 418(a)(1)(A) shall be deemed to*
18 *equal the amount specified as maintenance of effort with*
19 *respect to such State for fiscal year 1997 in such table.*

20 *For making, after May 31 of the current fiscal year,*
21 *payments to States or other non-Federal entities under ti-*
22 *ties I, IV–D, X, XI, XIV, and XVI of the Social Security*
23 *Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the*
24 *last three months of the current year for unanticipated*

1 *costs, incurred for the current fiscal year, such sums as may*
2 *be necessary.*

3 *For making payments to States or other non-Federal*
4 *entities under titles I, IV–D, X, XI, XIV, and XVI of the*
5 *Social Security Act and the Act of July 5, 1960 (24 U.S.C.*
6 *ch. 9), for the first quarter of fiscal year 1999,*
7 *\$660,000,000, to remain available until expended.*

8 *LOW INCOME HOME ENERGY ASSISTANCE*

9 *For making payments under title XXVI of the Omni-*
10 *bus Budget Reconciliation Act of 1981, \$1,200,000,000, to*
11 *be available for obligation in the period October 1, 1998*
12 *through September 30, 1999.*

13 *For making payments under title XXVI of such Act,*
14 *\$300,000,000: Provided, That these funds are hereby des-*
15 *ignated by Congress to be emergency requirements pursuant*
16 *to section 251(b)(2)(D) of the Balanced Budget and Emer-*
17 *gency Deficit Control Act of 1985: Provided further, That*
18 *these funds shall be made available only after submission*
19 *to Congress of a formal budget request by the President that*
20 *includes designation of the entire amount of the request as*
21 *an emergency requirement as defined in the Balanced*
22 *Budget and Emergency Deficit Control Act.*

23 *REFUGEE AND ENTRANT ASSISTANCE*

24 *For making payments for refugee and entrant assist-*
25 *ance activities authorized by title IV of the Immigration*
26 *and Nationality Act and section 501 of the Refugee Edu-*

1 *cation Assistance Act of 1980 (Public Law 96-422),*
2 *\$392,332,000: Provided, That funds appropriated pursuant*
3 *to section 414(a) of the Immigration and Nationality Act*
4 *under Public Law 104-134 for fiscal year 1996 shall be*
5 *available for the costs of assistance provided and other ac-*
6 *tivities conducted in such year and in fiscal years 1997*
7 *and 1998.*

8 *CHILD CARE AND DEVELOPMENT BLOCK GRANT*
9 *For carrying out sections 658A through 658R of the*
10 *Omnibus Budget Reconciliation Act of 1981 (The Child*
11 *Care and Development Block Grant Act of 1990), in addi-*
12 *tion to amounts already appropriated for fiscal year 1998,*
13 *\$26,120,000; and to become available on October 1, 1998*
14 *and remain available through September 30, 1999,*
15 *\$1,000,000,000: Provided, That of funds appropriated for*
16 *each of fiscal years 1998 and 1999, \$19,120,000 shall be*
17 *available for child care resource and referral and school-*
18 *aged child care activities, of which for fiscal year 1998*
19 *\$6,120,000 shall be derived from an amount that shall be*
20 *transferred from the amount appropriated under section*
21 *452(j) of the Social Security Act (42 U.S.C. 652(j)) for fis-*
22 *cal year 1997 and remaining available for expenditure.*

23 *SOCIAL SERVICES BLOCK GRANT*

24 *For making grants to States pursuant to section 2002*
25 *of the Social Security Act, \$2,245,000,000: Provided, That*
26 *notwithstanding section 2003(c) of such Act, as amended,*

1 *the amount specified for allocation under such section for*
2 *fiscal year 1998 shall be \$2,245,000,000.*

3 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

4 *(INCLUDING RESCISSIONS)*

5 *For carrying out, except as otherwise provided, the*
6 *Runaway and Homeless Youth Act, the Developmental Dis-*
7 *abilities Assistance and Bill of Rights Act, the Head Start*
8 *Act, the Child Abuse Prevention and Treatment Act, (in-*
9 *cluding section 105(a)(2) of the Child Abuse Prevention and*
10 *Treatment Act), the Native American Programs Act of*
11 *1974, title II of Public Law 95–266 (adoption opportuni-*
12 *ties), the Abandoned Infants Assistance Act of 1988, part*
13 *B(1) of title IV and sections 413, 429A and 1110 of the*
14 *Social Security Act; for making payments under the Com-*
15 *munity Services Block Grant Act; and for necessary admin-*
16 *istrative expenses to carry out said Acts and titles I, IV,*
17 *X, XI, XIV, XVI, and XX of the Social Security Act, the*
18 *Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget*
19 *Reconciliation Act of 1981, title IV of the Immigration and*
20 *Nationality Act, section 501 of the Refugee Education As-*
21 *sistance Act of 1980, and section 126 and titles IV and V*
22 *of Public Law 100–485, \$5,611,094,000, of which*
23 *\$539,432,000 shall be for making payments under the Com-*
24 *munity Services Block Grant Act: Provided, That to the ex-*
25 *tent Community Services Block Grant funds are distributed*
26 *as grant funds by a State to an eligible entity as provided*

1 *under the Act, and have not been expended by such entity,*
2 *they shall remain with such entity for carryover into the*
3 *next fiscal year for expenditure by such entity consistent*
4 *with program purposes: Provided further, That notwith-*
5 *standing any other provision of law, 10 percent of any ad-*
6 *ditional funds for Head Start over the fiscal year 1997 ap-*
7 *propriation shall be made available for Early Head Start*
8 *programs.*

9 *In addition, \$93,000,000, to be derived from the Vio-*
10 *lent Crime Reduction Trust Fund, for carrying out sections*
11 *40155, 40211 and 40241 of Public Law 103-322.*

12 *Funds appropriated for fiscal year 1998 under section*
13 *429A(e), part B of title IV of the Social Security Act shall*
14 *be reduced by \$6,000,000.*

15 *Funds appropriated for fiscal year 1998 under section*
16 *413(h)(1) of the Social Security Act shall be reduced by*
17 *\$15,000,000.*

18 *FAMILY PRESERVATION AND SUPPORT*

19 *For carrying out section 430 of the Social Security*
20 *Act, \$255,000,000.*

21 *PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION*

22 *ASSISTANCE*

23 *For making payments to States or other non-Federal*
24 *entities, under title IV-E of the Social Security Act,*
25 *\$3,200,000,000.*

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

4 *ADMINISTRATION ON AGING*

5 *AGING SERVICES PROGRAMS*

6 *For carrying out, to the extent not otherwise provided,*
7 *the Older Americans Act of 1965, as amended,*
8 *\$894,074,000: Provided, That notwithstanding section*
9 *308(b)(1) of such Act, the amounts available to each State*
10 *for administration of the State plan under title III of such*
11 *Act shall be reduced not more than 5 percent below the*
12 *amount that was available to such State for such purpose*
13 *for fiscal year 1995: Provided further, That of the funds*
14 *appropriated to carry out section 303(a)(1) of such Act,*
15 *\$4,449,000 shall be available for carrying out section 702(a)*
16 *of such Act and \$4,732,000 shall be available for carrying*
17 *out section 702(c) of such Act: Provided further, That in*
18 *considering grant applications for nutrition services for*
19 *elder Indian recipients, the Assistant Secretary shall pro-*
20 *vide maximum flexibility to applicants who seek to take*
21 *into account subsistence, local customs, and other character-*
22 *istics that are appropriate to the unique cultural, regional,*
23 *and geographic needs of the American Indian, Alaskan and*
24 *Hawaiian native communities to be served.*

1 *OFFICE OF THE SECRETARY*2 *GENERAL DEPARTMENTAL MANAGEMENT*

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

13 *OFFICE OF INSPECTOR GENERAL*

14 *For expenses necessary for the Office of Inspector Gen-*
15 *eral in carrying out the provisions of the Inspector General*
16 *Act of 1978, as amended, \$31,921,000.*

17 *OFFICE FOR CIVIL RIGHTS*

18 *For expenses necessary for the Office for Civil Rights,*
19 *\$16,345,000, together with not to exceed \$3,314,000, to be*
20 *transferred and expended as authorized by section 201(g)(1)*
21 *of the Social Security Act from the Hospital Insurance*
22 *Trust Fund and the Supplemental Medical Insurance Trust*
23 *Fund.*

1 *POLICY RESEARCH*

2 *For carrying out, to the extent not otherwise provided,*
3 *research studies under section 1110 of the Social Security*
4 *Act, \$9,500,000.*

5 *GENERAL PROVISIONS*

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

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

17 *SEC. 203. None of the funds appropriated under this*
18 *Act may be used to implement section 399L(b) of the Public*
19 *Health Service Act or section 1503 of the National Insti-*
20 *tutes of Health Revitalization Act of 1993, Public Law 103-*
21 *43.*

22 *SEC. 204. None of the funds appropriated in this Act*
23 *for the National Institutes of Health and the Substance*
24 *Abuse and Mental Health Services Administration shall be*
25 *used to pay the salary of an individual, through a grant*

1 *or other extramural mechanism, at a rate in excess of*
2 *\$125,000 per year.*

3 *SEC. 205. None of the funds appropriated in this Act*
4 *may be expended pursuant to section 241 of the Public*
5 *Health Service Act, except for funds specifically provided*
6 *for in this Act, or for other taps and assessments made by*
7 *any office located in the Department of Health and Human*
8 *Services, prior to the Secretary's preparation and submis-*
9 *sion of a report to the Committee on Appropriations of the*
10 *Senate and of the House detailing the planned uses of such*
11 *funds.*

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

17 *(TRANSFER OF FUNDS)*

18 *SEC. 207. Not to exceed 1 percent of any discretionary*
19 *funds (pursuant to the Balanced Budget and Emergency*
20 *Deficit Control Act, as amended) which are appropriated*
21 *for the current fiscal year for the Department of Health and*
22 *Human Services in this Act may be transferred between ap-*
23 *propriations, but no such appropriation shall be increased*
24 *by more than 3 percent by any such transfer: Provided,*
25 *That the Appropriations Committees of both Houses of Con-*

1 *gress are notified at least fifteen days in advance of any*
2 *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 Re-*
6 *search, may transfer up to 3 percent among institutes, cen-*
7 *ters, and divisions from the total amounts identified by*
8 *these two Directors as funding for research pertaining to*
9 *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 Director*
16 *of the Office of AIDS Research, shall be made available to*
17 *the “Office of AIDS Research” account. The Director of the*
18 *Office of AIDS Research shall transfer from such account*
19 *amounts necessary to carry out section 2353(d)(3) of the*
20 *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 *COMPREHENSIVE INDEPENDENT STUDY OF NIH RESEARCH*
2 *PRIORITY SETTING*

3 *SEC. 211. (a) STUDY BY THE INSTITUTE OF MEDI-*
4 *CINE.—Not later than 30 days after the date of enactment*
5 *of this Act, the Secretary of Health and Human Services*
6 *shall enter into a contract with the Institute of Medicine*
7 *to conduct a comprehensive study of the policies and process*
8 *used by the National Institutes of Health to determine fund-*
9 *ing allocations for biomedical research.*

10 *(b) MATTERS TO BE ASSESSED.—The study under*
11 *subsection (a) shall assess—*

12 *(1) the factors or criteria used by the National*
13 *Institutes of Health to determine funding allocations*
14 *for disease research;*

15 *(2) the process by which research funding deci-*
16 *sions are made;*

17 *(3) the mechanisms for public input into the pri-*
18 *ority setting process; and*

19 *(4) the impact of statutory directives on research*
20 *funding decisions.*

21 *(c) REPORT.—*

22 *(1) IN GENERAL.—Not later than 6 months after*
23 *the date on which the Secretary of Health and*
24 *Human Services enters into the contract under sub-*
25 *section (a), the Institute of Medicine shall submit a*

1 *report concerning the study to the Committee on*
2 *Labor and Human Resources and the Committee on*
3 *Appropriations of the Senate, and the Committee on*
4 *Commerce and the Committee on Appropriations of*
5 *the House of Representatives.*

6 (2) *REQUIREMENT.*—*The report under para-*
7 *graph (1) shall set forth the findings, conclusions, and*
8 *recommendations of the Institute of Medicine for im-*
9 *provements in the National Institutes of Health re-*
10 *search funding policies and processes and for any*
11 *necessary congressional action.*

12 (d) *FUNDING.*—*Of the amount appropriated in this*
13 *title for the National Institutes of Health, \$300,000 shall*
14 *be made available for the study and report under this sec-*
15 *tion.*

16 *PARKINSON'S DISEASE RESEARCH.*

17 *SEC. 212. (a) SHORT TITLE.*—*This section may be*
18 *cited as the “Morris K. Udall Parkinson’s Research Act of*
19 *1997”.*

20 (b) *FINDING AND PURPOSE.*—

21 (1) *FINDING.*—*Congress finds that to take full*
22 *advantage of the tremendous potential for finding a*
23 *cure or effective treatment, the Federal investment in*
24 *Parkinson’s must be expanded, as well as the coordi-*
25 *nation strengthened among the National Institutes of*
26 *Health research institutes.*

1 (2) *PURPOSE.*—*It is the purpose of this section*
2 *to provide for the expansion and coordination of re-*
3 *search regarding Parkinson’s, and to improve care*
4 *and assistance for afflicted individuals and their fam-*
5 *ily caregivers.*

6 (c) *PARKINSON’S RESEARCH.*—*Part B of title IV of*
7 *the Public Health Service Act (42 U.S.C. 284 et seq.) is*
8 *amended by adding at the end the following:*

9 “*PARKINSON’S DISEASE*

10 “*SEC. 409B. (a) IN GENERAL.*—*The Director of NIH*
11 *shall establish a program for the conduct and support of*
12 *research and training with respect to Parkinson’s disease*
13 *(subject to the extent of amounts appropriated under sub-*
14 *section (e)).*

15 “*(b) INTER-INSTITUTE COORDINATION.*—

16 “*(1) IN GENERAL.*—*The Director of NIH shall*
17 *provide for the coordination of the program estab-*
18 *lished under subsection (a) among all of the national*
19 *research institutes conducting Parkinson’s research.*

20 “*(2) CONFERENCE.*—*Coordination under para-*
21 *graph (1) shall include the convening of a research*
22 *planning conference not less frequently than once*
23 *every 2 years. Each such conference shall prepare and*
24 *submit to the Committee on Appropriations and the*
25 *Committee on Labor and Human Resources of the*
26 *Senate and the Committee on Appropriations and the*

1 *Committee on Commerce of the House of Representa-*
2 *tives a report concerning the conference.*

3 *“(c) MORRIS K. UDALL RESEARCH CENTERS.—*

4 *“(1) IN GENERAL.—The Director of NIH shall*
5 *award Core Center Grants to encourage the develop-*
6 *ment of innovative multidisciplinary research and*
7 *provide training concerning Parkinson’s. The Direc-*
8 *tor shall award not more than 10 Core Center Grants*
9 *and designate each center funded under such grants*
10 *as a Morris K. Udall Center for Research on Parkin-*
11 *son’s Disease.*

12 *“(2) REQUIREMENTS.—*

13 *“(A) IN GENERAL.—With respect to Parkin-*
14 *son’s, each center assisted under this subsection*
15 *shall—*

16 *“(i) use the facilities of a single insti-*
17 *tution or a consortium of cooperating insti-*
18 *tutions, and meet such qualifications as*
19 *may be prescribed by the Director of the*
20 *NIH; and*

21 *“(ii) conduct basic and clinical re-*
22 *search.*

23 *“(B) DISCRETIONARY REQUIREMENTS.—*

24 *With respect to Parkinson’s, each center assisted*
25 *under this subsection may—*

1 “(i) conduct training programs for sci-
2 entists and health professionals;

3 “(ii) conduct programs to provide in-
4 formation and continuing education to
5 health professionals;

6 “(iii) conduct programs for the dis-
7 semination of information to the public;

8 “(iv) separately or in collaboration
9 with other centers, establish a nationwide
10 data system derived from patient popu-
11 lations with Parkinson’s, and where pos-
12 sible, comparing relevant data involving
13 general populations;

14 “(v) separately or in collaboration
15 with other centers, establish a Parkinson’s
16 Disease Information Clearinghouse to facili-
17 tate and enhance knowledge and under-
18 standing of Parkinson’s disease; and

19 “(vi) separately or in collaboration
20 with other centers, establish a national edu-
21 cation program that fosters a national focus
22 on Parkinson’s and the care of those with
23 Parkinson’s.

24 “(3) STIPENDS REGARDING TRAINING PRO-
25 GRAMS.—A center may use funds provided under

1 paragraph (1) to provide stipends for scientists and
2 health professionals enrolled in training programs
3 under paragraph (2)(B).

4 “(4) *DURATION OF SUPPORT.*—Support of a cen-
5 ter under this subsection may be for a period not ex-
6 ceeding five years. Such period may be extended by
7 the Director of NIH for one or more additional peri-
8 ods of not more than five years if the operations of
9 such center have been reviewed by an appropriate
10 technical and scientific peer review group established
11 by the Director and if such group has recommended
12 to the Director that such period should be extended.

13 “(d) *MORRIS K. UDALL AWARDS FOR EXCELLENCE IN*
14 *PARKINSON’S DISEASE RESEARCH.*—The Director of NIH
15 shall establish a grant program to support investigators
16 with a proven record of excellence and innovation in Par-
17 kinson’s research and who demonstrate potential for signifi-
18 cant future breakthroughs in the understanding of the
19 pathogenesis, diagnosis, and treatment of Parkinson’s.
20 Grants under this subsection shall be available for a period
21 of not to exceed 5 years.

22 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—For the
23 purpose of carrying out this section and section 301 and
24 title IV of the Public Health Service Act with respect to
25 direct Parkinson’s disease research, there are authorized to

1 *be appropriated a total of \$100,000,000 for fiscal year 1998,*
2 *and such sums as may be necessary for each of the fiscal*
3 *years 1999 and 2000.”.*

4 *COMPREHENSIVE FETAL ALCOHOL SYNDROME PREVENTION*

5 *SEC. 213. (a) SHORT TITLE.—This section may be*
6 *cited as the “Comprehensive Fetal Alcohol Syndrome Pre-*
7 *vention Act”.*

8 *(b) FINDINGS.—Congress finds that—*

9 *(1) Fetal Alcohol Syndrome is the leading known*
10 *cause of mental retardation, and it is 100 percent*
11 *preventable;*

12 *(2) each year, up to 12,000 infants are born in*
13 *the United States with Fetal Alcohol Syndrome, suf-*
14 *fering irreversible physical and mental damage;*

15 *(3) thousands more infants are born each year*
16 *with Fetal Alcohol Effects, which are lesser, though*
17 *still serious, alcohol-related birth defects;*

18 *(4) children of women who use alcohol while*
19 *pregnant have a significantly higher infant mortality*
20 *rate (13.3 per 1000) than children of those women*
21 *who do not use alcohol (8.6 per 1000);*

22 *(5) Fetal Alcohol Syndrome and Fetal Alcohol*
23 *Effects are national problems which can impact any*
24 *child, family, or community, but their threat to*
25 *American Indians and Alaska Natives is especially*
26 *alarming;*

1 (6) *in some American Indian communities,*
2 *where alcohol dependency rates reach 50 percent and*
3 *above, the chances of a newborn suffering Fetal Alco-*
4 *hol Syndrome or Fetal Alcohol Effects are up to 30*
5 *times greater than national averages;*

6 (7) *in addition to the immeasurable toll on chil-*
7 *dren and their families, Fetal Alcohol Syndrome and*
8 *Fetal Alcohol Effects pose extraordinary financial*
9 *costs to the Nation, including the costs of health care,*
10 *education, foster care, job training, and general sup-*
11 *port services for affected individuals;*

12 (8) *the total cost to the economy of Fetal Alcohol*
13 *Syndrome was approximately \$2,700,000,000 in*
14 *1995, and over a lifetime, health care costs for one*
15 *Fetal Alcohol Syndrome child are estimated to be at*
16 *least \$1,400,000;*

17 (9) *researchers have determined that the possibil-*
18 *ity of giving birth to a baby with Fetal Alcohol Syn-*
19 *drome or Fetal Alcohol Effects increases in proportion*
20 *to the amount and frequency of alcohol consumed by*
21 *a pregnant woman, and that stopping alcohol con-*
22 *sumption at any point in the pregnancy reduces the*
23 *emotional, physical, and mental consequences of alco-*
24 *hol exposure to the baby; and*

1 (10) though approximately 1 out of every 5 preg-
2 nant women drink alcohol during their pregnancy, we
3 know of no safe dose of alcohol during pregnancy, or
4 of any safe time to drink during pregnancy, thus, it
5 is in the best interest of the Nation for the Federal
6 Government to take an active role in encouraging all
7 women to abstain from alcohol consumption during
8 pregnancy.

9 (c) *PURPOSE.*—It is the purpose of this section to es-
10 tablish, within the Department of Health and Human Serv-
11 ices, a comprehensive program to help prevent Fetal Alcohol
12 Syndrome and Fetal Alcohol Effects nationwide. Such pro-
13 gram shall—

14 (1) coordinate, support, and conduct basic and
15 applied epidemiologic research concerning Fetal Alco-
16 hol Syndrome and Fetal Alcohol Effects;

17 (2) coordinate, support, and conduct national,
18 State, and community-based public awareness, pre-
19 vention, and education programs on Fetal Alcohol
20 Syndrome and Fetal Alcohol Effects; and

21 (3) foster coordination among all Federal agen-
22 cies that conduct or support Fetal Alcohol Syndrome
23 and Fetal Alcohol Effects research, programs, and
24 surveillance and otherwise meet the general needs of

1 *populations actually or potentially impacted by Fetal*
 2 *Alcohol Syndrome and Fetal Alcohol Effects.*

3 (d) *ESTABLISHMENT OF PROGRAM.—Title III of the*
 4 *Public Health Service Act (42 U.S.C. 241 et seq.) is amend-*
 5 *ed by adding at the end the following:*

6 **“PART O—FETAL ALCOHOL SYNDROME**
 7 **PREVENTION PROGRAM**

8 **“SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYN-**
 9 **DROME PREVENTION PROGRAM.**

10 “(a) *FETAL ALCOHOL SYNDROME PREVENTION PRO-*
 11 *GRAM.—The Secretary shall establish a comprehensive Fetal*
 12 *Alcohol Syndrome and Fetal Alcohol Effects prevention pro-*
 13 *gram that shall include—*

14 “(1) *an education and public awareness program*
 15 *to—*

16 “(A) *support, conduct, and evaluate the ef-*
 17 *fectiveness of—*

18 “(i) *training programs concerning the*
 19 *prevention, diagnosis, and treatment of*
 20 *Fetal Alcohol Syndrome and Fetal Alcohol*
 21 *Effects;*

22 “(ii) *prevention and education pro-*
 23 *grams, including school health education*
 24 *and school-based clinic programs for school-*

1 *age children, concerning Fetal Alcohol Syn-*
2 *drome and Fetal Alcohol Effects; and*

3 *“(iii) public and community aware-*
4 *ness programs concerning Fetal Alcohol*
5 *Syndrome and Fetal Alcohol Effects;*

6 *“(B) provide technical and consultative as-*
7 *sistance to States, Indian tribal governments,*
8 *local governments, scientific and academic insti-*
9 *tutions, and nonprofit organizations concerning*
10 *the programs referred to in subparagraph (A);*
11 *and*

12 *“(C) award grants to, and enter into coop-*
13 *erative agreements and contracts with, States,*
14 *Indian tribal governments, local governments,*
15 *scientific and academic institutions, and non-*
16 *profit organizations for the purpose of—*

17 *“(i) evaluating the effectiveness, with*
18 *particular emphasis on the cultural com-*
19 *petency and age-appropriateness, of pro-*
20 *grams referred to in subparagraph (A);*

21 *“(ii) providing training in the preven-*
22 *tion, diagnosis, and treatment of Fetal Al-*
23 *cohol Syndrome and Fetal Alcohol Effects;*

24 *“(iii) educating school-age children, in-*
25 *cluding pregnant and high-risk youth, con-*

1 *cerning Fetal Alcohol Syndrome and Fetal*
2 *Alcohol Effects, with priority given to pro-*
3 *grams that are part of a sequential, com-*
4 *prehensive school health education program;*
5 *and*

6 *“(iv) increasing public and community*
7 *awareness concerning Fetal Alcohol Syn-*
8 *drome and Fetal Alcohol Effects through*
9 *culturally competent projects, programs,*
10 *and campaigns, and improving the under-*
11 *standing of the general public and targeted*
12 *groups concerning the most effective inter-*
13 *vention methods to prevent fetal exposure to*
14 *alcohol;*

15 *“(2) an applied epidemiologic research and pre-*
16 *vention program to—*

17 *“(A) support and conduct research on the*
18 *causes, mechanisms, diagnostic methods, treat-*
19 *ment, and prevention of Fetal Alcohol Syndrome*
20 *and Fetal Alcohol Effects;*

21 *“(B) provide technical and consultative as-*
22 *sistance and training to States, Tribal govern-*
23 *ments, local governments, scientific and aca-*
24 *demical institutions, and nonprofit organizations*
25 *engaged in the conduct of—*

1 “(i) *Fetal Alcohol Syndrome preven-*
2 *tion and early intervention programs; and*

3 “(ii) *research relating to the causes,*
4 *mechanisms, diagnosis methods, treatment,*
5 *and prevention of Fetal Alcohol Syndrome*
6 *and Fetal Alcohol Effects; and*

7 “(C) *award grants to, and enter into coop-*
8 *erative agreements and contracts with, States,*
9 *Indian tribal governments, local governments,*
10 *scientific and academic institutions, and non-*
11 *profit organizations for the purpose of—*

12 “(i) *conducting innovative demonstra-*
13 *tion and evaluation projects designed to de-*
14 *termine effective strategies, including com-*
15 *munity-based prevention programs and*
16 *multicultural education campaigns, for pre-*
17 *venting and intervening in fetal exposure to*
18 *alcohol;*

19 “(ii) *improving and coordinating the*
20 *surveillance and ongoing assessment meth-*
21 *ods implemented by such entities and the*
22 *Federal Government with respect to Fetal*
23 *Alcohol Syndrome and Fetal Alcohol Effects;*

24 “(iii) *developing and evaluating effec-*
25 *tive age-appropriate and culturally com-*

1 *petent prevention programs for children,*
2 *adolescents, and adults identified as being*
3 *at-risk of becoming chemically dependent on*
4 *alcohol and associated with or developing*
5 *Fetal Alcohol Syndrome and Fetal Alcohol*
6 *Effects; and*

7 *“(iv) facilitating coordination and col-*
8 *laboration among Federal, State, local gov-*
9 *ernment, Indian tribal, and community-*
10 *based Fetal Alcohol Syndrome prevention*
11 *programs;*

12 *“(3) a basic research program to support and*
13 *conduct basic research on services and effective pre-*
14 *vention treatments and interventions for pregnant al-*
15 *cohol-dependent women and individuals with Fetal*
16 *Alcohol Syndrome and Fetal Alcohol Effects;*

17 *“(4) a procedure for disseminating the Fetal Al-*
18 *cohol Syndrome and Fetal Alcohol Effects diagnostic*
19 *criteria developed pursuant to section 705 of the*
20 *ADAMHA Reorganization Act (42 U.S.C. 485n note)*
21 *to health care providers, educators, social workers,*
22 *child welfare workers, and other individuals; and*

23 *“(5) the establishment, in accordance with sub-*
24 *section (b), of an inter-agency task force on Fetal Al-*
25 *cohol Syndrome and Fetal Alcohol Effects to foster co-*

1 *ordination among all Federal agencies that conduct*
2 *or support Fetal Alcohol Syndrome and Fetal Alcohol*
3 *Effects research, programs, and surveillance, and oth-*
4 *erwise meet the general needs of populations actually*
5 *or potentially impacted by Fetal Alcohol Syndrome*
6 *and Fetal Alcohol Effects.*

7 *“(b) INTER-AGENCY TASK FORCE.—*

8 *“(1) MEMBERSHIP.—The Task Force established*
9 *pursuant to paragraph (5) of subsection (a) shall—*

10 *“(A) be chaired by the Secretary or a des-*
11 *ignee of the Secretary; and*

12 *“(B) include representatives from all rel-*
13 *evant agencies within the Department of Health*
14 *and Human Services, including the Centers for*
15 *Disease Control and Prevention, the National In-*
16 *stitutes of Health, the Health Resources and*
17 *Services Administration, the Substance Abuse*
18 *and Mental Health Services Administration, and*
19 *any other relevant agencies of the Department of*
20 *Health and Human Services.*

21 *“(2) FUNCTIONS.—The Task Force shall—*

22 *“(A) coordinate all relevant programs and*
23 *research concerning Fetal Alcohol Syndrome and*
24 *Fetal Alcohol Effects, including programs that—*

1 “(i) target individuals, families, and
2 populations identified as being at risk of
3 acquiring Fetal Alcohol Syndrome and
4 Fetal Alcohol Effects; and

5 “(ii) provide health, education, treat-
6 ment, and social services to infants, chil-
7 dren, and adults with Fetal Alcohol Syn-
8 drome and Fetal Alcohol Effects;

9 “(B) coordinate its efforts with existing De-
10 partment of Health and Human Services task
11 forces on substance abuse prevention and mater-
12 nal and child health; and

13 “(C) report on a biennial basis to the Sec-
14 retary and relevant committees of Congress on
15 the current and planned activities of the partici-
16 pating agencies, including a proposal for a Fed-
17 eral Interagency Task Force to include represent-
18 atives from all relevant agencies and offices with-
19 in the Department of Health and Human Serv-
20 ices, the Department of Agriculture, the Depart-
21 ment of Education, the Department of Defense,
22 the Department of the Interior, the Department
23 of Justice, the Department of Veterans Affairs,
24 the Bureau of Alcohol, Tobacco and Firearms,

1 *the Federal Trade Commission, and any other*
2 *relevant Federal agency.*

3 “(c) *SCIENTIFIC RESEARCH AND TRAINING.—The Di-*
4 *rector of the National Institute on Alcohol Abuse and Alco-*
5 *holism, with the cooperation of members of the interagency*
6 *task force established under subsection (b), shall establish*
7 *a collaborative program to provide for the conduct and sup-*
8 *port of research, training, and dissemination of informa-*
9 *tion to researchers, clinicians, health professionals and the*
10 *public, with respect to the cause, prevention, diagnosis, and*
11 *treatment of Fetal Alcohol Syndrome and the related condi-*
12 *tion know as Fetal Alcohol Effects.*

13 **“SEC. 399H. ELIGIBILITY.**

14 *“To be eligible to receive a grant, or enter into a coop-*
15 *erative agreement or contract under this part, an entity*
16 *shall—*

17 *“(1) be a State, Indian tribal government, local*
18 *government, scientific or academic institution, or*
19 *nonprofit organization; and*

20 *“(2) prepare and submit to the Secretary an ap-*
21 *plication at such time, in such manner, and contain-*
22 *ing such information as the Secretary may prescribe,*
23 *including a description of the activities that the en-*
24 *tity intends to carry out using amounts received*
25 *under this part.*

1 **“SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.**

2 *“There are authorized to be appropriated to carry out*
3 *this part, such sums as are necessary for each of the fiscal*
4 *years 1998 through 2002.”*

5 *SEC. 214.—(a) That section 414(a) of the Immigration*
6 *and Nationality Act (8 U.S.C. 1524(a)) is amended by*
7 *striking “fiscal year 1995, fiscal year 1996, and fiscal year*
8 *1997” and inserting “each of fiscal years 1998 and 1999”.*

9 *(b) The amendment made by subsection (a) shall take*
10 *effect October 1, 1997.*

11 *SEC. 215. (a) STUDY.—From amounts appropriated*
12 *under this title, the Secretary should conduct a study on*
13 *the health effects of perchlorate on humans with particular*
14 *emphasis on the health risks to vulnerable subpopulations*
15 *including pregnant women, children, and the elderly.*

16 *(b) REPORT.—Not later than 9 months after the date*
17 *of enactment of this Act, and annually thereafter, the Na-*
18 *tional Institutes of Health should prepare and submit to*
19 *the Committee on Appropriations of the Senate and the*
20 *Committee on Appropriations of the House of Representa-*
21 *tives, a report concerning the results of the study conducted*
22 *under subsection (a), including whether further health ef-*
23 *fects research is necessary.*

24 *SEC. 216. Subparagraphs (B) and (C) of section*
25 *1143(a)(2) of the Social Security Act (42 U.S.C. 1320b—*

1 13(a)(2)(B), (C)) are each amended by striking “employee”
2 and inserting “employer, employee,”.

3 SEC. 217. (a) Notwithstanding any other provision of
4 law, the payments described in subsection (b) shall not be
5 considered income or resources in determining eligibility
6 for, or the amount of benefits under, a program or State
7 plan under title XVI or XIX of the Social Security Act.

8 (b) The payments described in this subsection are pay-
9 ments made by the Secretary of Defense pursuant to section
10 657 of the National Defense Authorization Act for Fiscal
11 Year 1997 (Public Law 104–201; 110 Stat. 2584).

12 SEC. 218. (a) STUDY.—Not later than 30 days after
13 the date of enactment of this Act, the Secretary of Health
14 and Human Services, in consultation with the General Ac-
15 counting Office, shall conduct a comprehensive study con-
16 cerning efforts to improve organ and tissue procurement at
17 hospitals. Under such study, the Secretary shall survey at
18 least 5 percent of the hospitals who have entered into agree-
19 ments with an organ procurement organization required
20 under the Public Health Service Act and the hospitals’ des-
21 ignated organ procurement organizations to examine—

22 (1) the differences in protocols for the identifica-
23 tion of potential organ and tissue donors;

24 (2) whether each hospital, and the designated
25 organ procurement organization of the hospital, have

1 *a system in place for such identification of donors;*
2 *and*

3 (3) *protocols for outreach to the relatives of po-*
4 *tential organ or tissue donors.*

5 (b) *REPORT.*—*Not later than 1 year after the date of*
6 *enactment of this Act, the Secretary of Health and Human*
7 *Services shall prepare and submit to the appropriate com-*
8 *mittees of Congress a report concerning the study conducted*
9 *under subsection (a), that shall include recommendations*
10 *on hospital best practices—*

11 (1) *that result in the most efficient and com-*
12 *prehensive identification of organ and tissue donors;*
13 *and*

14 (2) *for communicating with the relatives of po-*
15 *tential organ and tissue donors.*

16 *SEC. 219. (a) FINDINGS.*—*Congress finds that—*

17 (1) *over 53,000 Americans are currently await-*
18 *ing organ transplants;*

19 (2) *in 1996, 3,916 people on the transplant wait-*
20 *ing list died because no organs became available for*
21 *such people;*

22 (3) *the number of organ donors has grown slowly*
23 *over the past several years, even though there is sig-*
24 *nificant unrealized donor potential;*

1 (4) a Gallup survey indicated that 85 percent of
2 the American public supports organ donation, and 69
3 percent describe themselves as likely to donate their
4 organs upon death;

5 (5) most potential donors are cared for in hos-
6 pitals with greater than 350 beds, trauma services,
7 and medical school affiliations;

8 (6) a recent Harvard study showed that hospitals
9 frequently fail to offer donation services to the fami-
10 lies of medically eligible potential organ donors;

11 (7) staff and administration in large hospitals
12 often are not aware of the current level of donor po-
13 tential in their institution or the current level of do-
14 nation effectiveness of the institution;

15 (8) under titles XVIII and XIX of the Social Se-
16 curity Act (42 U.S.C. 1395 et seq; 1396 et seq.), hos-
17 pitals that participate in the medicare or medicaid
18 program are required to have in place policies to offer
19 eligible families the option of organ and tissue dona-
20 tion; and

21 (9) many hospitals have not yet incorporated
22 systematic protocols for offering donation to eligible
23 families in a skilled and sensitive way.

24 (b) SENSE OF THE SENATE.—It is the sense of the Sen-
25 ate that hospitals that have organ or tissue donor potential

1 *take prompt steps to ensure that a skilled and sensitive re-*
2 *quest for organ or tissue donation is provided to eligible*
3 *families by—*

4 (1) *working with the designated organ procure-*
5 *ment organization or other suitable agency to assess*
6 *donor potential and performance in their institutions;*

7 (2) *establishing protocols for organ donation that*
8 *incorporate best-demonstrated practices;*

9 (3) *providing education to hospital staff to en-*
10 *sure adequate skills related to organ and tissue dona-*
11 *tion;*

12 (4) *establishing teams of skilled hospital staff to*
13 *respond to potential organ donor situations, ensure*
14 *optimal communication with the patient’s surviving*
15 *family, and achieve smooth coordination of activities*
16 *with the designated organ procurement organization;*
17 *and*

18 (5) *monitoring organ donation effectiveness*
19 *through quality assurance mechanisms.*

20 *PROTECTING VICTIMS OF FAMILY VIOLENCE*

21 *SEC. 220. (a) FINDINGS.—Congress finds that—*

22 (1) *the intent of Congress in amending part A*
23 *of title IV of the Social Security Act (42 U.S.C. 601*
24 *et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*
25 *(Public Law 104–193; 110 Stat 2112) was to allow*
26

1 *States to take into account the effects of the epidemic*
2 *of domestic violence in establishing their welfare pro-*
3 *grams, by giving States the flexibility to grant indi-*
4 *vidual, temporary waivers for good cause to victims*
5 *of domestic violence who meet the criteria set forth in*
6 *section 402(a)(7)(B) of the Social Security Act (42*
7 *U.S.C. 602(a)(7)(B));*

8 *(2) the allowance of waivers under such sections*
9 *was not intended to be limited by other, separate, and*
10 *independent provisions of part A of title IV of the So-*
11 *cial Security Act (42 U.S.C. 601 et seq.);*

12 *(3) under section 402(a)(7)(A)(iii) of such Act*
13 *(42 U.S.C. 602(a)(7)(A)(iii)), requirements under the*
14 *temporary assistance for needy families program*
15 *under part A of title IV of such Act may, for good*
16 *cause, be waived for so long as necessary; and*

17 *(4) good cause waivers granted pursuant to sec-*
18 *tion 402(a)(7)(A)(iii) of such Act (42 U.S.C.*
19 *602(a)(7)(A)(iii)) are intended to be temporary and*
20 *directed only at particular program requirements*
21 *when needed on an individual case-by-case basis, and*
22 *are intended to facilitate the ability of victims of do-*
23 *mestic violence to move forward and meet program*
24 *requirements when safe and feasible without inter-*
25 *ference by domestic violence.*

1 **(b) CLARIFICATION OF WAIVER PROVISIONS.—**

2 **(1) IN GENERAL.—***Section 402(a)(7) of the So-*
3 *cial Security Act (42 U.S.C. 602(a)(7)) is amended*
4 *by adding at the end the following:*

5 **“(C) NO NUMERICAL LIMITS.—***In imple-*
6 *menting this paragraph, a State shall not be*
7 *subject to any numerical limitation in the grant-*
8 *ing of good cause waivers under subparagraph*
9 *(A)(iii).*

10 **“(D) WAIVERED INDIVIDUALS NOT IN-**
11 **CLUDED FOR PURPOSES OF CERTAIN OTHER**
12 **PROVISIONS OF THIS PART.—***Any individual to*
13 *whom a good cause waiver of compliance with*
14 *this Act has been granted in accordance with*
15 *subparagraph (A)(iii) shall not be included for*
16 *purposes of determining a State’s compliance*
17 *with the participation rate requirements set*
18 *forth in section 407, for purposes of applying the*
19 *limitation described in section 408(a)(7)(C)(ii),*
20 *or for purposes of determining whether to impose*
21 *a penalty under paragraph (3), (5), or (9) of sec-*
22 *tion 409(a).”.*

23 **(2) EFFECTIVE DATE.—***The amendment made by*
24 *paragraph (1) takes effect as if it had been included*
25 *in the enactment of section 103(a) of the Personal Re-*

1 *sponsibility and Work Opportunity Reconciliation*
2 *Act of 1996 (Public Law 104–193; 110 Stat. 2112).*

3 (c) *FEDERAL PARENT LOCATOR SERVICE.*—

4 (1) *IN GENERAL.*—*Section 453 of the Social Se-*
5 *curity Act (42 U.S.C. 653), as amended by section*
6 *5534 of the Balanced Budget Act of 1997 (Public Law*
7 *105–33; 111 Stat. 627), is amended—*

8 (A) *in subsection (b)(2)—*

9 (i) *in the matter preceding subpara-*
10 *graph (A), by inserting “or that the health,*
11 *safety, or liberty or a parent or child would*
12 *by unreasonably put at risk by the disclo-*
13 *sure of such information,” before “provided*
14 *that”;*

15 (ii) *in subparagraph (A), by inserting*
16 *“, that the health, safety, or liberty or a*
17 *parent or child would by unreasonably put*
18 *at risk by the disclosure of such informa-*
19 *tion,” before “and that information”; and*

20 (iii) *in subparagraph (B)(i), by strik-*
21 *ing “be harmful to the parent or the child”*
22 *and inserting “place the health, safety, or*
23 *liberty of a parent or child unreasonably at*
24 *risk”; and*

1 (B) in subsection (c)(2), by inserting “, or
2 to serve as the initiating court in an action to
3 seek and order,” before “against a noncustodial”.

4 (2) *STATE PLAN*.—Section 454(26) of the Social
5 Security Act (42 U.S.C. 654), as amended by section
6 5552 of the Balanced Budget Act of 1997 (Public Law
7 105–33; 111 Stat. 635), is amended—

8 (A) in subparagraph (C), by striking “re-
9 sult in physical or emotional harm to the party
10 or the child” and inserting “place the health,
11 safety, or liberty of a parent or child unreason-
12 ably at risk”;

13 (B) in subparagraph (D), by striking “of
14 domestic violence or child abuse against a party
15 or the child and that the disclosure of such infor-
16 mation could be harmful to the party or the
17 child” and inserting “that the health, safety, or
18 liberty of a parent or child would be unreason-
19 ably put at risk by the disclosure of such infor-
20 mation”; and

21 (C) in subparagraph (E), by striking “of
22 domestic violence” and all that follows through
23 the semicolon and inserting “that the health,
24 safety, or liberty of a parent or child would be
25 unreasonably put at risk by the disclosure of

1 *such information pursuant to section 453(b)(2),*
2 *the court shall determine whether disclosure to*
3 *any other person or persons of information re-*
4 *ceived from the Secretary could place the health,*
5 *safety, or liberty of a parent or child unreason-*
6 *ably at risk (if the court determines that disclo-*
7 *sure to any other person could be harmful, the*
8 *court and its agents shall not make any such*
9 *disclosure);”.*

10 (3) *EFFECTIVE DATE.*—*The amendments made*
11 *by this section shall take effect 1 day after the effec-*
12 *tive date described in section 5557(a) of the Balanced*
13 *Budget Act of 1997 (Public Law 105–33).*

14 *SEC. 221. (a) TRANSFER.*—*Using \$5,000,000 of the*
15 *amounts appropriated under this title, the Secretary of*
16 *Health and Human Services shall carry out activities*
17 *under subsection (b) to address urgent health threats posed*
18 *by E. coli:0157H7.*

19 (b) *USE OF FUNDS.*—*From amounts transferred under*
20 *subsection (a) the Secretary of Health and Human Services*
21 *shall—*

22 (1) *provide \$1,000,000 for the development of*
23 *improved medical treatments for patients infected*
24 *with E. coli:0157H7-related disease (HUS);*

1 (2) provide \$550,000 to fund ongoing research to
2 detect or prevent colonization of *E. coli:0157H7* in
3 live cattle;

4 (3) provide, through the existing partnership be-
5 tween the Federal Government, industry, and
6 consumer groups, \$1,000,000 for the National
7 Consumer Education Campaign on Food Safety as
8 part of the activities to address safe food handling
9 practices;

10 (4) provide \$1,000,000 for a study to determine
11 the feasibility of the use of electronic pasteurization
12 on red meats to eliminate pathogens and to carry out
13 activities to educate the public on the safety of that
14 process; and

15 (5) provide \$1,000,000 for a contract to be en-
16 tered into with the National Academy of Sciences to
17 assess the effectiveness of testing to ensure zero toler-
18 ance of *E. coli:0157H7* in raw ground beef products.
19 This title may be cited as the “Department of Health
20 and Human Services Appropriations Act, 1998”.

21 **TITLE III—DEPARTMENT OF EDUCATION**

22 **EDUCATION REFORM**

23 *For carrying out activities authorized by titles III and*
24 *IV of the Goals 2000: Educate America Act, the School-to-*
25 *Work Opportunities Act, and sections 3132, 3136, and 3141*

1 *of the Elementary and Secondary Education Act of 1965,*
2 *\$1,271,000,000, of which \$530,000,000 for the Goals 2000:*
3 *Educate America Act and \$200,000,000 for the School-to-*
4 *Work Opportunities Act shall become available on July 1,*
5 *1998, and remain available through September 30, 1999:*
6 *Provided, That none of the funds appropriated under this*
7 *heading shall be obligated or expended to carry out section*
8 *304(a)(2)(A) of the Goals 2000: Educate America Act, ex-*
9 *cept that no more than \$1,500,000 may be used to carry*
10 *out activities under section 314(a)(2) of that Act: Provided*
11 *further, That section 315(a)(2) of the Goals 2000 Act shall*
12 *not apply: Provided further, That up to one-half of one per-*
13 *cent of the amount available under section 3132 shall be*
14 *set aside for the outlying areas, to be distributed on the*
15 *basis of their relative need as determined by the Secretary*
16 *in accordance with the purposes of the program: Provided*
17 *further, That if any State educational agency does not*
18 *apply for a grant under section 3132, that State's allotment*
19 *under section 3131 shall be reserved by the Secretary for*
20 *grants to local educational agencies in that State that apply*
21 *directly to the Secretary according to the terms and condi-*
22 *tions published by the Secretary in the Federal Register.*

23 *EDUCATION FOR THE DISADVANTAGED*

24 *For carrying out title I of the Elementary and Second-*
25 *ary Education Act of 1965, and section 418A of the Higher*
26 *Education Act, \$7,807,349,000, of which \$6,488,271,000*

1 *shall become available on July 1, 1998, and shall remain*
2 *available through September 30, 1999, and of which*
3 *\$1,298,386,000 shall become available on October 1, 1998*
4 *and shall remain available through September 30, 1999, for*
5 *academic year 1998–1999: Provided, That \$6,273,712,000*
6 *shall be available for basic grants under section 1124: Pro-*
7 *vided further, That up to \$4,000,000 of these funds shall*
8 *be available to the Secretary on October 1, 1997, to obtain*
9 *updated local-educational-agency-level census poverty data*
10 *from the Bureau of the Census: Provided further, That*
11 *\$1,022,020,000 shall be available for concentration grants*
12 *under section 1124A, \$6,977,000 shall be available for eval-*
13 *uations under section 1501 and not more than \$7,500,000*
14 *shall be reserved for section 1308, of which not more than*
15 *\$3,000,000 shall be reserved for section 1308(d): Provided*
16 *further, That grant awards under section 1124 and 1124(A)*
17 *of title I of the Elementary and Secondary Education Act*
18 *shall be made to each State or local educational agency at*
19 *no less than 100 percent of the amount such State or local*
20 *educational agency received under this authority for fiscal*
21 *year 1997 under Public Laws 104–208 and 105–18: Pro-*
22 *vided further, That in determining State allocations under*
23 *any other program administered by the Secretary, amounts*
24 *provided under Public Law 105–18, or equivalent amounts*

1 *provided for in this bill, will not be taken into account in*
2 *determining State allocations.*

3 *IMPACT AID*

4 *For carrying out programs of financial assistance to*
5 *federally affected schools authorized by title VIII of the Ele-*
6 *mentary and Secondary Education Act of 1965,*
7 *\$794,500,000, of which \$623,500,000 shall be for basic sup-*
8 *port payments under section 8003(b), \$80,000,000 shall be*
9 *for payments for children with disabilities under section*
10 *8003(d), \$52,000,000, to remain available until expended,*
11 *shall be for payments under section 8003(f), \$5,000,000*
12 *shall be for construction under section 8007, and*
13 *\$24,000,000 shall be for Federal property payments under*
14 *section 8002 and \$10,000,000, to remain available until ex-*
15 *pended, shall be for facilities maintenance under section*
16 *8008.*

17 *SCHOOL IMPROVEMENT PROGRAMS*

18 *For carrying out school improvement activities author-*
19 *ized by titles II, IV-A-1 and 2, V-A and B, VI, IX, X,*
20 *XII and XIII of the Elementary and Secondary Education*
21 *Act of 1965; the Stewart B. McKinney Homeless Assistance*
22 *Act; and the Civil Rights Act of 1964; \$1,482,293,000, of*
23 *which \$1,206,278,000 shall become available on July 1,*
24 *1998, and remain available through September 30, 1999:*
25 *Provided, That of the amount appropriated, \$310,000,000*
26 *shall be for Eisenhower professional development State*

1 *grants under title II–B of the Elementary and Secondary*
2 *Education Act, \$310,000,000 shall be for innovative edu-*
3 *cation program strategies State grants under title VI–A of*
4 *said Act and \$750,000 shall be for an evaluation of com-*
5 *prehensive regional assistance centers under title XIII of*
6 *said Act: Provided further, That—*

7 (1) *of the amount appropriated under this head-*
8 *ing and notwithstanding any other provision of law,*
9 *the Secretary of Education may award \$1,000,000 to*
10 *a State educational agency (as defined in section*
11 *14101 of the Elementary and Secondary Education*
12 *Act of 1965 (20 U.S.C. 8801)) to pay for appraisals,*
13 *resource studies, and other expenses associated with*
14 *the exchange of State school trust lands within the*
15 *boundaries of a national monument for Federal lands*
16 *outside the boundaries of the monument; and*

17 (2) *the State educational agency is eligible to re-*
18 *ceive a grant under paragraph (1) only if the agency*
19 *serves a State that—*

20 (A) *has a national monument declared*
21 *within the State under the authority of the Act*
22 *entitled “An Act for the preservation of Amer-*
23 *ican antiquities”, approved June 8, 1906 (16*
24 *U.S.C. 431 et seq.) (commonly known as the An-*
25 *tiquities Act of 1906) that incorporates more*

1 *than 100,000 acres of State school trust lands*
2 *within the boundaries of the national monument;*
3 *and*

4 *(B) ranks in the lowest 25 percent of all*
5 *States when comparing the average per pupil ex-*
6 *penditure (as defined in section 14101 of the El-*
7 *ementary and Secondary Education Act of 1965*
8 *(20 U.S.C. 8801)) in the State to the average per*
9 *pupil expenditure for each State in the United*
10 *States.*

11 *INDIAN EDUCATION*

12 *For expenses necessary to carry out, to the extent not*
13 *otherwise provided, title IX, part A of the Elementary and*
14 *Secondary Education Act of 1965, as amended, and section*
15 *215 of the Department of Education Organization Act,*
16 *\$62,600,000.*

17 *BILINGUAL AND IMMIGRANT EDUCATION*

18 *For carrying out, to the extent not otherwise provided,*
19 *bilingual, foreign language and immigrant education ac-*
20 *tivities authorized by parts A and C and section 7203 of*
21 *title VII of the Elementary and Secondary Education Act,*
22 *without regard to section 7103(b), \$354,000,000: Provided,*
23 *That State educational agencies may use all, or any part*
24 *of, their part C allocation for competitive grants to local*
25 *educational agencies: Provided further, That the Depart-*
26 *ment of Education should only support instructional pro-*

1 *grams which ensure that students completely master Eng-*
 2 *lish in a timely fashion (a period of three to five years)*
 3 *while meeting rigorous achievement standards in the aca-*
 4 *demic content areas.*

5 *SPECIAL EDUCATION*

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

13 *REHABILITATION SERVICES AND DISABILITY RESEARCH*

14 *For carrying out, to the extent not otherwise provided,*
 15 *the Rehabilitation Act of 1973, the Technology-Related As-*
 16 *sistance for Individuals with Disabilities Act, and the*
 17 *Helen Keller National Center Act, as amended,*
 18 *\$2,591,286,000.*

19 *SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES*

20 *AMERICAN PRINTING HOUSE FOR THE BLIND*

21 *For carrying out the Act of March 3, 1879, as amended*
 22 *(20 U.S.C. 101 et seq.), \$7,906,000.*

23 *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

24 *For the National Technical Institute for the Deaf*
 25 *under titles I and II of the Education of the Deaf Act of*
 26 *1986 (20 U.S.C. 4301 et seq.), \$44,141,000: Provided, That*

1 *from the amount available, the Institute may at its discre-*
2 *tion use funds for the endowment program as authorized*
3 *under section 207.*

4 *GALLAUDET UNIVERSITY*

5 *For the Kendall Demonstration Elementary School,*
6 *the Model Secondary School for the Deaf, and the partial*
7 *support of Gallaudet University under titles I and II of*
8 *the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et*
9 *seq.), \$81,000,000: Provided, That from the amount avail-*
10 *able, the University may at its discretion use funds for the*
11 *endowment program as authorized under section 207.*

12 *VOCATIONAL AND ADULT EDUCATION*

13 *For carrying out, to the extent not otherwise provided,*
14 *the Carl D. Perkins Vocational and Applied Technology*
15 *Education Act and the Adult Education Act and the Na-*
16 *tional Literacy Act of 1991, \$1,487,698,000, of which*
17 *\$1,484,598,000 shall become available on July 1, 1998 and*
18 *shall remain available through September 30, 1999; and of*
19 *which \$5,491,000 from amounts available under the Adult*
20 *Education Act shall be for the National Institute for Lit-*
21 *eracy under section 384(c) which shall be derived from un-*
22 *obligated Pell Grant funds: Provided, That, of the amounts*
23 *made available for title II of the Carl D. Perkins Vocational*
24 *and Applied Technology Education Act, \$13,497,000 shall*
25 *be used by the Secretary for national programs under title*
26 *IV, without regard to section 451: Provided further, That*

1 *the Secretary may reserve up to \$4,998,000 under section*
2 *313(d) of the Adult Education Act for activities carried out*
3 *under section 383 of that Act: Provided further, That no*
4 *funds shall be awarded to a State Council under section*
5 *112(f) of the Carl D. Perkins Vocational and Applied Tech-*
6 *nology Education Act, and no State shall be required to*
7 *operate such a Council.*

8 *STUDENT FINANCIAL ASSISTANCE*

9 *For carrying out subparts 1, 3, and 4 of part A, part*
10 *C and part E of title IV of the Higher Education Act of*
11 *1965, as amended, \$8,556,641,000, which shall remain*
12 *available through September 30, 1999: Provided, That,*
13 *\$35,000,000 shall be available for State Student Incentive*
14 *grants derived from unobligated balances: Provided further,*
15 *That \$60,000,000 shall be for education infrastructure au-*
16 *thorized under title XII of the Elementary and Secondary*
17 *Education Act to be derived from unobligated balances.*

18 *The maximum Pell Grant for which a student shall*
19 *be eligible during award year 1998–1999 shall be \$3,000:*
20 *Provided, That notwithstanding section 401(g) of the Act,*
21 *if the Secretary determines, prior to publication of the pay-*
22 *ment schedule for such award year, that the amount in-*
23 *cluded within this appropriation for Pell Grant awards in*
24 *such award year, and any funds available from the fiscal*
25 *year 1997 appropriation for Pell Grant awards, are insuffi-*
26 *cient to satisfy fully all such awards for which students are*

1 *eligible, as calculated under section 401(b) of the Act, the*
2 *amount paid for each such award shall be reduced by either*
3 *a fixed or variable percentage, or by a fixed dollar amount,*
4 *as determined in accordance with a schedule of reductions*
5 *established by the Secretary for this purpose.*

6 *FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT*

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

10 *HIGHER EDUCATION*

11 *For carrying out, to the extent not otherwise provided,*
12 *parts A and B of title III, without regard to section*
13 *360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, and part*
14 *A and subpart 1 of parts B and E of title X and title XI*
15 *of the Higher Education Act of 1965, as amended, part G*
16 *of title XV of Public Law 102–325, the Mutual Educational*
17 *and Cultural Exchange Act of 1961, and Public Law 102–*
18 *423; \$929,752,000, of which \$13,700,000 for interest sub-*
19 *sidies under title VII of the Higher Education Act shall re-*
20 *main available until expended: Provided, That funds avail-*
21 *able for part D of title IX of the Higher Education Act*
22 *shall be available to fund new and noncompeting continu-*
23 *ation awards for academic year 1998–1999 for fellowships*
24 *awarded originally under part C of title IX of said Act,*
25 *under the terms and conditions of part C.*

1 *provement Act of 1994, including part E; the National*
2 *Education Statistics Act of 1994; section 2102 of title II,*
3 *and parts B, C, and D of title III, and parts A, B, I, and*
4 *K and section 10601 of title X, and part C of title XIII*
5 *of the Elementary and Secondary Education Act of 1965,*
6 *as amended, and title VI of Public Law 103–227,*
7 *\$362,225,000.*

8 *CHILD LITERACY INITIATIVE*

9 *For carrying out a child literacy initiative,*
10 *\$260,000,000, which shall become available on October 1,*
11 *1998 and shall remain available through September 30,*
12 *1999 only if specifically authorized by subsequent legisla-*
13 *tion enacted by April 1, 1998.*

14 *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*

15 *For carrying out subtitle B of the Museum and Li-*
16 *brary Services Act, \$146,369,000, of which \$15,455,000*
17 *shall be for national leadership grants, notwithstanding sec-*
18 *tion 221(a)(1)(B).*

19 *DEPARTMENTAL MANAGEMENT*

20 *PROGRAM ADMINISTRATION*

21 *For carrying out, to the extent not otherwise provided,*
22 *the Department of Education Organization Act, including*
23 *rental of conference rooms in the District of Columbia and*
24 *hire of two passenger motor vehicles, \$340,064,000: Pro-*
25 *vided, That \$1,100,000 shall be used for the Millennium*
26 *2000 project.*

1 *OFFICE FOR CIVIL RIGHTS*

2 *For expenses necessary for the Office for Civil Rights,*
3 *as authorized by section 203 of the Department of Edu-*
4 *cation Organization Act, \$57,522,000.*

5 *OFFICE OF THE INSPECTOR GENERAL*

6 *For expenses necessary for the Office of the Inspector*
7 *General, as authorized by section 212 of the Department*
8 *of Education Organization Act, \$32,000,000.*

9 *GENERAL PROVISIONS*

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

18 *SEC. 302. None of the funds contained in this Act shall*
19 *be used to require, directly or indirectly, the transportation*
20 *of any student to a school other than the school which is*
21 *nearest the student's home, except for a student requiring*
22 *special education, to the school offering such special edu-*
23 *cation, in order to comply with title VI of the Civil Rights*
24 *Act of 1964. For the purpose of this section an indirect re-*
25 *quirement of transportation of students includes the trans-*
26 *portation of students to carry out a plan involving the reor-*

1 *ganization of the grade structure of schools, the pairing of*
2 *schools, or the clustering of schools, or any combination of*
3 *grade restructuring, pairing or clustering. The prohibition*
4 *described in this section does not include the establishment*
5 *of magnet schools.*

6 *SEC. 303. No funds appropriated under this Act may*
7 *be used to prevent the implementation of programs of vol-*
8 *untary prayer and meditation in the public schools.*

9 *(TRANSFER OF FUNDS)*

10 *SEC. 304. Not to exceed 1 percent of any discretionary*
11 *funds (pursuant to the Balanced Budget and Emergency*
12 *Deficit Control Act, as amended) which are appropriated*
13 *for the Department of Education may be transferred be-*
14 *tween appropriations, but no such appropriation shall be*
15 *increased by more than 3 percent by any such transfer: Pro-*
16 *vided, That the Appropriations Committees of both Houses*
17 *of Congress are notified at least fifteen days in advance of*
18 *any transfer.*

19 *SEC. 305. Of the funds made available under this title,*
20 *the Secretary of Education shall establish a program to pro-*
21 *vide training and technical assistance to State educational*
22 *agencies and local educational agencies (as defined in sec-*
23 *tion 14101 of the Elementary and Secondary Education Act*
24 *of 1965 (20 U.S.C. 8801) in developing, establishing, and*
25 *implementing procedures and programs designed to protect*
26 *victims of and witnesses to incidents of elementary school*

1 *and secondary school violence, including procedures and*
2 *programs designed to protect witnesses testifying in school*
3 *disciplinary proceedings.*

4 *SEC. 306. Of the funds made available under this title,*
5 *\$450,000 shall be awarded by the Secretary of Education*
6 *for grants for the establishment, operation, and evaluation*
7 *of pilot student safety toll-free hotlines to provide elemen-*
8 *tary school and secondary school students with confidential*
9 *assistance regarding school crime, violence, drug dealing,*
10 *and threats to the personal safety of the students.*

11 *SEC. 307. The Secretary of Education shall annually*
12 *provide to the Committee on Labor and Human Resources*
13 *and the Committee on Appropriations of the Senate and*
14 *the Committee on Education and the Workforce and the*
15 *Committee on Appropriations of the House of Representa-*
16 *tives a certification that not less than 95 percent of the*
17 *amount appropriated for a fiscal year for the activities of*
18 *the Department of Education is being used directly for*
19 *teachers and students. If the Secretary determines that less*
20 *than 95 percent of such amount appropriated for a fiscal*
21 *year is being used directly for teachers and students, the*
22 *Secretary shall certify the percentage of such amount that*
23 *is being directly used for teachers and students.*

24 *SEC. 308. (a) The Secretary of Education shall con-*
25 *duct a study that examines—*

1 (1) *the economic, educational, and societal costs*
2 *of—*

3 (A) *the increase in enrollments of secondary*
4 *school students during the period 1998 through*
5 *2008;*

6 (B) *the creation of smaller class sizes for*
7 *students enrolled in grades 1 through 3; and*

8 (C) *the increase in enrollments described in*
9 *subparagraph (A) in relation to the creation of*
10 *smaller class sizes described in subparagraph*
11 *(B); and*

12 (2) *the costs to States and local school districts*
13 *for taking no action with respect to such increase in*
14 *enrollments and smaller class sizes.*

15 (b) *The Secretary of Education shall report to Con-*
16 *gress within 9 months of the date of enactment of this Act*
17 *regarding the results of the study conducted under sub-*
18 *section (a). Such report shall include recommendations re-*
19 *garding what local school districts, States and the Federal*
20 *Government can do to address the issue of the increase in*
21 *enrollments of secondary school students and the need for*
22 *smaller class sizes in grades 1 through 3.*

23 *SEC. 309. (a) The Senate finds that—*

24 (1) *Federal Pell Grants are a crucial source of*
25 *college aid for low- and middle-income students;*

1 (2) *in addition to the increase in the maximum*
2 *Federal Pell Grant from \$2,700 to \$3,000, which will*
3 *increase aid to more than 3,600,000 low- and middle-*
4 *income students, our Nation should provide addi-*
5 *tional funds to help more than 250,000 independent*
6 *and dependent students obtain crucial aid in order to*
7 *help the students obtain the education, training, or*
8 *retraining the students need to obtain good jobs;*

9 (3) *our Nation needs to help children learn to*
10 *read well in fiscal year 1998, as 40 percent of the Na-*
11 *tion's young children cannot read at the basic level;*
12 *and*

13 (4) *the Bipartisan Budget Agreement includes a*
14 *total funding level for fiscal year 1998 of*
15 *\$7,600,000,000 for Federal Pell Grants, and of*
16 *\$260,000,000 for a child literacy initiative.*

17 (b) *It is the sense of the Senate that prompt action*
18 *should be taken by the authorizing committees to—*

19 (1) *make the change in the needs analysis for*
20 *Federal Pell Grants for independent and for depend-*
21 *ent students; and*

22 (2) *enact legislation and authorize the funds*
23 *needed to cover the cost of the changes for a*
24 *\$260,000,000 child literacy initiative.*

1 (c) *It is the sense of the Senate that the maximum level*
2 *possible of fiscal year 1998 funding should be achieved in*
3 *the appropriations conference committee.*

4 *This title may be cited as the “Department of Edu-*
5 *cation Appropriations Act, 1998”.*

6 *TITLE IV—RELATED AGENCIES*

7 *ARMED FORCES RETIREMENT HOME*

8 *For expenses necessary for the Armed Forces Retire-*
9 *ment Home to operate and maintain the United States Sol-*
10 *diers’ and Airmen’s Home and the United States Naval*
11 *Home, to be paid from funds available in the Armed Forces*
12 *Retirement Home Trust Fund, \$65,452,000, of which*
13 *\$10,000,000 shall remain available until expended for con-*
14 *struction and renovation of the physical plants at the Unit-*
15 *ed States Soldiers’ and Airmen’s Home and the United*
16 *States Naval Home.*

17 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

18 *DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING*

19 *EXPENSES*

20 *For expenses necessary for the Corporation for Na-*
21 *tional and Community Service to carry out the provisions*
22 *of the Domestic Volunteer Service Act of 1973, as amended,*
23 *\$232,604,000.*

1 *CORPORATION FOR PUBLIC BROADCASTING*

2 *For payment to the Corporation for Public Broadcast-*
3 *ing, as authorized by the Communications Act of 1934, an*
4 *amount which shall be available within limitations speci-*
5 *fied by that Act, for the fiscal year 2000, \$300,000,000: Pro-*
6 *vided, That no funds made available to the Corporation for*
7 *Public Broadcasting by this Act shall be used to pay for*
8 *receptions, parties, or similar forms of entertainment for*
9 *Government officials or employees: Provided further, That*
10 *none of the funds contained in this paragraph shall be*
11 *available or used to aid or support any program or activity*
12 *from which any person is excluded, or is denied benefits,*
13 *or is discriminated against, on the basis of race, color, na-*
14 *tional origin, religion, or sex.*

15 *FEDERAL MEDIATION AND CONCILIATION SERVICE*16 *SALARIES AND EXPENSES*

17 *For expenses necessary for the Federal Mediation and*
18 *Conciliation Service to carry out the functions vested in*
19 *it by the Labor Management Relations Act, 1947 (29 U.S.C.*
20 *171–180, 182–183), including hire of passenger motor vehi-*
21 *cles; and for expenses necessary for the Labor-Management*
22 *Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses*
23 *necessary for the Service to carry out the functions vested*
24 *in it by the Civil Service Reform Act, Public Law 95-454*
25 *(5 U.S.C. chapter 71), \$33,481,000, including \$1,500,000,*

1 *to remain available through September 30, 1999, for activi-*
2 *ties authorized by the Labor-Management Cooperation Act*
3 *of 1978 (29 U.S.C. 175a): Provided, That notwithstanding*
4 *31 U.S.C. 3302, fees charged, up to full-cost recovery, for*
5 *special training activities and for arbitration services shall*
6 *be credited to and merged with this account, and shall re-*
7 *main available until expended: Provided further, That fees*
8 *for arbitration services shall be available only for education,*
9 *training, and professional development of the agency*
10 *workforce: Provided further, That the Director of the Service*
11 *is authorized to accept on behalf of the United States gifts*
12 *of services and real, personal, or other property in the aid*
13 *of any projects or functions within the Director's jurisdic-*
14 *tion.*

15 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

16 *COMMISSION*

17 *SALARIES AND EXPENSES*

18 *For expenses necessary for the Federal Mine Safety*
19 *and Health Review Commission (30 U.S.C. 801 et seq.),*
20 *\$6,060,000.*

21 *NATIONAL COMMISSION ON LIBRARIES AND INFORMATION*

22 *SCIENCE*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses for the National Commission*
25 *on Libraries and Information Science, established by the*

1 *Act of July 20, 1970 (Public Law 91–345, as amended by*
2 *Public Law 102–95), \$1,000,000.*

3 *NATIONAL COUNCIL ON DISABILITY*

4 *SALARIES AND EXPENSES*

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

8 *NATIONAL EDUCATION GOALS PANEL*

9 *For expenses necessary for the National Education*
10 *Goals Panel, as authorized by title II, part A of the Goals*
11 *2000: Educate America Act, \$2,000,000.*

12 *NATIONAL LABOR RELATIONS BOARD*

13 *SALARIES AND EXPENSES*

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

1 *U.S.C. 203), and including in said definition employees en-*
2 *gaged in the maintenance and operation of ditches, canals,*
3 *reservoirs, and waterways when maintained or operated on*
4 *a mutual, nonprofit basis and at least 95 per centum of*
5 *the water stored or supplied thereby is used for farming*
6 *purposes: Provided further, That none of the funds made*
7 *available by this Act shall be used in any way to promul-*
8 *gate a final rule (altering 29 CFR part 103) regarding sin-*
9 *gle location bargaining units in representation cases.*

10 *NATIONAL MEDIATION BOARD*

11 *SALARIES AND EXPENSES*

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

19 *OCCUPATIONAL SAFETY AND HEALTH REVIEW*

20 *COMMISSION*

21 *SALARIES AND EXPENSES*

22 *For expenses necessary for the Occupational Safety*
23 *and Health Review Commission (29 U.S.C. 661),*
24 *\$7,800,000.*

1 *PHYSICIAN PAYMENT REVIEW COMMISSION*2 *SALARIES AND EXPENSES*

3 *For expenses necessary to carry out section 1845(a) of*
4 *the Social Security Act, \$3,508,000, to be transferred to this*
5 *appropriation from the Federal Supplementary Medical In-*
6 *surance Trust Fund.*

7 *PROSPECTIVE PAYMENT ASSESSMENT COMMISSION*8 *SALARIES AND EXPENSES*

9 *For expenses necessary to carry out section 1886(e) of*
10 *the Social Security Act, \$3,507,000, to be transferred to this*
11 *appropriation from the Federal Hospital Insurance and the*
12 *Federal Supplementary Medical Insurance Trust Funds.*

13 *RAILROAD RETIREMENT BOARD*14 *DUAL BENEFITS PAYMENTS ACCOUNT*

15 *For payment to the Dual Benefits Payments Account,*
16 *authorized under section 15(d) of the Railroad Retirement*
17 *Act of 1974, \$205,500,000, which shall include amounts be-*
18 *coming available in fiscal year 1998 pursuant to section*
19 *224(c)(1)(B) of Public Law 98-76; and in addition, an*
20 *amount, not to exceed 2 percent of the amount provided*
21 *herein, shall be available proportional to the amount by*
22 *which the product of recipients and the average benefit re-*
23 *ceived exceeds \$205,500,000: Provided, That the total*
24 *amount provided herein shall be credited in 12 approxi-*

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

3 *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*

4 *ACCOUNTS*

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

11 *LIMITATION ON ADMINISTRATION*

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

19 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

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

1 *SOCIAL SECURITY ADMINISTRATION*2 *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

3 *For payment to the Federal Old-Age and Survivors In-*
4 *surance and the Federal Disability Insurance trust funds,*
5 *as provided under sections 201(m), 228(g), and 1131(b)(2)*
6 *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 available*
10 *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 incurred*
14 *in the current fiscal year, such amounts as may be nec-*
15 *essary.*

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

20 *SUPPLEMENTAL SECURITY INCOME PROGRAM*

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

1 \$16,162,525,000, 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: Pro-
5 vided further, That not less than \$2,225,000 shall be avail-
6 able for conducting a disability return to work demonstra-
7 tion initiative, which focuses on providing persons who
8 have lost limbs with an integrated program of prosthetic
9 and rehabilitative care and job placement assistance.

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

14 In addition, \$175,000,000, to remain available until
15 September 30, 1999, for payment to the Social Security
16 trust funds for administrative expenses for continuing dis-
17 ability reviews as authorized by section 103 of Public Law
18 104–121 and Supplemental Security Income administra-
19 tive work as authorized by Public Law 104–193. The term
20 “continuing disability reviews” means reviews and redeter-
21 minations as defined under section 201(g)(1)(A) of the So-
22 cial Security Act, as amended, and reviews and redeter-
23 minations authorized under section 211 of Public Law 104–
24 193.

1 *For making, after June 15 of the current fiscal year,*
2 *benefit payments to individuals under title XVI of the So-*
3 *cial Security Act, for unanticipated costs incurred for the*
4 *current fiscal year, such sums as may be necessary.*

5 *For making benefit payments under title XVI of the*
6 *Social Security Act for the first quarter of fiscal year 1999,*
7 *\$8,680,000,000, to remain available until expended.*

8 *LIMITATION ON ADMINISTRATIVE EXPENSES*

9 *For necessary expenses, including the hire of two pas-*
10 *senger motor vehicles, and not to exceed \$10,000 for official*
11 *reception and representation expenses, not more than*
12 *\$5,937,708,000 may be expended, as authorized by section*
13 *201(g)(1) of the Social Security Act, from any one or all*
14 *of the trust funds referred to therein: Provided, That not*
15 *less than \$1,268,000 shall be for the Social Security Advi-*
16 *sory Board: Provided further, That unobligated balances at*
17 *the end of fiscal year 1998 not needed for fiscal year 1998*
18 *shall remain available until expended for a state-of-the-art*
19 *computing network, including related equipment and non-*
20 *payroll administrative expenses associated solely with this*
21 *network.*

22 *From funds provided under the previous paragraph,*
23 *not less than \$200,000,000 shall be available for conducting*
24 *continuing disability reviews.*

25 *In addition to funding already available under this*
26 *heading, and subject to the same terms and conditions,*

1 \$290,000,000, to remain available until September 30,
2 1999, for continuing disability reviews as authorized by sec-
3 tion 103 of Public Law 104–121, section 10203 of Public
4 Law 105–33 and Supplemental Security Income adminis-
5 trative work as authorized by Public Law 104–193. The
6 term “continuing disability reviews” means reviews and re-
7 determinations as defined under section 201(g)(1)(A) of the
8 Social Security Act as amended, and reviews and redeter-
9 minations authorized under section 211 of Public Law 104–
10 193.

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

21 *In addition, \$35,000,000 to be derived from adminis-*
22 *tration fees in excess of \$5.00 per supplementary payment*
23 *collected pursuant to section 1616(d) of the Social Security*
24 *Act or section 212(b)(3) of Public Law 93–66, which shall*
25 *remain available until expended. To the extent that the*

1 *amounts collected pursuant to such section 1616(d) or*
2 *212(b)(3) in fiscal year 1998 exceed \$35,000,000, the*
3 *amounts shall be available in fiscal year 1999 only to the*
4 *extent provided in advance in appropriations Acts.*

5 *OFFICE OF INSPECTOR GENERAL*
6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For expenses necessary for the Office of Inspector Gen-*
8 *eral in carrying out the provisions of the Inspector General*
9 *Act of 1978, as amended, \$6,265,000, together with not to*
10 *exceed \$31,089,000, to be transferred and expended as au-*
11 *thorized by section 201(g)(1) of the Social Security Act from*
12 *the Federal Old-Age and Survivors Insurance Trust Fund*
13 *and the Federal Disability Insurance Trust Fund.*

14 *In addition, an amount not to exceed 3 percent of the*
15 *total provided in this appropriation may be transferred*
16 *from the "Limitation on Administrative Expenses", Social*
17 *Security Administration, to be merged with this account,*
18 *to be available for the time and purposes for which this*
19 *account is available: Provided, That notice of such transfers*
20 *shall be transmitted promptly to the Committees on Appro-*
21 *priations of the House and Senate.*

22 *UNITED STATES INSTITUTE OF PEACE*
23 *OPERATING EXPENSES*

24 *For necessary expenses of the United States Institute*
25 *of Peace as authorized in the United States Institute of*
26 *Peace Act, \$11,160,000.*

1 *TITLE V—GENERAL PROVISIONS*

2 *SEC. 501. The Secretaries of Labor, Health and*
3 *Human Services, and Education are authorized to transfer*
4 *unexpended balances of prior appropriations to accounts*
5 *corresponding to current appropriations provided in this*
6 *Act: Provided, That such transferred balances are used for*
7 *the same purpose, and for the same periods of time, for*
8 *which they were originally appropriated.*

9 *SEC. 502. No part of any appropriation contained in*
10 *this Act shall remain available for obligation beyond the*
11 *current fiscal year unless expressly so provided herein.*

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

21 *(b) No part of any appropriation contained in this*
22 *Act shall be used to pay the salary or expenses of any grant*
23 *or contract recipient, or agent acting for such recipient, re-*
24 *lated to any activity designed to influence legislation or ap-*

1 *propriations pending before the Congress or any State legis-*
2 *lature.*

3 *SEC. 504. The Secretaries of Labor and Education are*
4 *each authorized to make available not to exceed \$15,000*
5 *from funds available for salaries and expenses under titles*
6 *I and III, respectively, for official reception and representa-*
7 *tion expenses; the Director of the Federal Mediation and*
8 *Conciliation Service is authorized to make available for of-*
9 *ficial reception and representation expenses not to exceed*
10 *\$2,500 from the funds available for “Salaries and expenses,*
11 *Federal Mediation and Conciliation Service”; and the*
12 *Chairman of the National Mediation Board is authorized*
13 *to make available for official reception and representation*
14 *expenses not to exceed \$2,500 from funds available for “Sal-*
15 *aries and expenses, National Mediation Board”.*

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

23 *SEC. 506. (a) Purchase of American-Made Equipment*
24 *and Products.—It is the sense of the Congress that, to the*
25 *greatest extent practicable, all equipment and products pur-*

1 *chased with funds made available in this Act should be*
2 *American-made.*

3 **(b) NOTICE REQUIREMENT.**—*In providing financial*
4 *assistance to, or entering into any contract with, any entity*
5 *using funds made available in this Act, the head of each*
6 *Federal agency, to the greatest extent practicable, shall pro-*
7 *vide to such entity a notice describing the statement made*
8 *in subsection (a) by the Congress.*

9 **(c) PROHIBITION OF CONTRACTS WITH PERSONS**
10 **FALSELY LABELING PRODUCTS AS MADE IN AMERICA.**—
11 *If it has been finally determined by a court or Federal agen-*
12 *cy that any person intentionally affixed a label bearing a*
13 *“Made in America” inscription, or any inscription with*
14 *the same meaning, to any product sold in or shipped to*
15 *the United States that is not made in the United States,*
16 *the person shall be ineligible to receive any contract or sub-*
17 *contract made with funds made available in this Act, pur-*
18 *suant to the debarment, suspension, and ineligibility proce-*
19 *dures described in sections 9.400 through 9.409 of title 48,*
20 *Code of Federal Regulations.*

21 **SEC. 507.** *When issuing statements, press releases, re-*
22 *quests for proposals, bid solicitations and other documents*
23 *describing projects or programs funded in whole or in part*
24 *with Federal money, all grantees receiving Federal funds*
25 *included in this Act, including but not limited to State and*

1 *local governments and recipients of Federal research grants,*
2 *shall clearly state (1) the percentage of the total costs of*
3 *the program or project which will be financed with Federal*
4 *money, (2) the dollar amount of Federal funds for the*
5 *project or program, and (3) percentage and dollar amount*
6 *of the total costs of the project or program that will be fi-*
7 *nanced by nongovernmental sources.*

8 *SEC. 508. (a) None of the funds appropriated under*
9 *this Act shall be expended for any abortion.*

10 *(b) None of the funds appropriated under this Act shall*
11 *be expended for health benefits coverage that includes cov-*
12 *erage of abortion.*

13 *(c) The term “health benefits coverage” means the*
14 *package of services covered by a managed care provider or*
15 *organization pursuant to a contract or other arrangement.*

16 *SEC. 509. (a) The limitations established in the preced-*
17 *ing section shall not apply to an abortion—*

18 *(1) if the pregnancy is the result of an act of*
19 *rape or incest; or*

20 *(2) in the case where a woman suffers from a*
21 *physical disorder, physical injury, or physical illness,*
22 *including a life-endangering physical condition*
23 *caused by or arising from the pregnancy itself, that*
24 *would, as certified by a physician, place the woman*
25 *in danger of death unless an abortion is performed.*

1 (b) *Nothing in the preceding section shall be construed*
2 *as prohibiting the expenditure by a State, locality, entity,*
3 *or private person of State, local, or private funds (other*
4 *than a State's or locality's contribution of medicaid match-*
5 *ing funds) for abortion services or coverage of abortion by*
6 *contract or other arrangement.*

7 (c) *Nothing in the preceding section shall be construed*
8 *as restricting the ability of any managed care provider or*
9 *organization from offering abortion coverage or the ability*
10 *of a State or locality to contract separately with such a*
11 *provider for such coverage with State funds (other than a*
12 *State's or locality's contribution of medicaid matching*
13 *funds).*

14 *SEC. 510. Notwithstanding any other provision of*
15 *law—*

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

22 (2) *no department, agency, or other entity, other*
23 *than the one responsible for administering the pro-*
24 *gram or activity for which an appropriation is made*
25 *in this Act, may exercise authority for the timing of*

1 *the obligation and expenditure of such appropriation,*
2 *or for the purpose for which it is obligated and ex-*
3 *pended, except to the extent and in the manner other-*
4 *wise provided in sections 1512 and 1513 of title 31,*
5 *United States Code; and*

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

13 *SEC. 511. None of the funds made available in this*
14 *Act may be used to enforce the requirements of section*
15 *428(b)(1)(U)(iii) of the Higher Education Act of 1965 with*
16 *respect to any lender when it is made known to the Federal*
17 *official having authority to obligate or expend such funds*
18 *that the lender has a loan portfolio under part B of title*
19 *IV of such Act that is equal to or less than \$5,000,000.*

20 *SEC. 512. (a) None of the funds made available in this*
21 *Act may be used for—*

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

24 *(2) research in which a human embryo or em-*
25 *bryos are destroyed, discarded, or knowingly subjected*

1 *to risk of injury or death greater than that allowed*
2 *for research on fetuses in utero under 45 CFR*
3 *46.208(a)(2) and section 498(b) of the Public Health*
4 *Service Act (42 U.S.C. 289g(b)).*

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

11 *SEC. 513. (a) LIMITATION ON USE OF FUNDS FOR*
12 *PROMOTION OF LEGALIZATION OF CONTROLLED SUB-*
13 *STANCES.—None of the funds made available in this Act*
14 *may be used for any activity when it is made known to*
15 *the Federal official having authority to obligate or expend*
16 *such funds that the activity promotes the legalization of any*
17 *drug or other substance included in schedule I of the sched-*
18 *ules of controlled substances established by section 202 of*
19 *the Controlled Substances Act (21 U.S.C. 812).*

20 *(b) EXCEPTIONS.—The limitation in subsection (a)*
21 *shall not apply when it is made known to the Federal offi-*
22 *cial having authority to obligate or expend such funds that*
23 *there is significant medical evidence of a therapeutic advan-*
24 *tage to the use of such drug or other substance or that Feder-*

1 *ally-sponsored clinical trials are being conducted to deter-*
2 *mine therapeutic advantage.*

3 *SEC. 514. None of the funds made available in this*
4 *Act may be obligated or expended to enter into or renew*
5 *a contract with an entity when it is made known to the*
6 *Federal official having authority to obligate or expend such*
7 *funds that—*

8 *(1) such entity is otherwise a contractor with the*
9 *United States and is subject to the requirement in*
10 *section 4212(d) of title 38, United States Code, re-*
11 *garding submission of an annual report to the Sec-*
12 *retary of Labor concerning employment of certain vet-*
13 *erans; and*

14 *(2) such entity has not submitted a report as re-*
15 *quired by that section for the most recent year for*
16 *which such requirement was applicable to such entity.*

17 *SEC. 515. (a) FEES FOR FEDERAL ADMINISTRATION*
18 *OF STATE SUPPLEMENTARY SSI PAYMENTS.—*

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

21 *(A) IN GENERAL.—Section 1616(d)(2)(B) of*
22 *the Social Security Act (42 U.S.C.*
23 *1382e(d)(2)(B)) is amended—*

24 *(i) by striking “and” at the end of*
25 *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 fis-*
10 *cal year—*

11 *“(I) the applicable rate in the preceding fis-*
12 *cal year, increased by the percentage, if any, by*
13 *which the Consumer Price Index for the month*
14 *of June of the calendar year of the increase ex-*
15 *ceeds the Consumer Price Index for the month of*
16 *June of the calendar year preceding the calendar*
17 *year of the increase, and rounded to the nearest*
18 *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 212(b)(3)(B)(ii)*
4 *of Public Law 93–66 (42 U.S.C. 1382 note) is*
5 *amended—*

6 (i) *by striking “and” at the end of sub-*
7 *clause (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 the*
23 *month of June of the calendar year preceding the*
24 *calendar year of the increase, and rounded to the*
25 *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 DEFRAID THE SOCIAL SECU-
8 RITY ADMINISTRATION’S ADMINISTRATIVE EXPENSES.—

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

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

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

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

1 *vided in advance in appropriations Acts, shall be available*
2 *to defray expenses incurred in carrying out this title and*
3 *related laws.”.*

4 (B) *MANDATORY STATE SUPPLEMENTARY*
5 *PAYMENT FEES.—Section 212(b)(3)(D) of Public*
6 *Law 93–66 (42 U.S.C. 1382 note) is amended to*
7 *read as follows:*

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

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

22 (2) *LIMITATIONS ON AUTHORIZATION OF APPRO-*
23 *PRIATIONS.—From amounts credited pursuant to sec-*
24 *tion 1616(d)(4)(B) of the Social Security Act and sec-*
25 *tion 212(b)(3)(D)(ii) of Public Law 93–66 to the spe-*

1 *cial fund established in the Treasury of the United*
2 *States for State supplementary payment fees, there is*
3 *authorized to be appropriated an amount not to ex-*
4 *ceed \$35,000,000 for fiscal year 1998, and such sums*
5 *as may be necessary for each fiscal year thereafter, for*
6 *administrative expenses in carrying out the supple-*
7 *mental security income program under title XVI of*
8 *the Social Security Act and related laws.*

9 *SEC. 516. Section 520(c)(2)(D) of Departments of*
10 *Labor, Health and Human Services, and Education, and*
11 *Related Agencies Appropriations Act, 1997, is amended by*
12 *striking “September 30, 1997” and inserting in lieu thereof*
13 *“December 31, 1997”.*

14 *SEC. 517. Of the budgetary resources available to agen-*
15 *cies funded in this Act for salaries and expenses during fis-*
16 *cal year 1998, \$75,500,000, to be allocated by the Office*
17 *of Management and Budget, are permanently canceled: Pro-*
18 *vided further, That this provision shall not apply to the*
19 *Food and Drug Administration and the Indian Health*
20 *Service.*

21 *SEC. 518. REPEAL OF TOBACCO INDUSTRY SETTLE-*
22 *MENT CREDIT.—Subsection (k) of section 9302 of the Bal-*
23 *anced Budget Act of 1997, as added by section 1604(f)(3)*
24 *of the Taxpayer Relief Act of 1997, is repealed.*

1 *SEC. 519. (a) GENERAL LIMITATION.—Notwithstand-*
2 *ing any other provision of law, if any attorneys’ fees are*
3 *paid (on behalf of attorneys for the plaintiffs or defendants)*
4 *in connection with an action maintained by a State*
5 *against one or more tobacco companies to recover tobacco-*
6 *related medicaid expenditures or for other causes of action*
7 *involved in the national tobacco settlement agreement, such*
8 *fees shall—*

9 *(1) not be paid at a rate that exceeds \$250 per*
10 *hour; and*

11 *(2) be limited to a total of \$5,000,000.*

12 *(b) FEE ARRANGEMENTS.—Subsection (a) shall apply*
13 *to attorneys’ fees provided for or in connection with an ac-*
14 *tion of the type described in such subsection under any—*

15 *(1) court order;*

16 *(2) settlement agreement;*

17 *(3) contingency fee arrangement;*

18 *(4) arbitration procedure;*

19 *(5) alternative dispute resolution procedure (in-*
20 *cluding mediation); or*

21 *(6) other arrangement providing for the payment*
22 *of attorneys’ fees.*

23 *(c) EXPENSES.—The limitation described in sub-*
24 *section (a) shall not apply to any amounts provided for*
25 *the attorneys’ reasonable and customary expenses.*

1 (d) *REQUIREMENTS.*—No award of attorneys' fees
2 shall be made under any national tobacco settlement until
3 the attorneys involved have—

4 (1) provided to the Governor of the appropriate
5 State, a detailed time accounting with respect to the
6 work performed in relation to any legal action which
7 is the subject of the settlement or with regard to the
8 settlement itself; and

9 (2) made public disclosure of the time accounting
10 under paragraph (1) and any fee agreements entered
11 into, or fee arrangements made, with respect to any
12 legal action that is the subject of the settlement.

13 (e) *PROVISION OF FUNDS FOR CHILDREN'S HEALTH*
14 *RESEARCH.*—Any amounts provided for attorneys' fees in
15 excess of the limitation applicable under this section shall
16 be paid into the Treasury for use by the National Institutes
17 of Health for research relating to children's health.

18 (f) *EFFECTIVE DATE.*—The limitation on the payment
19 of attorneys' fees contained in this section shall become effec-
20 tive on the date of enactment of any Act providing for a
21 national tobacco settlement.

22 *SEC. 520. SENSE OF THE SENATE ON COMPENSATION*
23 *FOR TOBACCO GROWERS AS PART OF LEGISLATION ON THE*
24 *NATIONAL TOBACCO SETTLEMENT. (a) FINDINGS.*—

1 (1) *On June 20, 1997, representatives of tobacco*
2 *manufacturers, public health organizations, and At-*
3 *torneys General from a majority of the States an-*
4 *nounced that an agreement had been reached on a na-*
5 *tional tobacco settlement;*

6 (2) *the national tobacco settlement was intended*
7 *to provide a comprehensive framework for dealing*
8 *with several issues relevant to the tobacco industry,*
9 *including youth smoking prevention, legal liabilities,*
10 *and the sales and marketing practices of the industry;*

11 (3) *implementation of the national tobacco settle-*
12 *ment requires the enactment of Federal legislation by*
13 *the Congress and the President;*

14 (4) *there are more than 125,000 farms in the*
15 *United States which derive a substantial portion of*
16 *their income from the cultivation and sale of tobacco;*

17 (5) *representatives of tobacco growers were com-*
18 *pletely excluded from the negotiations on the national*
19 *tobacco settlement, and were poorly informed, or not*
20 *informed at all, of any details of the settlement nego-*
21 *tiations by any participants in those negotiations;*

22 (6) *the national tobacco settlement includes com-*
23 *penetration for several adversely affected groups, in-*
24 *cluding NASCAR, rodeo, and other event sponsors,*
25 *but includes absolutely no compensation whatsoever*

1 *or other provisions relating to the impact of the settle-*
2 *ment on tobacco growers;*

3 *(7) no other group has their livelihoods affected*
4 *by the national tobacco settlement as adversely as to-*
5 *bacco growers;*

6 *(8) the local economies of tobacco growing com-*
7 *munities will be adversely affected by implementation*
8 *of the national tobacco settlement;*

9 *(9) the national tobacco settlement contemplates*
10 *\$368,500,000,000 in payments from tobacco manufac-*
11 *turers over the next 25 years, and not all of this*
12 *amount has been specifically earmarked by the agree-*
13 *ment; and*

14 *(10) the Federal tobacco program was designed*
15 *to operate at no net cost to the Federal taxpayer, the*
16 *national tobacco settlement does not contemplate any*
17 *changes to the operation of this program, and even*
18 *many critics of the national tobacco settlement, in-*
19 *cluding representatives from the public health commu-*
20 *nity, have expressed support for the continued oper-*
21 *ation of a Federal tobacco program which operates at*
22 *no net cost to taxpayers.*

23 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
24 *ate that—*

1 (1) tobacco growers should be fairly compensated
2 as part of any Federal legislation for the adverse im-
3 pact which will follow from the enactment of the na-
4 tional tobacco settlement;

5 (2) tobacco growing communities should be pro-
6 vided sufficient resources to adequately adjust to the
7 impact on their local economies which will result
8 from the enactment of the national tobacco settlement;

9 (3) any compensation provided to tobacco grow-
10 ers and tobacco growing communities as part of Fed-
11 eral legislation to implement the national tobacco set-
12 tlement should be included within the
13 \$368,500,000,000 in payments which are to be pro-
14 vided over the next 25 years; and

15 (4) No provisions should be included in any Fed-
16 eral legislation to implement the national tobacco set-
17 tlement which would restrict or adversely affect the
18 continued administration of a viable Federal tobacco
19 program which operates at no net cost to the tax-
20 payer.

21 SEC. 521. Nothing in this Act may be construed to
22 interfere with, or abrogate, any agreement previously en-
23 tered into between any State and any private attorney or
24 attorneys with respect to litigation involving tobacco.

1 *SEC. 522. It is the sense of the Senate that attorneys’*
2 *fees paid in connection with an action maintained by a*
3 *State against one or more tobacco companies to recover to-*
4 *bacco-related costs affected by Federal tobacco settlement*
5 *legislation should be publicly disclosed and should not dis-*
6 *place spending in the settlement legislation intended for*
7 *public health.*

8 *SEC. 523. (a) Notwithstanding any other provision of*
9 *law, the Secretary of Education shall award the total*
10 *amount of funds described in subsection (b) directly to local*
11 *educational agencies in accordance with subsection (d) to*
12 *enable the local educational agencies to support programs*
13 *or activities for kindergarten through grade 12 students that*
14 *the local educational agencies deem appropriate.*

15 *(b) The total amount of funds referred to in subsection*
16 *(a) are all funds that are appropriated for the Department*
17 *of Education under this Act to support programs or activi-*
18 *ties for kindergarten through grade 12 students, other*
19 *than—*

20 *(1) amounts appropriated under this Act—*

21 *(A) to carry out title VIII of the Elemen-*
22 *tary and Secondary Education Act of 1965;*

23 *(B) to carry out the Individuals with Dis-*
24 *abilities Education Act;*

25 *(C) to carry out the Adult Education Act;*

1 (D) to carry out the Museum and Library
2 Services Act;

3 (E) for departmental management expenses
4 of the Department of Education; or

5 (F) to carry out the Educational Research,
6 Development, Dissemination, and Improvement
7 Act;

8 (G) to carry out the National Education
9 Statistics Act of 1994;

10 (H) to carry out section 10601 of the Ele-
11 mentary and Secondary Education Act of 1965;

12 (I) to carry out section 2102 of the Elemen-
13 tary and Secondary Education Act of 1965;

14 (J) to carry out part K of the Elementary
15 and Secondary Education Act of 1965;

16 (K) to carry out subpart 5 of part A of title
17 IV of the Higher Education Act of 1965; or

18 (L) to carry out title I of the Elementary
19 and Secondary Education Act of 1965; or

20 (2) 50 percent of the amount appropriated under
21 title III under the headings “Rehabilitation Services
22 and Disability Research” and “Vocational and Adult
23 Education”.

24 (c) Each local educational agency shall conduct a cen-
25 sus to determine the number of kindergarten through grade

1 12 students served by the local educational agency not later
2 than 21 days after the beginning of the school year. Each
3 local educational agency shall submit the number to the
4 Secretary.

5 (d) The Secretary shall determine the amount awarded
6 to each local educational agency under subsection (a) as fol-
7 lows:

8 (1) First, the Secretary, using the information
9 provided under subsection (c), shall determine a per
10 child amount by dividing the total amount of funds
11 described in subsection (b), by the total number of
12 kindergarten through grade 12 students in all States.

13 (2) Second, the Secretary, using the information
14 provided under subsection (c), shall determine the
15 baseline amount for each local educational agency by
16 multiplying the per child amount determined under
17 paragraph (1) by the number of kindergarten through
18 grade 12 students that are served by the local edu-
19 cational agency.

20 (3) Lastly, the Secretary shall compute the
21 amount awarded to each local educational agency as
22 follows:

23 (A) Multiply the baseline amount deter-
24 mined under paragraph (2) by a factor of 1.1 for
25 local educational agencies serving States that are

1 *in the least wealthy quintile of all States as de-*
2 *termined by the Secretary on the basis of the per*
3 *capita income of individuals in the States.*

4 *(B) Multiply the baseline amount by a fac-*
5 *tor of 1.05 for local educational agencies serving*
6 *States that are in the second least wealthy such*
7 *quintile.*

8 *(C) Multiply the baseline amount by a fac-*
9 *tor of 1.00 for local educational agencies serving*
10 *States that are in the third least wealthy such*
11 *quintile.*

12 *(D) Multiply the baseline amount by a fac-*
13 *tor of .95 for local educational agencies serving*
14 *States that are in the fourth least wealthy such*
15 *quintile.*

16 *(E) Multiply the baseline amount by a fac-*
17 *tor of .90 for local educational agencies serving*
18 *States that are in the wealthiest such quintile.*

19 *(4) Notwithstanding paragraph (3), the Sec-*
20 *retary shall compute the amount awarded to each*
21 *local educational agency serving the State of Alaska*
22 *or Hawaii by multiplying the base line amount deter-*
23 *mined under paragraph (2) for the local educational*
24 *agency by a factor of 1.00.*

1 (e) *If the total amount of funds described in subsection*
2 *(b) that are made available to carry out subsection (a) is*
3 *insufficient to pay in full all amounts awarded under sub-*
4 *section (d), then the Secretary shall ratably reduce each*
5 *such amount.*

6 (f) *If the Secretary determines that a local educational*
7 *agency has knowingly submitted false information under*
8 *subsection (c) for the purpose of gaining additional funds*
9 *under subsection (a), then the local educational agency shall*
10 *be fined an amount equal to twice the difference between*
11 *the amount the local educational agency received under sub-*
12 *section (d), and the correct amount the local educational*
13 *agency would have received if the agency had submitted ac-*
14 *curate information under subsection (c).*

15 (g)(1) *Notwithstanding any other provision of law, the*
16 *Secretary of Education shall award the total amount of*
17 *funds made available under this Act to carry out title I*
18 *of the Elementary and Secondary Education Act of 1965*
19 *for fiscal year 1998 directly to local educational agencies*
20 *in accordance with paragraph (2) to enable the local edu-*
21 *cational agencies to support programs or activities for kin-*
22 *dergarten through grade 12 students that the local edu-*
23 *cational agencies deem appropriate.*

24 (2) *Each local educational agency shall receive an*
25 *amount awarded under this subsection that bears the same*

1 *relation to the total amount of funds made available under*
2 *this Act to carry out title I of the Elementary and Second-*
3 *ary Education Act of 1965 for fiscal year 1998 as the num-*
4 *ber of children counted under section 1124(c) of such Act*
5 *for the local educational agency for fiscal year 1997 bears*
6 *to the total number of students so counted for all local edu-*
7 *cational agencies for fiscal year 1997.*

8 *(h) Notwithstanding any other provision of this sec-*
9 *tion, the total amount awarded to local educational agencies*
10 *in each State under this section shall not be less than the*
11 *net dollars that States would have received absent the provi-*
12 *sions of this section.*

13 *(i) In this section—*

14 *(1) the term “local educational agency” has the*
15 *meaning given the term in section 14101 of the Ele-*
16 *mentary and Secondary Education Act of 1965;*

17 *(2) the term “Secretary” means the Secretary of*
18 *Education; and*

19 *(3) the term “State” means each of the several*
20 *States of the United States, the District of Columbia,*
21 *the Commonwealth of Puerto Rico, Guam, American*
22 *Samoa, the Commonwealth of the Northern Mariana*
23 *Islands, the United States Virgin Islands, the Repub-*
24 *lic of the Marshall Islands, the Federated States of*
25 *Micronesia, and the Republic of Palau.*

1 *SEC. 524. (a) Notwithstanding any other provision of*
2 *law, the Office of Educational Research and Improvement*
3 *shall submit to the Committee on Appropriations of the*
4 *Senate a spending plan for activities funded under this title*
5 *under the heading “EDUCATION RESEARCH, STATISTICS,*
6 *AND IMPROVEMENT”, prior to the obligation of the funds.*

7 *(b)(1) Notwithstanding any other provision of law, the*
8 *National Assessment Governing Board established under*
9 *section 412 of the National Education Statistics Act of 1994*
10 *(20 U.S.C. 9011) (hereafter in this section referred to as*
11 *the “Board”) shall hereafter have exclusive authority over*
12 *all policies, direction, and guidelines for establishing and*
13 *implementing voluntary national tests for 4th grade Eng-*
14 *lish reading and 8th grade mathematics: Provided, That the*
15 *tests shall be made available to a State, local educational*
16 *agency, or private or parochial school, upon the request of*
17 *the State, agency, or school, and the use of the tests shall*
18 *not be a condition for receiving any Federal funds: Pro-*
19 *vided further, That within 90 days after the date of enact-*
20 *ment of this Act, the Board shall review the national test*
21 *development contract in effect on the date of enactment of*
22 *this Act, and modify the contract as the Board determines*
23 *necessary: Provided further, That if the contract cannot be*
24 *modified to the extent determined necessary by the Board,*
25 *the contract shall be terminated and the Board shall nego-*

1 *tiate a new contract, under the Board's exclusive control,*
2 *for the tests.*

3 *(2) In exercising the Board's responsibilities under*
4 *paragraph (1) regarding the national tests, and notwith-*
5 *standing any action undertaken by the Department of Edu-*
6 *cation or a person contracting with or providing services*
7 *for the Department regarding the planning, or the develop-*
8 *ment of specifications, for the tests, the Board shall—*

9 *(A) ensure that the content and standards for the*
10 *tests are the same as the content and standards for*
11 *the National Assessment;*

12 *(B) exercise exclusive authority over any expert*
13 *panel or advisory committee that will be or is estab-*
14 *lished with respect to the tests;*

15 *(C) ensure that the tests are linked to the Na-*
16 *tional Assessment to the maximum degree possible;*

17 *(D) develop test objectives, test specifications,*
18 *and test methodology;*

19 *(E) develop policies for test administration, in-*
20 *cluding guidelines for inclusion of, and accommoda-*
21 *tions for, students with disabilities and students with*
22 *limited English proficiency;*

23 *(F) develop policies for reporting test results, in-*
24 *cluding the use of standards or performance levels,*
25 *and for test use;*

1 (G) have final authority over the appropriate-
2 ness of all test items;

3 (H) ensure that all items selected for use on the
4 tests are free from racial, cultural, or gender bias;
5 and

6 (I) take such actions and make such policies as
7 the Board determines necessary.

8 (c) No State or local educational agency may require
9 any private or parochial school student, or home-schooled
10 individual, to take any test developed under this Act with-
11 out the written consent of the student or individual.

12 (d) Section 412 of the National Education Statistics
13 Act of 1994 (20 U.S.C. 9011) is amended—

14 (1) in subsection (b)(1)—

15 (A) by amending subparagraph (A) to read
16 as follows:

17 “(A) three Governors, or former Governors,
18 of whom not more than 1 shall be a member of
19 the same political party as the President;”;

20 (B) by amending subparagraph (B) to read
21 as follows:

22 “(B) two State legislators, of whom not
23 more than 1 shall be a member of the same polit-
24 ical party as the President;”;

1 (C) in subparagraph (H), by striking “one
2 representative” and inserting “three representa-
3 tives”;

4 (D) by amending subparagraph (I) to read
5 as follows:

6 “(I) two mayors, of whom not more than 1
7 shall be a member of the same political party as
8 the President;”;

9 (E) by striking subparagraph (J); and

10 (F) by redesignating subparagraphs (K),
11 (L), and (M) as subparagraphs (J), (K), and
12 (L), respectively;

13 (2) in subsection (c)—

14 (A) in paragraph (1), by striking “and
15 may not exceed a period of 3” and inserting
16 “and shall be for periods of 4”; and

17 (B) in paragraph (2), by inserting “con-
18 secutive” after “two”;

19 (3) by amending subsection (d) to read as fol-
20 lows:

21 “(d) VACANCIES.—As vacancies on the Board occur,
22 new members of the Board shall be appointed by the Sec-
23 retary from among individuals who are nominated by the
24 Board after consultation with representatives of the individ-
25 uals described in subsection (b)(1). For each vacancy, the

1 *Board shall nominate at least 3 individuals who are quali-*
2 *fied by experience or training to fill the particular Board*
3 *vacancy.”; and*

4 *(4) in subsection (e) by adding at the end the fol-*
5 *lowing:*

6 *“(7) INDEPENDENCE.—In the exercise of its*
7 *functions, powers, and duties, the Board shall be*
8 *independent of the Secretary and the other offices and*
9 *officers of the Department. The Secretary shall, by*
10 *written delegation of authority, authorize the Board*
11 *to award grants and contracts, and otherwise operate,*
12 *to the maximum extent practicable, independent of*
13 *the Department.”.*

14 *(e) Not later than 30 days after the date of enactment*
15 *of this Act, the Secretary of Education, in consultation with*
16 *the Speaker and Minority Leader of the House of Represent-*
17 *atives, and the Majority Leader and Minority Leader of*
18 *the Senate, shall appoint individuals to fill vacancies on*
19 *the National Assessment Governing Board caused by the ex-*
20 *piration of the terms of members of the Board, or the cre-*
21 *ation of new membership positions on the Board pursuant*
22 *to amendments made by this Act.*

