

Calendar No. 589

104TH CONGRESS
2^D SESSION

H.R. 3755

[Report No. 104-368]

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, 1997, and for other purposes.

JULY 12, 1996

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 12, 1996

Reported with amendments

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IN THE SENATE OF THE UNITED STATES

JULY 12, 1996

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SEPTEMBER 12, 1996

Reported by Mr. SPECTER, with amendments

[Omit the part struck through and insert the part printed in italic]

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, 1997, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and
6 Education, and related agencies for the fiscal year ending
7 September 30, 1997, and for other purposes, namely:

1 TITLE I—DEPARTMENT OF LABOR

2 EMPLOYMENT AND TRAINING ADMINISTRATION

3 TRAINING AND EMPLOYMENT SERVICES

4 For expenses necessary to carry into effect the Job
5 Training Partnership Act, as amended, including the pur-
6 chase and hire of passenger motor vehicles, the construc-
7 tion, alteration, and repair of buildings and other facili-
8 ties, and the purchase of real property for training centers
9 as authorized by the Job Training Partnership Act; the
10 Women in Apprenticeship and Nontraditional Occupations
11 Act; the National Skill Standards Act of 1994; and the
12 School-to-Work Opportunities Act; ~~\$4,171,482,000~~ (re-
13 duced by ~~\$5,000,000~~) *\$4,202,739,000* plus reimburse-
14 ments, of which ~~\$3,297,011,000~~ (reduced by ~~\$5,000,000~~)
15 *\$3,323,268,000* is available for obligation for the period
16 July 1, 1997 through June 30, 1998; of which
17 *\$73,861,000* is available for the period July 1, 1997
18 through June 30, 2000 for necessary expenses of construc-
19 tion, rehabilitation, and acquisition of Job Corps centers;
20 and of which ~~\$175,000,000~~ *\$180,000,000* shall be available
21 from July 1, 1997 through September 30, 1998, for carry-
22 ing out activities of the School-to-Work Opportunities Act:
23 *Provided, That \$50,000,000* *\$52,502,000* shall be for car-
24 rying out section 401 of the Job Training Partnership Act,
25 ~~\$65,000,000~~ *\$70,285,000* shall be for carrying out section

1 402 of such Act, \$7,300,000 shall be for carrying out sec-
2 tion 441 of such Act, ~~\$2,530,000~~ \$8,000,000 shall be for
3 all activities conducted by and through the National Occu-
4 pational Information Coordinating Committee under such
5 Act, ~~\$850,000,000 (reduced by \$5,000,000)~~ \$845,000,000
6 shall be for carrying out title II, part A of such Act, and
7 \$126,672,000 shall be for carrying out title II, part C of
8 such Act: *Provided further*, That no funds from any other
9 appropriation shall be used to provide meal services at or
10 for Job Corps centers: *Provided further*, That funds pro-
11 vided to carry out title III of the Job Training Partnership
12 Act shall not be subject to the limitation contained in sub-
13 section (b) of section 315 of such Act; that the waiver
14 allowing a reduction in the cost limitation relating to re-
15 training services described in subsection (a)(2) of such
16 section 315 may be granted with respect to funds from
17 this Act if a substate grantee demonstrates to the Gov-
18 ernor that such waiver is appropriate due to the availabil-
19 ity of low-cost retraining services, is necessary to facilitate
20 the provision of needs-related payments to accompany
21 long-term training, or is necessary to facilitate the provi-
22 sion of appropriate basic readjustment services; and that
23 funds provided to carry out the Secretary's discretionary
24 grants under part B of such title III may be used to pro-
25 vide needs-related payments to participants who, in lieu

1 of meeting the requirements relating to enrollment in
2 training under section 314(e) of such Act, are enrolled in
3 training by the end of the sixth week after grant funds
4 have been awarded: *Provided further*, That service delivery
5 areas may transfer funding provided herein under author-
6 ity of titles II–B and II–C of the Job Training Partner-
7 ship Act between the programs authorized by those titles
8 of that Act, if such transfer is approved by the Governor:
9 *Provided further*, That service delivery areas and substate
10 areas may transfer *up to 50 percent of the* funding pro-
11 vided herein under authority of title II–A and title III of
12 the Job Training Partnership Act between the programs
13 authorized by those titles of the Act, if such transfer is
14 approved by the Governor: *Provided further*, That, not-
15 withstanding any other provision of law, any proceeds
16 from the sale of Job Corps center facilities shall be re-
17 tained by the Secretary of Labor to carry out the Job
18 Corps program: *Provided further*, *That notwithstanding*
19 *any other provision of law, the Secretary of Labor may*
20 *waive any of the statutory or regulatory requirements of*
21 *titles I–III of the Job Training Partnership Act (except for*
22 *requirements relating to wage and labor standards, griev-*
23 *ance procedures and judicial review, nondiscrimination al-*
24 *lotment of funds, and eligibility), and any of the statutory*
25 *or regulatory requirements of sections 8–10 of the Wagner-*

1 *Peysers Act (except for requirements relating to the provision*
2 *of services to unemployment insurance claimants and veter-*
3 *ans, and to universal access to basic labor exchange services*
4 *without cost to job seekers), for funds available for expendi-*
5 *ture in program year 1997 and thereafter, pursuant to a*
6 *request submitted by a State, if the Secretary determines*
7 *that such requirements impede the ability of the State to*
8 *implement a plan to improve the workforce development*
9 *system and the State has executed a Memorandum of Un-*
10 *derstanding with the Secretary requiring such State to meet*
11 *agreed upon outcomes and implement other appropriate*
12 *measures to ensure accountability: Provided further, That*
13 *the Secretary of Labor shall establish a workforce flexibility*
14 *(work-flex) partnership demonstration program under*
15 *which the Secretary shall authorize not more than six*
16 *States, of which at least three States shall each have popu-*
17 *lations not in excess of 3,500,000, with a preference given*
18 *to those States that have been designated Ed-Flex Partner-*
19 *ship States under section 311(e) of Public Law 103-227,*
20 *to waive any statutory or regulatory requirement applica-*
21 *ble to service delivery areas or substate areas within the*
22 *State under titles I-III of the Job Training Partnership*
23 *Act (except for requirements relating to wage and labor*
24 *standards, grievance procedures and judicial review, non-*
25 *discrimination, allotment of funds, and eligibility), and*

1 *any of the statutory or regulatory requirements of sections*
 2 *8–10 of the Wagner-Peyser Act (except for requirements re-*
 3 *lating to the provision of services to unemployment insur-*
 4 *ance claimants and veterans, and to universal access to*
 5 *basic labor exchange services without cost to job seekers),*
 6 *for a duration not to exceed the waiver period authorized*
 7 *under section 311(e) of Public Law 103–227, pursuant to*
 8 *a plan submitted by such States and approved by the Sec-*
 9 *retary for the provision of workforce employment and train-*
 10 *ing activities in the States, which includes a description*
 11 *of the process by which service delivery areas and substate*
 12 *areas may apply for and have waivers approved by the*
 13 *State, the requirements of the Wagner-Peyser Act to be*
 14 *waived, the outcomes to be achieved and other measures to*
 15 *be taken to ensure appropriate accountability for federal*
 16 *funds.*

17 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
 18 AMERICANS
 19 (TRANSFER OF FUNDS)

20 To carry out the activities for national grants or con-
 21 tracts with public agencies and public or private nonprofit
 22 organizations under paragraph (1)(A) of section 506(a)
 23 of title V of the Older Americans Act of 1965, as amended,
 24 or to carry out older worker activities as subsequently au-
 25 thorized, ~~\$242,450,000~~ \$279,750,000.

1 To carry out the activities for grants to States under
2 paragraph (3) of section 506(a) of title V of the Older
3 Americans Act of 1965, as amended, or to carry out older
4 worker activities as subsequently authorized,
5 ~~\$130,550,000~~ \$93,250,000.

6 The funds appropriated under this heading shall be
7 transferred to the Department of Health and Human
8 Services, "Aging Services Programs" following the enact-
9 ment of legislation authorizing the administration of the
10 program by that Department: *Provided*, That the funds
11 shall be available for obligation for the period July 1, 1997
12 through June 30, 1998.

13 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

14 For payments during the current fiscal year of trade
15 adjustment benefit payments and allowances under part
16 I, and for training, for allowances for job search and relo-
17 cation, and for related State administrative expenses
18 under part II, subchapters B and D, chapter 2, title II
19 of the Trade Act of 1974, as amended, \$324,500,000, to-
20 gether with such amounts as may be necessary to be
21 charged to the subsequent appropriation for payments for
22 any period subsequent to September 15 of the current
23 year.

1 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
2 SERVICE OPERATIONS

3 For authorized administrative expenses,
4 \$132,279,000, together with not to exceed
5 ~~\$3,096,111,000~~ (reduced by ~~\$3,800,000~~) (decreased by
6 ~~\$2,399,000~~) \$3,099,736,000 (including not to exceed
7 \$1,653,000 which may be used for amortization payments
8 to States which had independent retirement plans in their
9 State employment service agencies prior to 1980, and in-
10 cluding not to exceed \$2,000,000 which may be obligated
11 in contracts with non-State entities for activities such as
12 occupational and test research activities which benefit the
13 Federal-State Employment Service System), which may be
14 expended from the Employment Security Administration
15 account in the Unemployment Trust Fund *including the*
16 *cost of administering section 1201 of the Small Business*
17 *Job Protection Act of 1996, section 7(d) of the Wagner-*
18 *Peyser Act, as amended, the Trade Act of 1974, as amended,*
19 *the Immigration Act of 1990, and the Immigration and Na-*
20 *tionality Act, as amended,* and of which the sums available
21 in the allocation for activities authorized by title III of
22 the Social Security Act, as amended (42 U.S.C. 502–504),
23 and the sums available in the allocation for necessary ad-
24 ministrative expenses for carrying out 5 U.S.C. 8501–
25 8523, shall be available for obligation by the States

1 through December 31, 1997, except that funds used for
2 automation acquisitions shall be available for obligation by
3 States through September 30, 1999; and of which
4 \$132,279,000, together with not to exceed \$701,369,000
5 of the amount which may be expended from said trust
6 fund, shall be available for obligation for the period July
7 1, 1997 through June 30, 1998, to fund activities under
8 the Act of June 6, 1933, as amended, including the cost
9 of penalty mail *authorized under 39 U.S.C. 3202(a)(1)(E)*
10 made available to States in lieu of allotments for such pur-
11 pose, and of which ~~\$260,573,000~~ \$216,333,000 shall be
12 available only to the extent necessary for additional State
13 allocations to administer unemployment compensation
14 laws to finance increases in the number of unemployment
15 insurance claims filed and claims paid or changes in a
16 State law: *Provided*, That to the extent that the Average
17 Weekly Insured Unemployment (AWIU) for fiscal year
18 1997 is projected by the Department of Labor to exceed
19 2,828,000 an additional \$28,600,000 shall be available for
20 obligation for every 100,000 increase in the AWIU level
21 (including a pro rata amount for any increment less than
22 100,000) from the Employment Security Administration
23 Account of the Unemployment Trust Fund: *Provided fur-*
24 *ther*, That funds appropriated in this Act which are used
25 to establish a national one-stop career center network may

1 be obligated in contracts, grants or agreements with non-
2 State entities: *Provided further*, That funds appropriated
3 under this Act for activities authorized under the Wagner-
4 Peyser Act, as amended, and title III of the Social Secu-
5 rity Act, may be used by the States to fund integrated
6 Employment Service and Unemployment Insurance auto-
7 mation efforts, notwithstanding cost allocation principles
8 prescribed under Office of Management and Budget Cir-
9 cular A-87.

10 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
11 OTHER FUNDS

12 For repayable advances to the Unemployment Trust
13 Fund as authorized by sections 905(d) and 1203 of the
14 Social Security Act, as amended, and to the Black Lung
15 Disability Trust Fund as authorized by section 9501(e)(1)
16 of the Internal Revenue Code of 1954, as amended; and
17 for nonrepayable advances to the Unemployment Trust
18 Fund as authorized by section 8509 of title 5, United
19 States Code, section 104(d) of Public Law 102-164, and
20 section 5 of Public Law 103-6, and to the “Federal unem-
21 ployment benefits and allowances” account, to remain
22 available until September 30, 1998, \$373,000,000.

23 In addition, for making repayable advances to the
24 Black Lung Disability Trust Fund in the current fiscal
25 year after September 15, 1997, for costs incurred by the

1 Black Lung Disability Trust Fund in the current fiscal
2 year, such sums as may be necessary.

3 PROGRAM ADMINISTRATION

4 For expenses of administering employment and train-
5 ing programs and for carrying out section 908 of the So-
6 cial Security Act, \$81,393,000, together with not to ex-
7 ceed \$39,977,000, which may be expended from the Em-
8 ployment Security Administration account in the Unem-
9 ployment Trust Fund.

10 PENSION AND WELFARE BENEFITS ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses for Pension and Welfare Ben-
13 efits Administration, ~~\$65,783,000~~ (increased by
14 ~~\$300,000~~, which amount shall be for genetic non-
15 ~~discrimination enforcement activities~~) \$71,783,000.

16 PENSION BENEFIT GUARANTY CORPORATION

17 PENSION BENEFIT GUARANTY CORPORATION FUND

18 The Pension Benefit Guaranty Corporation is author-
19 ized to make such expenditures, including financial assist-
20 ance authorized by section 104 of Public Law 96-364,
21 within limits of funds and borrowing authority available
22 to such Corporation, and in accord with law, and to make
23 such contracts and commitments without regard to fiscal
24 year limitations as provided by section 104 of the Govern-
25 ment Corporation Control Act, as amended (31 U.S.C.
26 9104), as may be necessary in carrying out the program

1 through September 30, 1997, for such Corporation: ~~Pro-~~
 2 ~~vided,~~ That not to exceed \$135,720,000 shall be available
 3 for administrative expenses of the Corporation: *Provided,*
 4 *That not to exceed \$10,345,000 shall be available for admin-*
 5 *istrative expenses of the Corporation: Provided further,*
 6 *That expenses of such Corporation in connection with the*
 7 *termination of pension plans, for the acquisition, protection*
 8 *or management, and investment of trust assets, and for ben-*
 9 *efits administration services shall be considered as non-ad-*
 10 *ministrative expenses for the purposes hereof, and excluded*
 11 *from the above limitation.*

12 EMPLOYMENT STANDARDS ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses for the Employment Stand-
 15 ards Administration, including reimbursement to State,
 16 Federal, and local agencies and their employees for inspec-
 17 tion services rendered, ~~\$258,422,000 (increased by~~
 18 ~~\$5,000,000 for sweatshop enforcement in the garment in-~~
 19 ~~dustry)~~ \$262,172,000, together with \$983,000 which may
 20 be expended from the Special Fund in accordance with
 21 sections 39(c) and 44(j) of the Longshore and Harbor
 22 Workers' Compensation Act: *Provided,* That the Secretary
 23 of Labor is authorized to accept, retain, and spend, until
 24 expended, in the name of the Department of Labor, all
 25 sums of money ordered to be paid to the Secretary of

1 Labor, in accordance with the terms of the Consent Judg-
2 ment in Civil Action No. 91–0027 of the United States
3 District Court for the District of the Northern Mariana
4 Islands (May 21, 1992): *Provided further*, That the Sec-
5 retary of Labor is authorized to establish and, in accord-
6 ance with 31 U.S.C. 3302, collect and deposit in the
7 Treasury fees for processing applications and issuing cer-
8 tificates under sections 11(d) and 14 of the Fair Labor
9 Standards Act of 1938, as amended (29 U.S.C. 211(d)
10 and 214) and for processing applications and issuing reg-
11 istrations under Title I of the Migrant and Seasonal Agri-
12 cultural Worker Protection Act, 29 U.S.C. 1801 et seq.

13 SPECIAL BENEFITS

14 (INCLUDING TRANSFER OF FUNDS)

15 For the payment of compensation, benefits, and ex-
16 penses (except administrative expenses) accruing during
17 the current or any prior fiscal year authorized by title 5,
18 chapter 81 of the United States Code; continuation of ben-
19 efits as provided for under the head “Civilian War Bene-
20 fits” in the Federal Security Agency Appropriation Act,
21 1947; the Employees’ Compensation Commission Appro-
22 priation Act, 1944; and sections 4(c) and 5(f) of the War
23 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per
24 centum of the additional compensation and benefits re-
25 quired by section 10(h) of the Longshore and Harbor
26 Workers’ Compensation Act, as amended, \$213,000,000

1 together with such amounts as may be necessary to be
2 charged to the subsequent year appropriation for the pay-
3 ment of compensation and other benefits for any period
4 subsequent to August 15 of the current year: *Provided*,
5 That such sums as are necessary may be used under sec-
6 tion 8104 of title 5, United States Code, by the Secretary
7 to reimburse an employer, who is not the employer at the
8 time of injury, for portions of the salary of a reemployed,
9 disabled beneficiary: *Provided further*, That balances of re-
10 imbursements unobligated on September 30, 1996, shall
11 remain available until expended for the payment of com-
12 pensation, benefits, and expenses: *Provided further*, That
13 in addition there shall be transferred to this appropriation
14 from the Postal Service and from any other corporation
15 or instrumentality required under section 8147(c) of title
16 5, United States Code, to pay an amount for its fair share
17 of the cost of administration, such sums as the Secretary
18 of Labor determines to be the cost of administration for
19 employees of such fair share entities through September
20 30, 1997: *Provided further*, That of those funds trans-
21 ferred to this account from the fair share entities to pay
22 the cost of administration, \$11,390,000 shall be made
23 available to the Secretary of Labor for expenditures relat-
24 ing to capital improvements in support of Federal Employ-
25 ees' Compensation Act administration, and the balance of

1 such funds shall be paid into the Treasury as miscellane-
2 ous receipts: *Provided further*, That the Secretary may re-
3 quire that any person filing a notice of injury or a claim
4 for benefits under Subchapter 5, U.S.C., chapter 81, or
5 under subchapter 33, U.S.C. 901, et seq. (the Longshore
6 and Harbor Workers' Compensation Act, as amended),
7 provide as part of such notice and claim, such identifying
8 information (including Social Security account number) as
9 such regulations may prescribe.

10 BLACK LUNG DISABILITY TRUST FUND
11 (INCLUDING TRANSFER OF FUNDS)

12 For payments from the Black Lung Disability Trust
13 Fund, \$1,007,644,000, of which \$961,665,000 shall be
14 available until September 30, 1998, for payment of all
15 benefits as authorized by section 9501(d) (1), (2), (4), and
16 (7) of the Internal Revenue Code of 1954, as amended,
17 and interest on advances as authorized by section
18 9501(c)(2) of that Act, and of which \$26,071,000 shall
19 be available for transfer to Employment Standards Ad-
20 ministration, Salaries and Expenses, \$19,621,000 for
21 transfer to Departmental Management, Salaries and Ex-
22 penses, and \$287,000 for transfer to Departmental Man-
23 agement, Office of Inspector General, for expenses of oper-
24 ation and administration of the Black Lung Benefits pro-
25 gram as authorized by section 9501(d)(5)(A) of that Act:
26 *Provided*, That, in addition, such amounts as may be nec-

1 essary may be charged to the subsequent year appropria-
2 tion for the payment of compensation, interest, or other
3 benefits for any period subsequent to August 15 of the
4 current year: *Provided further*, That in addition such
5 amounts shall be paid from this fund into miscellaneous
6 receipts as the Secretary of the Treasury determines to
7 be the administrative expenses of the Department of the
8 Treasury for administering the fund during the current
9 fiscal year, as authorized by section 9501(d)(5)(B) of that
10 Act.

11 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
12 SALARIES AND EXPENSES

13 For necessary expenses for the Occupational Safety
14 and Health Administration, ~~\$297,734,000~~ \$299,134,000,
15 including not to exceed \$66,929,000 which shall be the
16 maximum amount available for grants to States under sec-
17 tion 23(g) of the Occupational Safety and Health Act,
18 which grants shall be no less than fifty percent of the costs
19 of State occupational safety and health programs required
20 to be incurred under plans approved by the Secretary
21 under section 18 of the Occupational Safety and Health
22 Act of 1970; and, in addition, notwithstanding 31 U.S.C.
23 3302, the Occupational Safety and Health Administration
24 may retain up to \$750,000 per fiscal year of training insti-
25 tute course tuition fees, otherwise authorized by law to

1 be collected, and may utilize such sums for occupational
2 safety and health training and education grants: ~~Provided,~~
3 *Provided, That, notwithstanding 31 U.S.C. 3302, the Sec-*
4 *retary of Labor is authorized, during the fiscal year ending*
5 *September 30, 1997, to collect and retain fees for services*
6 *provided to Nationally Recognized Testing Laboratories,*
7 *and may utilize such sums, in accordance with the provi-*
8 *sions of 29 U.S.C. 9a, to administer national and inter-*
9 *national laboratory recognition programs that ensure the*
10 *safety of equipment and products used by workers in the*
11 *workplace: Provided further, That none of the funds appro-*
12 *priated under this paragraph shall be obligated or ex-*
13 *pended to prescribe, issue, administer, or enforce any*
14 *standard, rule, regulation, or order under the Occupa-*
15 *tional Safety and Health Act of 1970 which is applicable*
16 *to any person who is engaged in a farming operation which*
17 *does not maintain a temporary labor camp and employs*
18 *ten or fewer employees: Provided further, That no funds*
19 *appropriated under this paragraph shall be obligated or*
20 *expended to administer or enforce any standard, rule, reg-*
21 *ulation, or order under the Occupational Safety and*
22 *Health Act of 1970 with respect to any employer of ten*
23 *or fewer employees who is included within a category hav-*
24 *ing an occupational injury lost workday case rate, at the*
25 *most precise Standard Industrial Classification Code for*

1 which such data are published, less than the national aver-
2 age rate as such rates are most recently published by the
3 Secretary, acting through the Bureau of Labor Statistics,
4 in accordance with section 24 of that Act (29 U.S.C. 673),
5 except—

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

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

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

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

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

1 (6) to take any action authorized by such Act
2 with respect to complaints of discrimination against
3 employees for exercising rights under such Act:

4 *Provided further*, That the foregoing proviso shall not
5 apply to any person who is engaged in a farming operation
6 which does not maintain a temporary labor camp and em-
7 ploys ten or fewer employees.

8 MINE SAFETY AND HEALTH ADMINISTRATION

9 SALARIES AND EXPENSES

10 For necessary expenses for the Mine Safety and
11 Health Administration, ~~\$191,810,000~~ \$195,724,000, in-
12 cluding purchase and bestowal of certificates and trophies
13 in connection with mine rescue and first-aid work, and the
14 hire of passenger motor vehicles; the Secretary is author-
15 ized to accept lands, buildings, equipment, and other con-
16 tributions from public and private sources and to pros-
17 ecute projects in cooperation with other agencies, Federal,
18 State, or private; the Mine Safety and Health Administra-
19 tion is authorized to promote health and safety education
20 and training in the mining community through cooperative
21 programs with States, industry, and safety associations;
22 and any funds available to the Department may be used,
23 with the approval of the Secretary, to provide for the costs
24 of mine rescue and survival operations in the event of a
25 major disaster: *Provided*, That none of the funds appro-

1 priated under this paragraph shall be obligated or ex-
 2 pended to carry out section 115 of the Federal Mine Safe-
 3 ty and Health Act of 1977 or to carry out that portion
 4 of section 104(g)(1) of such Act relating to the enforce-
 5 ment of any training requirements, with respect to shell
 6 dredging, or with respect to any sand, gravel, surface
 7 stone, surface clay, colloidal phosphate, or surface lime-
 8 stone mine.

9 BUREAU OF LABOR STATISTICS

10 SALARIES AND EXPENSES

11 For necessary expenses for the Bureau of Labor Sta-
 12 tistics, including advances or reimbursements to State,
 13 Federal, and local agencies and their employees for serv-
 14 ices rendered, ~~\$302,947,000~~ (reduced by ~~\$300,000~~)
 15 \$299,665,000, of which \$16,145,000 shall be for expenses
 16 of revising the Consumer Price Index and shall remain
 17 available until September 30, 1998, together with not to
 18 exceed ~~\$52,053,000~~ \$51,665,000, which may be expended
 19 from the Employment Security Administration account in
 20 the Unemployment Trust Fund.

21 DEPARTMENTAL MANAGEMENT

22 SALARIES AND EXPENSES

23 For necessary expenses for Departmental Manage-
 24 ment, including the hire of three sedans, and including
 25 up to ~~\$4,271,000~~ \$4,358,000 for the President's Commit-

1 tee on Employment of People With Disabilities,
2 ~~\$137,504,000~~ \$142,211,000; together with not to exceed
3 \$297,000, which may be expended from the Employment
4 Security Administration account in the Unemployment
5 Trust Fund: *Provided*, That no funds made available by
6 this Act may be used by the Solicitor of Labor to partici-
7 pate in a review in any United States court of appeals
8 of any decision made by the Benefits Review Board under
9 section 21 of the Longshore and Harbor Workers' Com-
10 pensation Act (33 U.S.C. 921) where such participation
11 is precluded by the decision of the United States Supreme
12 Court in Director, Office of Workers' Compensation Pro-
13 grams v. Newport News Shipbuilding, 115 S. Ct. 1278
14 (1995): *Provided further*, That no funds made available by
15 this Act may be used by the Secretary of Labor to review
16 a decision under the Longshore and Harbor Workers' Com-
17 pensation Act (33 U.S.C. 901 et seq.) that has been appealed
18 and that has been pending before the Benefits Review Board
19 for more than 12 months: *Provided further*, That any such
20 decision pending a review by the Benefits Review Board
21 for more than one year shall be considered affirmed by the
22 Benefits Review Board on that date, and shall be considered
23 the final order of the Board for purposes of obtaining a
24 review in the United States courts of appeals: *Provided fur-*
25 *ther*, That these provisions shall not be applicable to the

1 *review of any decision issued under the Black Lung Benefits*
2 *Act (30 U.S.C. 901 et seq.): Provided further, That*
3 *\$1,000,000 shall be for a Commission on Retirement Income*
4 *Policy, if authorized.*

5 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT
6 AND TRAINING

7 Not to exceed ~~\$178,149,000~~ (increased by
8 ~~\$3,800,000~~) \$174,225,000 may be derived from the Em-
9 ployment Security Administration account in the Unem-
10 ployment Trust Fund to carry out the provisions of 38
11 U.S.C. 4100–4110A and 4321–4327, and Public Law
12 103–353, and which shall be available for obligation by
13 the States through December 31, 1997.

14 OFFICE OF INSPECTOR GENERAL

15 For salaries and expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, as amended, \$42,938,000, together
18 with not to exceed \$3,543,000, which may be expended
19 from the Employment Security Administration account in
20 the Unemployment Trust Fund.

21 GENERAL PROVISIONS

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

(TRANSFER OF FUNDS)

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

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

17 ~~SEC. 104. No funds appropriated or otherwise made~~
18 ~~available in this title shall be disbursed without the ap-~~
19 ~~proval of the Department's Chief Financial Officer or his~~
20 ~~delegatee.~~

21 ~~SEC. 105. (a) GENERAL RULE.—In the administra-~~
22 ~~tion and enforcement of the child labor provisions of the~~
23 ~~Fair Labor Standards Act of 1938, employees who are 16~~
24 ~~and 17 years of age shall be permitted to load materials,~~

1 but not operate or unload materials, into scrap paper
2 balers and paper box compactors—

3 (1) that are safe for ~~16-~~ and ~~17-year-old~~ em-
4 ployees loading the scrap paper balers or paper box
5 compactors; and

6 (2) that cannot operate while being loaded.

7 (b) DEFINITION.—For purposes of subsection (a),
8 scrap paper balers and paper box compactors shall be con-
9 sidered safe for ~~16-~~ or ~~17-year-old~~ employees to load only
10 if—

11 (1) such scrap paper balers and paper box com-
12 pactors are in compliance with the current safety
13 standard established by the American National
14 Standards Institute;

15 (2) such scrap paper balers and paper box com-
16 pactors include an on-off switch incorporating a
17 keylock or other system and the control of such sys-
18 tem is maintained in the custody of employees who
19 are 18 years of age or older;

20 (3) the on-off switch of such scrap paper balers
21 and paper box compactors is maintained in an off
22 condition when such scrap paper balers and paper
23 box compactors are not in operation; and

24 (4) the employer of ~~16-~~ and ~~17-year-old~~ employ-
25 ees provides notice, and posts a notice, on such

1 scrap paper balers and paper box compactors stating
2 that—

3 (A) such scrap paper balers and paper box
4 compactors meet the current safety standard
5 established by the American National Stand-
6 ards Institute;

7 (B) ~~16- and 17-year-old~~ employees may
8 only load such scrap paper balers and paper
9 box compactors; and

10 (C) any employee under the age of 18 may
11 not operate or unload such scrap paper balers
12 and paper box compactors:

13 *Provided*, That this section is not to be construed as af-
14 fecting the exemption for apprentices and student learners
15 published at 29 Code of Federal Regulations 570.63.

16 SEC. 106. None of the funds appropriated in this Act
17 may be obligated or expended by the Department of Labor
18 for the purposes of enforcement and the issuance of fines
19 under Hazardous Occupation Order Number 2 (HO 2)
20 with respect to incidental and occasional driving by minors
21 under age 18, unless the Secretary finds that the oper-
22 ation of a motor vehicle is the primary duty of the minor's
23 employment.

1 **SEC. 107. EXEMPTION OF INMATES FROM THE MINIMUM**
2 **WAGE AND OVERTIME REQUIREMENTS.**

3 (a) *IN GENERAL.*—Section 13(a) of the Fair Labor
4 Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

5 (1) by striking the period at the end of para-
6 graph (16) and inserting “; or”; and

7 (2) by adding at the end thereof the following
8 new paragraph:

9 “(17) any individual who is an inmate of a penal
10 or other correctional institution, and who participates
11 in a correctional work program that is sanctioned by
12 a Federal or State corrections agency or that is ad-
13 ministered by a nonprofit organization authorized by
14 State law to conduct a correctional work program on
15 behalf of the State, except that this paragraph shall
16 not apply to a convict or prisoner who participates
17 in a prison work pilot program pursuant to section
18 1761(c) of title 18, United States Code.”

19 (b) *APPLICATION.*—The amendment made by sub-
20 section (a)(2) shall take effect as if enacted on the date of
21 enactment of the Fair Labor Standards Act of 1938 (29
22 U.S.C. 201 et seq.).

23 This title may be cited as the “Department of Labor
24 Appropriations Act, 1997”.

1 TITLE II—DEPARTMENT OF HEALTH AND
2 HUMAN SERVICES
3 HEALTH RESOURCES AND SERVICES ADMINISTRATION
4 HEALTH RESOURCES AND SERVICES

5 For carrying out titles II, III, VII, VIII, X, *XII*, *XVI*,
6 *XIX*, and *XXVI* of the Public Health Service Act, section
7 427(a) of the Federal Coal Mine Health and Safety Act,
8 title V of the Social Security Act, and the Health Care
9 Quality Improvement Act of 1986, as amended, *Public*
10 *Law 101–527*, and the *Native Hawaiian Health Care Act*
11 *of 1988*, as amended, ~~\$3,082,190,000~~ \$3,213,096,000, of
12 which \$297,000 shall remain available until expended for
13 interest subsidies on loan guarantees made prior to fiscal
14 year 1981 under part B of title VII of the Public Health
15 Service Act: *Provided*, That the Division of Federal Occu-
16 pational Health may utilize personal services contracting
17 to employ professional management/administrative and oc-
18 cupational health professionals: *Provided further*, That of
19 the funds made available under this heading, ~~\$2,828,000~~
20 \$828,000 shall be available until expended for facilities
21 renovations at the Gillis W. Long Hansen’s Disease Cen-
22 ter: *Provided further*, That in addition to fees authorized
23 by section 427(b) of the Health Care Quality Improvement
24 Act of 1986, fees shall be collected for the full disclosure
25 of information under the Act sufficient to recover the full

1 costs of operating the National Practitioner Data Bank,
2 and shall remain available until expended to carry out that
3 Act: *Provided further*, That no more than \$5,000,000 is
4 available for carrying out the provisions of Public Law
5 104–73: *Provided further*, That of the funds made avail-
6 able under this heading, ~~\$192,592,000~~ \$198,452,000 shall
7 be for the program under title X of the Public Health
8 Service Act to provide for voluntary family planning
9 projects: *Provided further*, That amounts provided to said
10 projects under such title shall not be expended for abor-
11 tions, that all pregnancy counseling shall be nondirective,
12 and that such amounts shall not be expended for any ac-
13 tivity (including the publication or distribution of lit-
14 erature) that in any way tends to promote public support
15 or opposition to any legislative proposal or candidate for
16 public office: *Provided further*, That ~~\$75,000,000~~
17 \$117,000,000 shall be for State AIDS Drug Assistance
18 Programs authorized by section 2616 of the Public Health
19 Service Act and shall be distributed to States as author-
20 ized by section 2618(b)(2) of such Act: *Provided further*,
21 *That notwithstanding any other provision of law, funds*
22 *made available under this heading may be used to continue*
23 *operating the Council on Graduate Medical Education es-*
24 *tablished by section 301 of Public Law 102–408: Provided*
25 *further, That, of the funds made available under this head-*

1 *ing, not more than \$8,000,000 shall be made available and*
2 *shall remain available until expended for loan guarantees*
3 *for loans made by non-Federal lenders for the construction,*
4 *renovation, and modernization of medical facilities that are*
5 *owned and operated by health centers funded under part*
6 *A of title XVI of the Public Health Service Act as amended,*
7 *and, subject to authorization, for loans made to health cen-*
8 *ters for the costs of developing and operating managed care*
9 *networks or plans, and that such funds be available to sub-*
10 *sidize guarantees of total loan principal in an amount not*
11 *to exceed \$80,000,000.*

12 MEDICAL FACILITIES GUARANTEE AND LOAN FUND
13 FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

14 For carrying out subsections (d) and (e) of section
15 1602 of the Public Health Service Act, \$7,000,000, to-
16 gether with any amounts received by the Secretary in con-
17 nection with loans and loan guarantees under title VI of
18 the Public Health Service Act, to be available without fis-
19 cal year limitation for the payment of interest subsidies.
20 During the fiscal year, no commitments for direct loans
21 or loan guarantees shall be made.

22 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

23 For the cost of guaranteed loans, such sums as may
24 be necessary to carry out the purpose of the program, as
25 authorized by title VII of the Public Health Service Act,
26 as amended: *Provided*, That such costs, including the cost

1 of modifying such loans, shall be as defined in section 502
2 of the Congressional Budget Act of 1974: *Provided fur-*
3 *ther*, That these funds are available to subsidize gross obli-
4 gations for the total loan principal any part of which is
5 to be guaranteed at not to exceed \$140,000,000. In addi-
6 tion, for administrative expenses to carry out the guaran-
7 teed loan program, \$2,688,000.

8 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

9 For payments from the Vaccine Injury Compensation
10 Program Trust Fund, such sums as may be necessary for
11 claims associated with vaccine-related injury or death with
12 respect to vaccines administered after September 30,
13 1988, pursuant to subtitle 2 of title XXI of the Public
14 Health Service Act, to remain available until expended:
15 *Provided*, That for necessary administrative expenses, not
16 to exceed \$3,000,000 shall be available from the Trust
17 Fund to the Secretary of Health and Human Services.

18 VACCINE INJURY COMPENSATION

19 For payment of claims resolved by the United States
20 Court of Federal Claims related to the administration of
21 vaccines before October 1, 1988, \$110,000,000, to remain
22 available until expended.

23 CENTERS FOR DISEASE CONTROL AND PREVENTION

24 DISEASE CONTROL, RESEARCH, AND TRAINING

25 To carry out titles II, III, VII, XI, XV, XVII, and
26 XIX of the Public Health Service Act, sections 101, 102,

1 103, 201, 202, ~~and 203~~ 203, 301, and 501 of the Federal
2 Mine Safety and Health Act of 1977, and sections 20, 21
3 and 22 of the Occupational Safety and Health Act of
4 1970, *title IV of the Immigration and Nationality Act and*
5 *section 501 of the Refugee Education Assistance Act of*
6 *1980; including insurance of official motor vehicles in for-*
7 *oreign countries; and hire, maintenance, and operation of*
8 *aircraft, ~~\$2,153,376,000~~ \$2,168,948,000, of which*
9 *~~\$8,353,000~~ \$7,553,000 shall remain available until ex-*
10 *pended for equipment and construction and renovation of*
11 *facilities, and of which \$32,000,000 shall remain available*
12 *until expended for mine safety and health activities, and*
13 *in addition, such sums as may be derived from authorized*
14 *user fees, which shall be credited to this account: *Provided,**
15 *That in addition to amounts provided herein, up to*
16 *~~\$48,400,000~~ \$53,063,000 shall be available from amounts*
17 *available under section 241 of the Public Health Service*
18 *Act, to carry out the National Center for Health Statistics*
19 *surveys: *Provided further,* That none of the funds made*
20 *available for injury prevention and control at the Centers*
21 *for Disease Control and Prevention may be used to advo-*
22 *cate or promote gun control: *Provided further,* That the*
23 *Director may redirect the total amount made available*
24 *under authority of Public Law 101-502, section 3, dated*
25 *November 3, 1990, to activities the Director may so des-*

1 *ignate: Provided further, That the Congress is to be notified*
 2 *promptly of any such transfer: Provided further, That the*
 3 *functions described in clause (1) of the first proviso under*
 4 *the subheading “MINES AND MINERALS” under the heading*
 5 *“BUREAU OF MINES” in the text of title I of the Department*
 6 *of the Interior and Related Agencies Appropriations Act,*
 7 *1996, as enacted by section 101(c) of the Omnibus Consoli-*
 8 *dated Rescissions and Appropriations Act of 1996 (Public*
 9 *Law 104–134), are hereby transferred to, and vested in, the*
 10 *Secretary of Health and Human Services, subject to section*
 11 *1531 of title 31, United States Code.*

12 In addition, ~~\$33,642,000~~ \$41,000,000, to be derived
 13 from the Violent Crime Reduction Trust Fund, for carry-
 14 ing out sections 40151 and 40261 of Public Law 103–
 15 322.

16 NATIONAL INSTITUTES OF HEALTH

17 NATIONAL CANCER INSTITUTE

18 For carrying out section 301 and title IV of the Pub-
 19 lic Health Service Act with respect to cancer,
 20 ~~\$2,385,741,000~~ \$2,102,949,000.

21 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

22 For carrying out section 301 and title IV of the Pub-
 23 lic Health Service Act with respect to cardiovascular, lung,
 24 and blood diseases, and blood and blood products,
 25 ~~\$1,438,265,000~~ \$1,344,742,000.

1 NATIONAL INSTITUTE OF DENTAL RESEARCH

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to dental disease,
4 ~~\$195,596,000~~ *\$177,701,000*.

5 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
6 KIDNEY DISEASES

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to diabetes and diges-
9 tive and kidney diseases, ~~\$819,224,000~~ *\$787,473,000*.

10 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
11 AND STROKE

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to neurological dis-
14 orders and stroke, ~~\$725,478,000~~ *\$683,721,000*.

15 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
16 DISEASES

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to allergy and infec-
19 tious diseases, ~~\$1,256,149,000~~ *\$595,016,000*.

20 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to general medical
23 sciences, ~~\$1,003,722,000~~ *\$953,214,000*.

1 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
2 DEVELOPMENT

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to child health and
5 human development, ~~\$631,989,000~~ *\$554,251,000*.

6 NATIONAL EYE INSTITUTE

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to eye diseases and
9 visual disorders, ~~\$333,131,000~~ *\$315,948,000*.

10 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
11 SCIENCES

12 For carrying out sections 301 and 311 and title IV
13 of the Public Health Service Act with respect to environ-
14 mental health sciences, ~~\$308,258,000~~ *\$294,745,000*.

15 NATIONAL INSTITUTE ON AGING

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to aging, ~~\$484,375,000~~
18 *\$470,256,000*.

19 NATIONAL INSTITUTE OF ARTHRITIS AND
20 MUSCULOSKELETAL AND SKIN DISEASES

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to arthritis and mus-
23 culoskeletal and skin diseases, ~~\$257,637,000~~
24 *\$247,731,000*.

1 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to deafness and other
5 communication disorders, ~~\$189,243,000~~ *\$182,693,000*.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to nursing research,
9 ~~\$59,715,000~~ *\$52,936,000*.

10 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
11 ALCOHOLISM

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to alcohol abuse and
14 alcoholism, ~~\$212,079,000~~ *\$195,891,000*.

15 NATIONAL INSTITUTE ON DRUG ABUSE

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to drug abuse,
18 ~~\$487,341,000~~ *\$317,936,000*.

19 NATIONAL INSTITUTE OF MENTAL HEALTH

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to mental health,
22 ~~\$701,247,000~~ *\$589,187,000*.

23 NATIONAL CENTER FOR RESEARCH RESOURCES

24 For carrying out section 301 and title IV of the Pub-
25 lic Health Service Act with respect to research resources
26 and general research support grants, ~~\$416,523,000~~

1 \$324,844,000: *Provided*, That none of these funds shall be
2 used to pay recipients of the general research support
3 grants program any amount for indirect expenses in con-
4 nection with such grants: *Provided further*, That
5 ~~\$37,000,000~~ \$10,000,000 shall be for extramural facilities
6 construction grants.

7 NATIONAL CENTER FOR HUMAN GENOME RESEARCH

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to human genome re-
10 search, ~~\$189,267,000~~ \$180,807,000.

11 JOHN E. FOGARTY INTERNATIONAL CENTER

12 For carrying out the activities at the John E.
13 Fogarty International Center, ~~\$26,707,000~~ \$16,838,000.

14 NATIONAL LIBRARY OF MEDICINE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to health information
17 communications, ~~\$150,093,000~~ \$142,070,000, of which
18 \$4,000,000 shall be available until expended for improve-
19 ment of information systems: *Provided*, That in fiscal year
20 1997, the Library may enter into personal services con-
21 tracts for the provision of services in facilities owned, oper-
22 ated, or constructed under the jurisdiction of the National
23 Institutes of Health.

1 OFFICE OF THE DIRECTOR
2 (INCLUDING TRANSFER OF FUNDS)

3 For carrying out the responsibilities of the Office of
4 the Director, National Institutes of Health, ~~\$275,423,000~~
5 *\$243,319,000: Provided*, That funding shall be available for
6 the purchase of not to exceed five passenger motor vehicles
7 for replacement only: *Provided further*, That the Director
8 may direct up to 1 percent of the total amount made avail-
9 able in this Act to all National Institutes of Health appro-
10 priations to activities the Director may so designate: *Pro-*
11 *vided further*, That no such appropriation shall be in-
12 creased or decreased by more than 1 percent by any such
13 transfers and that the Congress is promptly notified of
14 the transfer: *Provided further*, That NIH is authorized to
15 collect third party payments for the cost of clinical services
16 that are incurred in National Institutes of Health research
17 facilities and that such payments shall be credited to the
18 National Institutes of Health Management Fund: *Pro-*
19 *vided further*, That all funds credited to the NIH Manage-
20 ment Fund shall remain available for one fiscal year after
21 the fiscal year in which they are deposited: *Provided fur-*
22 *ther, That up to \$200,000 shall be available to carry out*
23 *section 499 of the Public Health Service Act.*

24 BUILDINGS AND FACILITIES

25 For the study of, construction of, and acquisition of
26 equipment for, facilities of or used by the National Insti-

1 tutes of Health, including the acquisition of real property,
 2 ~~\$200,000,000~~ \$180,000,000, to remain available until ex-
 3 pended, of which ~~\$90,000,000~~ \$70,000,000 shall be for the
 4 clinical research center: *Provided*, That, notwithstanding
 5 any other provision of law, a single contract or related con-
 6 tracts for the development and construction of the clinical
 7 research center may be employed which collectively include
 8 the full scope of the project: *Provided further*, That the
 9 solicitation and contract shall contain the clause “avail-
 10 ability of funds” found at 48 CFR 52.232–18.

11 *OFFICE OF AIDS RESEARCH*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For carrying out part D of title XXIII of the Public*
 14 *Health Service Act, \$1,460,312,000: Provided, That the Di-*
 15 *rector of the Office of AIDS Research shall transfer from*
 16 *this appropriation the amounts necessary to carry out sec-*
 17 *tion 2353(d) of the Act.*

18 **SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES**

19 **ADMINISTRATION**

20 **SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES**

21 For carrying out titles V and XIX of the Public
 22 Health Service Act with respect to substance abuse and
 23 mental health services, the Protection and Advocacy for
 24 Mentally Ill Individuals Act of 1986, and section 301 of
 25 the Public Health Service Act with respect to program

1 management, ~~\$1,849,235,000~~ \$1,873,943,000, of which
 2 \$5,000,000 shall be for grants to rural and Native American
 3 projects.

4 RETIREMENT PAY AND MEDICAL BENEFITS FOR

5 COMMISSIONED OFFICERS

6 For retirement pay and medical benefits of Public
 7 Health Service Commissioned Officers as authorized by
 8 law, and for payments under the Retired Serviceman's
 9 Family Protection Plan and Survivor Benefit Plan and for
 10 medical care of dependents and retired personnel under
 11 the Dependents' Medical Care Act (10 U.S.C. ch. 55), and
 12 for payments pursuant to section 229(b) of the Social Se-
 13 curity Act (42 U.S.C. 429(b)), such amounts as may be
 14 required during the current fiscal year.

15 AGENCY FOR HEALTH CARE POLICY AND RESEARCH

16 HEALTH CARE POLICY AND RESEARCH

17 For carrying out titles III and IX of the Public
 18 Health Service Act, and part A of title XI of the Social
 19 Security Act, ~~\$90,469,000~~ \$83,463,000; in addition,
 20 amounts received from Freedom of Information Act fees,
 21 reimbursable and interagency agreements, and the sale of
 22 data tapes shall be credited to this appropriation and shall
 23 remain available until expended: *Provided*, That the
 24 amount made available pursuant to section 926(b) of the
 25 Public Health Service Act shall not exceed ~~\$34,700,000~~
 26 \$60,124,000.

1 HEALTH CARE FINANCING ADMINISTRATION
2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, \$75,056,618,000,
5 to remain available until expended.

6 For making, after May 31, 1997, payments to States
7 under title XIX of the Social Security Act for the last
8 quarter of fiscal year 1997 for unanticipated costs, in-
9 curred for the current fiscal year, such sums as may be
10 necessary.

11 For making payments to States under title XIX of
12 the Social Security Act for the first quarter of fiscal year
13 1998, \$27,988,993,000, to remain available until ex-
14 pended.

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

19 PAYMENTS TO HEALTH CARE TRUST FUNDS

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

1 pursuant to section 201(g) of the Social Security Act,
 2 \$60,079,000,000.

3 PROGRAM MANAGEMENT

4 For carrying out, except as otherwise provided, titles
 5 XI, XVIII, and XIX of the Social Security Act, title XIII
 6 of the Public Health Service Act, and the Clinical Labora-
 7 tory Improvement Amendments of 1988, not to exceed
 8 ~~\$1,733,125,000~~ \$1,729,584,000, to be transferred from the
 9 Federal Hospital Insurance and the Federal Supple-
 10 mentary Medical Insurance Trust Funds, as authorized by
 11 section 201(g) of the Social Security Act; together with
 12 all funds collected in accordance with section 353 of the
 13 Public Health Service Act, the latter funds to remain
 14 available until expended, together with such sums as may
 15 be collected from authorized user fees and the sale of data,
 16 which shall remain available until expended: *Provided,*
 17 That all funds derived in accordance with 31 U.S.C. 9701
 18 from organizations established under title XIII of the Pub-
 19 lic Health Service Act are to be credited to and available
 20 for carrying out the purposes of this appropriation.

21 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
 22 GUARANTEE FUND

23 For carrying out subsections (d) and (e) of section
 24 1308 of the Public Health Service Act, any amounts re-
 25 ceived by the Secretary in connection with loans and loan
 26 guarantees under title XIII of the Public Health Service

1 Act, to be available without fiscal year limitation for the
2 payment of outstanding obligations. During fiscal year
3 1997, no commitments for direct loans or loan guarantees
4 shall be made.

5 ADMINISTRATION FOR CHILDREN AND FAMILIES

6 FAMILY SUPPORT PAYMENTS TO STATES

7 For making payments to States or other non-Federal
8 entities, except as otherwise provided, under titles I, IV-
9 A (other than section 402(g)(6)) and D, X, XI, XIV, and
10 XVI of the Social Security Act, and the Act of July 5,
11 1960 (24 U.S.C. ch. 9), \$13,301,000,000, ~~to remain~~
12 ~~available until expended.~~

13 For making, after May 31 of the current fiscal year,
14 payments to States or other non-Federal entities under
15 titles I, IV-A and D, X, XI, XIV, and XVI of the Social
16 Security Act, for the last three months of the current year
17 for unanticipated costs, incurred for the current fiscal
18 year, such sums as may be necessary.

19 ~~For making payments to States or other non-Federal~~
20 ~~entities under titles I, IV-A (other than section 402(g)(6))~~
21 ~~and D, X, XI, XIV, and XVI of the Social Security Act~~
22 ~~and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the~~
23 ~~first quarter of fiscal year 1998, \$4,700,000,000, to re-~~
24 ~~main available until expended.~~

1 JOB OPPORTUNITIES AND BASIC SKILLS

2 For carrying out aid to families with dependent chil-
3 dren work programs, as authorized by part F of title IV
4 of the Social Security Act, \$1,000,000,000.

5 LOW INCOME HOME ENERGY ASSISTANCE

6 For making payments under title XXVI of the Omni-
7 bus Budget Reconciliation Act of 1981, ~~\$900,000,000~~
8 \$700,000,000, *together with \$300,000,000 appropriated*
9 *under this heading in Public Law 104-134: Provided, That*
10 *the provisions under this heading in Public Law 104-134*
11 *designating the \$300,000,000 by Congress to be emergency*
12 *requirements pursuant to section 251(b)(2)(D) of the Bal-*
13 *anced Budget and Emergency Deficit Control Act of 1985*
14 *and providing that these funds shall be made available only*
15 *after submission to Congress of a formal budget request by*
16 *the President that includes designation of the entire amount*
17 *of the request as an emergency requirement as defined in*
18 *the Balanced Budget and Emergency Deficit Control Act*
19 *of 1985, are hereby repealed.*

20 *For making payments under title XXVI of the Omni-*
21 *bus Budget Reconciliation Act of 1981, \$300,000,000 to be*
22 *available for obligation in the period of October 1, 1996*
23 *through September 30, 1997: Provided, That all of the funds*
24 *available under this paragraph are hereby designated by*
25 *Congress to be emergency requirements pursuant to section*
26 *251(b)(2)(D) of the Balanced Budget and Emergency Defi-*

1 *cit Control Act of 1985: Provided further, That these funds*
 2 *shall be made available only after submission to Congress*
 3 *of a formal budget request by the President that includes*
 4 *designation of the entire amount of the request as an emer-*
 5 *gency requirement as defined in the Balanced Budget and*
 6 *Emergency Deficit Control Act of 1985.*

7 *For making payments under title XXVI of the Omni-*
 8 *bus Budget Reconciliation Act of 1981, \$1,000,000,000, to*
 9 *be available for obligation in the period October 1, 1997*
 10 *through September 30, 1998.*

11 REFUGEE AND ENTRANT ASSISTANCE

12 For making payments for refugee and entrant assist-
 13 ance activities authorized by title IV of the Immigration
 14 and Nationality Act and section 501 of the Refugee Edu-
 15 cation Assistance Act of 1980 (Public Law 96-422),
 16 ~~\$412,076,000~~ \$385,609,000: *Provided, That funds appro-*
 17 *priated pursuant to section 414(a) of the Immigration and*
 18 *Nationality Act under Public Law 103-333 for fiscal year*
 19 *1995 shall be available for the costs of assistance provided*
 20 *and other activities conducted in such year and in fiscal*
 21 *years 1996 and 1997.*

22 CHILD CARE AND DEVELOPMENT BLOCK GRANT

23 For carrying out sections 658A through 658R of the
 24 Omnibus Budget Reconciliation Act of 1981 (The Child
 25 Care and Development Block Grant Act of 1990),
 26 ~~\$950,000,000, which shall be available for obligation~~

1 under the same statutory terms and conditions applicable
2 in the prior fiscal year, of which \$937,000,000 shall become
3 available on October 1, 1997, and shall remain available
4 through September 30, 1998: *Provided*, That ~~\$13,000,000~~
5 \$19,120,000 shall become available for obligation on Octo-
6 ber 1, 1996 for child care resource and referral and school-
7 age child care activities, of which, \$6,120,000 shall be de-
8 rived from an amount that shall be transferred from the
9 amount appropriated under section 452(j) of the Social Se-
10 curity Act (42 U.S.C. 652(j)) for fiscal year 1996 and re-
11 maining available for expenditure.

12 SOCIAL SERVICES BLOCK GRANT

13 For making grants to States pursuant to section
14 2002 of the Social Security Act, ~~\$2,480,000,000~~: *Pro-*
15 *vided*, That notwithstanding section ~~2003(e)~~ of such Act,
16 the amount specified for allocation under such section for
17 fiscal year 1997 shall be ~~\$2,480,000,000~~ \$2,240,000,000:
18 *Provided*, That notwithstanding section 2003(c) of such Act,
19 as amended, the amount specified for allocation under such
20 section for fiscal year 1997 shall be \$2,240,000,000.

21 CHILDREN AND FAMILIES SERVICES PROGRAMS

22 (INCLUDING RESCISSION)

23 For carrying out, except as otherwise provided, the
24 Runaway and Homeless Youth Act, the Developmental
25 Disabilities Assistance and Bill of Rights Act, the Head
26 Start Act, the Child Abuse Prevention and Treatment Act,

1 *the Temporary Child Care for Children with Disabilities*
2 *and Crisis Nurseries Act of 1986, section 429A, part B of*
3 *title IV of the Social Security Act, section 413 of Public*
4 *Law 104–193, the Family Violence Prevention and Serv-*
5 *ices Act, the Native American Programs Act of 1974, title*
6 *II of Public Law 95–266 (adoption opportunities), the*
7 *Abandoned Infants Assistance Act of 1988, and part B(1)*
8 *of title IV of the Social Security Act; for making payments*
9 *under the Community Services Block Grant Act; and for*
10 *necessary administrative expenses to carry out said Acts*
11 *and titles I, IV, X, XI, XIV, XVI, and XX of the Social*
12 *Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9),*
13 *the Omnibus Budget Reconciliation Act of 1981, title IV*
14 *of the Immigration and Nationality Act, section 501 of*
15 *the Refugee Education Assistance Act of 1980, and sec-*
16 *tion 126 and titles IV and V of Public Law 100–485,*
17 ~~*\$4,854,036,000 (increased by \$2,399,000), of which*~~
18 ~~*\$531,941,000*~~ *\$4,806,434,000 of which \$461,432,000 shall*
19 *be for making payments under the Community Services*
20 *Block Grant Act: *Provided*, That to the extent Community*
21 *Services Block Grant funds are distributed as grant funds*
22 *by a State to an eligible entity as provided under the Act,*
23 *and have not been expended by such entity, they shall re-*
24 *main with such entity for carryover into the next fiscal*
25 *year for expenditure by such entity consistent with pro-*

1 gram purposes: *Provided further, That of the amount ap-*
2 *propriated for fiscal year 1997 under section 672(a) of the*
3 *Community Services Block Grant Act, the Secretary shall*
4 *use up to one percent of the funds available to correct alloca-*
5 *tion errors that occurred in fiscal year 1995 and fiscal year*
6 *1996 to ensure that the minimum allotment to each State*
7 *for each of fiscal years 1995 and 1996 would be \$2,222,460:*
8 *Provided further, That no more than one-half of one percent*
9 *of the funds available under section 672(a) shall be used*
10 *for the purposes of section 674(a) of the Community Serv-*
11 *ices Block Grant Act.*

12 In addition, ~~\$27,358,000~~ \$82,000,000, to be derived
13 from the Violent Crime Reduction Trust Fund, for carry-
14 ing out sections ~~40155, 40211 and 40241~~ of Public Law
15 ~~103-322~~, 30401, 40155, 40211 and 40241 of Public Law
16 103-322, of which \$12,800,000 shall be available for the
17 Community Schools Youth Services and Supervision Grant
18 Program; \$8,000,000 for Education and Prevention Grants
19 to Reduce Sexual Abuse of Runaway, Homeless, and Street
20 Youth; \$1,200,000 for the National Domestic Violence Hot-
21 line; and \$60,000,000 for grants to Battered Women's Shel-
22 ters.

23 Funds appropriated for fiscal year 1996 and fiscal
24 year 1997 under section 429A(e), part B of title IV of the

1 *Social Security Act shall be reduced by \$6,000,000 in each*
 2 *such year.*

3 *Funds appropriated for fiscal year 1997 under section*
 4 *413(h)(1) of Public Law 104–193 shall be reduced by*
 5 *\$15,000,000.*

6 FAMILY PRESERVATION AND SUPPORT

7 For carrying out section 430 of the Social Security
 8 Act, \$240,000,000.

9 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
 10 ASSISTANCE

11 For making payments to States or other non-Federal
 12 entities, under title IV–E of the Social Security Act,
 13 \$4,445,031,000.

14 For making payments to States or other non-Federal
 15 entities, under title IV–E of the Social Security Act, for
 16 the first quarter of fiscal year 1998, \$1,111,000,000.

17 ADMINISTRATION ON AGING

18 AGING SERVICES PROGRAMS

19 For carrying out, to the extent not otherwise pro-
 20 vided, the Older Americans Act of 1965, as amended,
 21 ~~\$810,545,000~~ \$830,168,000: *Provided, That notwithstand-*
 22 *ing section 308(b)(1) of such Act, the amounts available to*
 23 *each State for administration of the State plan under title*
 24 *III of such Act shall be reduced not more than 5 percent*
 25 *below the amount that was available to such State for such*
 26 *purpose for fiscal year 1995: Provided further, That in con-*

1 *sidering grant applications for nutrition services for elder*
2 *Indian recipients, the Assistant Secretary shall provide*
3 *maximum flexibility to applicants who seek to take into ac-*
4 *count subsistence, local customs and other characteristics*
5 *that are appropriate to the unique cultural, regional and*
6 *geographic needs of the American Indian, Alaskan and Ha-*
7 *waiian native communities to be served.*

8 OFFICE OF THE SECRETARY

9 GENERAL DEPARTMENTAL MANAGEMENT

10 For necessary expenses, not otherwise provided, for
11 general departmental management, including hire of six
12 sedans, and for carrying out titles III, XVII, and XX of
13 the Public Health Service Act, ~~\$148,999,000~~
14 ~~\$153,837,000~~, together with \$5,851,000, to be transferred
15 and expended as authorized by section 201(g)(1) of the
16 Social Security Act from the Hospital Insurance Trust
17 Fund and the Supplemental Medical Insurance Trust
18 Fund: ~~Provided, That of the funds made available under~~
19 ~~this heading for carrying out title XVII of the Public~~
20 ~~Health Service Act, \$11,500,000 shall be available until~~
21 ~~expended for extramural construction: Provided, That not-~~
22 ~~withstanding section 2010(b) and (c) under title XX of the~~
23 ~~Public Health Service Act, as amended, of the funds made~~
24 ~~available under this heading, \$9,368,000 shall be for activi-~~
25 ~~ties specified under section 2003(b)(2) of title XX of the~~

1 *Public Health Service Act, as amended, and of which*
2 *\$7,500,000 shall be for prevention grants under section*
3 *510(b)(2) of title V of the Social Security Act, as amended.*

4 OFFICE OF INSPECTOR GENERAL

5 For expenses necessary for the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$29,399,000, together
8 with any funds, to remain available until expended, that
9 represent the equitable share from the forfeiture of prop-
10 erty in investigations in which the Office of Inspector Gen-
11 eral participated, and which are transferred to the Office
12 of the Inspector General by the Department of Justice,
13 the Department of the Treasury, or the United States
14 Postal Service.

15 OFFICE FOR CIVIL RIGHTS

16 For expenses necessary for the Office for Civil
17 Rights, ~~\$16,066,000~~ \$16,366,000, together with not to ex-
18 ceed \$3,314,000, to be transferred and expended as au-
19 thorized by section 201(g)(1) of the Social Security Act
20 from the Hospital Insurance Trust Fund and the Supple-
21 mental Medical Insurance Trust Fund.

22 POLICY RESEARCH

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

1 Aging under the Older Americans Act or the Advisory
2 Board on Child Abuse and Neglect under the Child Abuse
3 Prevention and Treatment Act.

4 (TRANSFER OF FUNDS)

5 SEC. 209. Not to exceed 1 percent of any discre-
6 tionary funds (pursuant to the Balanced Budget and
7 Emergency Deficit Control Act, as amended) which are
8 appropriated for the current fiscal year for the Depart-
9 ment of Health and Human Services in this Act may be
10 transferred between appropriations, but no such appro-
11 priation shall be increased by more than 3 percent by any
12 such transfer: *Provided*, That the Appropriations Commit-
13 tees of both Houses of Congress are notified at least fif-
14 teen days in advance of any transfer.

15 (TRANSFER OF FUNDS)

16 SEC. 210. The Director of the National Institutes of
17 Health, jointly with the Director of the Office of AIDS
18 Research, may transfer up to 3 percent among institutes,
19 centers, and divisions from the total amounts identified
20 by these two Directors as funding for research pertaining
21 to the human immunodeficiency virus: *Provided*, That the
22 Congress is promptly notified of the transfer.

23 SEC. 211. None of the funds made available in this
24 Act may be used by the National Institutes of Health to
25 provide grants or cooperative agreements under the SBIR
26 program under section 9(f) of Public Law 85-536 for re-

1 search proposals when it is made known to the Federal
2 official having authority to obligate or expend such funds
3 that (in the process of technical and scientific peer review
4 under section 492 of the Public Health Service Act) the
5 median of the evaluation scores for the proposals in the
6 review cycle involved is higher than the median of the eval-
7 uation scores in such review cycle for RO1 proposals.

8 SEC. 212. EXTENSION OF MORATORIUM.—Section
9 6408(a)(3) of the Omnibus Budget Reconciliation Act of
10 1989, as amended by section 13642 of the Omnibus Budg-
11 et Reconciliation Act of 1993, is amended by striking “De-
12 cember 31, 1995” and inserting “December 31, 2000, or
13 the first day of the first quarter on which the Medicaid
14 plan for the State of Michigan is effective under title XIX
15 of such Act.”.

16 SEC. 213. (a) The Secretary of Health and Human
17 Services may in accordance with this section provide for
18 the relocation of the Federal facility known as the Gillis
19 W. Long Hansen’s Disease Center (located in the vicinity
20 of Carville, in the State of Louisiana), including the relo-
21 cation of the patients of the Center.

22 (b)(1) Subject to entering into a contract in accord-
23 ance with subsection (c), in relocating the Center the Sec-
24 retary may on behalf of the United States transfer to the
25 State of Louisiana, without charge, title to the real prop-

1 erty and improvements that (as of the date of the enact-
2 ment of this Act) constitute the Center. Such real property
3 is a parcel consisting of approximately 330 acres. The
4 exact acreage and legal description used for purposes of
5 the transfer shall be in accordance with a survey satisfac-
6 tory to the Secretary.

7 (2) Any conveyance under paragraph (1) is not effec-
8 tive unless the conveyance specifies that, if the State of
9 Louisiana engages in a material breach of the contract
10 under subsection (c), title to the real property and im-
11 provements involved reverts to the United States at the
12 election of the Secretary.

13 (c) The transfer described in subsection (b) may be
14 made only if, before the transfer is made, the Secretary
15 and the State enter into a contract whose provisions are
16 in accordance with the following:

17 (1) During the 30-year period beginning on the
18 date on which the transfer is made, the real property
19 and improvements referred to in subsection (b) (re-
20 ferred to in this subsection as the “transferred prop-
21 erty”) will be used exclusively for purposes that pro-
22 mote the health or education of the public, with such
23 incidental exceptions as the Secretary may approve,
24 and consistent with the memorandum of understand-

1 ing signed June 11, 1996 by the Chancellors of Lou-
2 isiana State University and Southern University.

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) The Secretary will provide for the continu-
23 ation at the transferred property of the projects (un-
24 derway as of the date of the enactment of this Act)
25 to make repairs and to make energy-related improve-

1 ments, subject to the availability of appropriations to
2 carry out the projects.

3 ~~(5) The contract disposes of issues regarding~~
4 access to the cemetery located on the transferred
5 property, and the establishment of a museum re-
6 garding memorabilia relating to the use of the prop-
7 erty to care for patients with Hansen's disease.

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

12 ~~(A) The State will provide the individual~~
13 with the right of first refusal to an employment
14 position with the State with substantially the
15 same type of duties as the individual performed
16 in his or her most recent position at the trans-
17 ferred property.

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 ~~(d)(3)(B)~~ (relating to disability), as
22 applicable with respect to the individual.

23 ~~(7) The contract contains such additional provi-~~
24 sions as the Secretary determines to be necessary to
25 protect the interests of the United States, and the

1 Secretary shall have final approval over the terms of
2 the contract.

3 ~~(d)(1) This subsection applies if the transfer under~~
4 ~~subsection (b) is made.~~

5 ~~(2) In the case of each individual who as of the date~~
6 ~~of the enactment of this Act is a Federal employee with~~
7 ~~a position at the Center and is, for duty at the Center,~~
8 ~~receiving the pay differential under section 5545(d) of title~~
9 ~~5, United States Code:~~

10 ~~(A) If as of the date of the transfer under sub-~~
11 ~~section (b) the individual is eligible for an annuity~~
12 ~~under section 8336 or 8412 of title 5, United States~~
13 ~~Code, then once the individual separates from the~~
14 ~~service and thereby becomes entitled to receive the~~
15 ~~annuity, the pay differential shall be excluded from~~
16 ~~the computation of the annuity unless the individual~~
17 ~~separated from the service not later than 30 days~~
18 ~~after the date on which the transfer was made.~~

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 excluded from the com-~~
25 ~~putation of the annuity unless the individual sepa-~~

1 rated from the service not later than 30 days after
2 the date on which the individual first became eligible
3 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 (3) In the case of each individual who as of the date
10 of the enactment of this Act is a Federal employee at the
11 Center with management, engineering, or dietary duties,
12 and who becomes an employee of the State pursuant to
13 subsection (e)(6)(A):

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

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

23 (ii) the date on which the individual first
24 meets all conditions for coverage under a State

1 program for payments during retirement by
2 reason of disability.

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

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

1 service requirement specified in the first sentence of
2 section ~~8337(a)~~ or 8451(a)(1)(A) of such title 5
3 (whichever is applicable).

4 (e) The following provisions apply if under subsection
5 (a) the Secretary makes the decision to relocate the Cen-
6 ter:

7 (1) The site to which the Center is relocated
8 shall be in the vicinity of Baton Rouge, in the State
9 of Louisiana.

10 (2) The facility involved shall continue to be
11 designated as the Gillis W. Long Hansens's Disease
12 Center.

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

16 (4) In the case of each individual who as of Oc-
17 tober 1, 1996, is a patient of the Center and is re-
18 ceiving long-term care (referred to in this subsection
19 as an "eligible patient"), the Secretary shall con-
20 tinue to provide for the long-term care of the eligible
21 patient, without charge, for the remainder of the life
22 of the patient. Of the amounts appropriated for a
23 fiscal year for the Public Health Service, the Sec-
24 retary shall make available such amounts as may be
25 necessary to carry out the preceding sentence.

1 (5) Except in the case of an eligible patient for
2 whom it is not feasible to relocate for purposes of
3 subsection (e)(3), each eligible patient may make an
4 irrevocable choice of one of the following long-term
5 care options:

6 (A) For the remainder of his or her life,
7 the patient may reside at the Center.

8 (B) For the remainder of his or her life,
9 the patient may elect to receive payments each
10 year in an annual amount of \$33,000 (adjusted
11 for fiscal year 1998 and each subsequent fiscal
12 year to the extent necessary to offset inflation
13 occurring after October 1, 1996), which pay-
14 ments are in complete discharge of the obliga-
15 tion of the Federal Government under para-
16 graph (4). If the individual makes the election
17 under the preceding sentence, the Federal Gov-
18 ernment does not under such paragraph have
19 any responsibilities regarding the daily life of
20 the patient, other than making such payments.

21 (6) The Secretary shall provide to each eligible
22 patient such information and time as may be nec-
23 essary for the patient to make an informed decision
24 regarding the options under paragraph (5).

25 (f) For purposes of this section:

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

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

5 (3) The term “State” means the State of Lou-
6 isiana.

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

10 “SEC. 320. (a)(1) At the Gillis W. Long Hansen’s
11 Disease Center (located in the State of Louisiana), the
12 Secretary shall without charge provide short-term care
13 and treatment, including outpatient care, for Hansen’s
14 disease and related complications to any person deter-
15 mined by the Secretary to be in need of such care and
16 treatment.

17 “(2) The Center referred to in paragraph (1) shall
18 conduct training in the diagnosis and management of
19 Hansen’s disease and conduct and promote the coordina-
20 tion of research, investigations, demonstrations, and stud-
21 ies relating to the causes, diagnosis, treatment, control,
22 and prevention of Hansen’s disease and the complications
23 of such disease.

1 “(3) Paragraph (1) is subject to section 213 of the
2 Department of Health and Human Services Appropria-
3 tions Act, 1997.

4 “(b) In addition to the Center referred to in sub-
5 section (a), the Secretary may establish sites regarding
6 persons with Hansen’s disease. Each such site shall pro-
7 vide for the outpatient care and treatment for Hansen’s
8 disease to any person determined by the Secretary to be
9 in need of such care and treatment.

10 “(c) The Secretary shall make payments to the Board
11 of Health of the State of Hawaii for the care and treat-
12 ment (including outpatient care) in its facilities of persons
13 suffering from Hansen’s disease at a rate determined by
14 the Secretary. The rate shall be approximately equal to
15 the operating cost per patient of such facilities, except that
16 the rate may not exceed the comparable costs per patient
17 with Hansen’s disease for care and treatment provided by
18 the Center referred to in subsection (a). Payments under
19 this subsection are subject to the availability of appropria-
20 tions for such purpose.”.

21 SEC. 214. (a) None of the funds made available in
22 this Act or any other Act may be used to make any award
23 of a grant or contract under section 1001 of title X of
24 the Public Health Service Act for fiscal year 1997 or any
25 subsequent fiscal year unless the applicant for the award

1 agrees that, in operating the voluntary family planning
2 project involved, the applicant will comply with the follow-
3 ing conditions:

4 (1) Priority will be given in the project to the
5 provision of services to individuals from low-income
6 families.

7 (2) An individual will not be charged for serv-
8 ices in the project if the family of the individual has
9 a total annual income that is at or below 100 per-
10 cent of the Federal poverty line, except to the extent
11 that payment will be made by a third party (includ-
12 ing a government agency) that is authorized, or is
13 under a legal obligation, to pay the charge.

14 (3) If the family of the individual has a total
15 annual income that exceeds 100 percent of such pov-
16 erty line but does not exceed 250 percent of the line,
17 the project will impose a charge according to the
18 ability to pay.

19 (4) If the family of the individual has a total
20 annual income that exceeds 250 percent of such pov-
21 erty line, the project will impose the full charge for
22 the services involved.

23 (5) Subject to paragraphs (1) through (4), the
24 policies of the applicant will ensure that economic

1 status is not a deterrent to participation in the
2 project.

3 (b) None of the funds made available in this Act may
4 be expended for the program under section ~~1001~~ of title
5 X of the Public Health Service Act after the expiration
6 of the ~~180~~-day period beginning on the date of the enact-
7 ment of this Act unless the Secretary of Health and
8 Human Services submits to the Congress, not later than
9 such date of expiration, a report providing, to the extent
10 that the information is available to the Secretary, the fol-
11 lowing information for the most recent fiscal year for
12 which the information is available:

13 (1) The number of individuals who receive fam-
14 ily planning services through voluntary family plan-
15 ning projects under such section ~~1001~~, and the de-
16 mographic characteristics of the individuals.

17 (2) The types of family planning services cho-
18 sen by recipients of services from such projects.

19 (3) The number of individuals served by such
20 projects who are—

21 (A) at risk of unintended pregnancy; and

22 (B) from a family with a total annual in-
23 come not exceeding 250 percent.

24 (4) The extent to which the availability of fam-
25 ily planning services from such projects has, among

1 individuals served by the projects, reduced the num-
2 ber of unintended pregnancies, reduced the number
3 of abortions, and reduced the number of cases of
4 sexually transmitted diseases.

5 (5) The extent to which the availability of fam-
6 ily planning services from such projects has reduced
7 Federal and State expenditures for—

8 (A) the program under title XIX of the So-
9 cial Security Act (commonly known as the Med-
10 icaid program); and

11 (B) the programs under title IV of such
12 Act (commonly referred to as welfare pro-
13 grams).

14 ~~SEC. 215. Amounts available in this title for congres-~~
15 ~~sional and legislative affairs, public affairs, and intergov-~~
16 ~~ernmental affairs activities are hereby reduced by~~
17 ~~\$2,000,000.~~

18 *SEC. 216. Not later than January 1, 1997, the Admin-*
19 *istrator of the Health Care Financing Administration, with*
20 *the advice and technical assistance of the Agency for Health*
21 *Care Policy Research, shall transmit to the appropriate*
22 *committees of the Congress a report including—*

23 (1) *a review of all available studies and research*
24 *data on the treatment of end-stage emphysema and*
25 *chronic obstructive pulmonary disease by both unilat-*

1 *eral and bilateral lung volume reduction surgery, in-*
 2 *volving both invasive and noninvasive surgery and*
 3 *supplemental surgical methods, including laser appli-*
 4 *cations; and*

5 *(2) a recommendation, based on such review, as*
 6 *to the appropriateness of Medicare coverage of such*
 7 *procedures and the conditions, if necessary, that fa-*
 8 *cilities and physicians should be required to meet, to*
 9 *ensure the efficacy of such procedures, as more de-*
 10 *tailed clinical studies are conducted.*

11 *SEC. 217. Section 304(a)(1) of the Family Violence*
 12 *Prevention and Services Act (42 U.S.C. 10403(a)(1)) is*
 13 *amended by striking “\$200,000” and inserting “\$400,000”.*

14 *SEC. 218. The new clinical research center at the Na-*
 15 *tional Institutes of Health is hereby named the Mark O.*
 16 *Hatfield Clinical Research and Patient Care Center.*

17 This title may be cited as the “Department of Health
 18 and Human Services Appropriations Act, 1997”.

19 TITLE III—DEPARTMENT OF EDUCATION

20 EDUCATION REFORM

21 For carrying out activities authorized by the School-
 22 to-Work Opportunities Act, \$175,000,000, which shall be-
 23 come available on July 1, 1997, and remain available
 24 through September 30, 1998 by titles III and IV of the
 25 *Goals 2000: Educate America Act and the School-to-Work*

1 *Opportunities Act, \$535,000,000, of which \$340,000,000 for*
2 *the Goals 2000: Educate America Act and \$180,000,000 for*
3 *the School-to-Work Opportunities Act shall become available*
4 *on July 1, 1997, and remain available through September*
5 *30, 1998.*

6 EDUCATION FOR THE DISADVANTAGED

7 For carrying out title I of the Elementary and Sec-
8 ondary Education Act of 1965, ~~\$7,204,130,000~~ (increased
9 by ~~\$20,000,000~~) (increased by ~~\$1,000,000~~)
10 ~~\$7,225,249,000~~, of which ~~\$5,895,244,000~~ (increased by
11 ~~\$20,000,000~~) (increased by ~~\$1,000,000~~) ~~\$6,544,152,000~~
12 shall become available on July 1, 1997, and shall remain
13 available through September 30, 1998, and of which
14 ~~\$1,298,386,000~~ ~~\$670,597,000~~ shall become available on
15 October 1, 1997 and shall remain available through Sep-
16 tember 30, 1998, for academic year 1997–1998: *Provided*,
17 That ~~\$6,042,766,000~~ (increased by ~~\$1,000,000~~) shall be
18 available for basic grants under section 1124: *Provided*
19 *further*, That up to \$3,500,000 of these funds shall be
20 available to the Secretary on October 1, 1996, to obtain
21 updated local-educational-agency-level census poverty data
22 from the Bureau of the Census: *Provided further*, That
23 ~~\$684,082,000~~ (increased by ~~\$20,000,000~~) shall be avail-
24 able for concentration grants under section 1124(A) and
25 \$7,000,000 shall be available for evaluations under section
26 1501.

IMPACT AID

1
2 For carrying out programs of financial assistance to
3 federally affected schools authorized by title VIII of the
4 Elementary and Secondary Education Act of 1965,
5 ~~\$728,000,000~~ \$703,000,000, of which ~~\$615,500,000~~
6 \$591,707,000 shall be for basic support payments under
7 section 8003(b), \$40,000,000 shall be for payments for
8 children with disabilities under section 8003(d),
9 \$50,000,000, to remain available until expended, shall be
10 for payments under section 8003(f), \$5,000,000 shall be
11 for construction under section 8007, and ~~\$17,500,000~~
12 \$16,293,000 shall be for Federal property payments under
13 section 8002.

SCHOOL IMPROVEMENT PROGRAMS

14
15 For carrying out school improvement activities au-
16 thorized by titles *II*, *IV-A-1 and 2*, *V-A and B*, *VI*, *IX*,
17 *X* and *XIII* of the Elementary and Secondary Education
18 Act of 1965; the Stewart B. McKinney Homeless Assist-
19 ance Act; and the Civil Rights Act of 1964;
20 ~~\$1,235,383,000~~ \$1,318,631,000 of which ~~\$1,071,495,000~~
21 \$1,105,478,000 shall become available on July 1, 1997,
22 and remain available through September 30, 1998: *Pro-*
23 *vided*, That of the amount appropriated, ~~\$606,517,000~~
24 \$275,000,000 shall be for *Eisenhower professional develop-*
25 *ment State grants under title II-B* and \$275,000,000 shall
26 be for innovative education program strategies State

1 grants under title VI-A: ~~*Provided further,*~~ That the per-
2 centage of the funds appropriated under this heading for
3 innovative education program strategies State grants that
4 are allocated to any State or territory shall not be less
5 than the percentage allocated to such State or territory
6 from the total of the funds appropriated in appropriation
7 laws for fiscal year 1996 for the combined totals of such
8 grants plus Eisenhower professional development State
9 grants, foreign language assistance grants, and the star
10 schools program.

11 BILINGUAL AND IMMIGRANT EDUCATION

12 For carrying out, to the extent not otherwise pro-
13 vided, ~~bilingual~~ *bilingual, foreign language* and immigrant
14 education activities authorized by parts A and C of ~~and~~
15 *section 7203* of title VII of the Elementary and Secondary
16 Education Act, without regard to section 7103(b),
17 ~~\$167,190,000~~ *\$185,000,000*, of which \$50,000,000 shall
18 be for immigrant education programs authorized by part
19 C: *Provided,* That State educational agencies may use all,
20 or any part of, their part C allocation for competitive
21 grants to local educational agencies: *Provided further,*
22 That the Department of Education should only support
23 instructional programs which ensure that students com-
24 pletely master English in a timely fashion (a period of
25 three to five years) while meeting rigorous achievement
26 standards in the academic content areas.

SPECIAL EDUCATION

1
2 For carrying out *parts B, C, D, E, F, G, and H and*
3 *section 610(j)(2)(C) of the Individuals with Disabilities*
4 *Education Act (except part I),* ~~\$3,246,315,000~~
5 ~~\$3,262,315,000~~, of which ~~\$3,000,000,000~~ ~~\$3,010,000,000~~
6 shall become available for obligation on July 1, 1997, and
7 shall remain available through September 30, 1998: *Pro-*
8 *vided, That the Republic of the Marshall Islands, the Fed-*
9 *erated States of Micronesia, and the Republic of Palau shall*
10 *continue to be eligible to receive funds under the Individuals*
11 *with Disabilities Education Act consistent with the provi-*
12 *sions of Public Law 104–134: Provided further, That the*
13 *entities that received competitive awards funds under sec-*
14 *tion 611 of the Individuals with Disabilities Education Act*
15 *in accordance with the competition required in Public Law*
16 *104–134 shall continue to be funded, without competition,*
17 *in the same amounts as under Public Law 104–134.*

REHABILITATION SERVICES AND DISABILITY RESEARCH

18
19 For carrying out, to the extent not otherwise pro-
20 vided, the Rehabilitation Act of 1973, the Technology-Re-
21 lated Assistance for Individuals with Disabilities Act, and
22 the Helen Keller National Center Act, as amended,
23 ~~\$2,509,447,000~~ ~~\$2,516,447,000~~.

1 in such award year, and any funds available from the fis-
 2 cal year 1996 appropriation for Pell Grant awards, are
 3 insufficient to satisfy fully all such awards for which stu-
 4 dents are eligible, as calculated under section 401(b) of
 5 the Act, the amount paid for each such award shall be
 6 reduced by either a fixed or variable percentage, or by a
 7 fixed dollar amount, as determined in accordance with a
 8 schedule of reductions established by the Secretary for this
 9 purpose.

10 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

11 For Federal administrative expenses to carry out
 12 guaranteed student loans authorized by title IV, part B,
 13 of the Higher Education Act, as amended, \$29,977,000.

14 HIGHER EDUCATION

15 For carrying out, to the extent not otherwise pro-
 16 vided, parts A and B of title III, without regard to section
 17 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and
 18 subpart 1 of part B of title X, and title XI of the Higher
 19 Education Act of 1965, as amended, *Public Law 102-423*
 20 and the Mutual Educational and Cultural Exchange Act
 21 of 1961; ~~\$829,497,000~~ \$852,269,000, of which
 22 \$15,673,000 for interest subsidies under title VII of the
 23 Higher Education Act, as amended, shall remain available
 24 until expended: *Provided*, That funds available for part D
 25 of title IX of the Higher Education Act shall be available
 26 to fund noncompeting continuation awards for academic

1 year 1997–1998 for fellowships awarded originally under
 2 ~~parts B and C~~ *part B* of title IX of said Act, under the
 3 terms and conditions of ~~parts B and C~~, *respectively part*
 4 *B: Provided further, That \$5,931,000 of the funds available*
 5 *for part D of title IX of the Higher Education Act shall*
 6 *be available to fund new and noncompeting continuation*
 7 *awards for academic year 1997–1998 for fellowships award-*
 8 *ed under part C of title IX of said Act, under the terms*
 9 *and conditions of part C: Provided further, That notwith-*
 10 *standing sections 419D, 419E, and 419H of the Higher*
 11 *Education Act, as amended, scholarships made under title*
 12 *IV, part A, subpart 6 shall be prorated to maintain the*
 13 *same number of new scholarships in fiscal year 1997 as*
 14 *in fiscal year 1996: Provided further, That \$3,000,000, to*
 15 *remain available until expended, shall be for the George*
 16 *H.W. Bush fellowship program, if authorized by April 1,*
 17 *1997: Provided further, That \$3,000,000, to remain avail-*
 18 *able until expended, shall be for the Edmund S. Muskie*
 19 *Foundation to establish an endowment fund to provide in-*
 20 *come to support such foundation on a continuing basis, if*
 21 *authorized by April 1, 1997.*

22

HOWARD UNIVERSITY

23 For partial support of Howard University (20 U.S.C.
 24 121 et seq.), ~~\$187,348,000~~ \$189,000,000: *Provided, That*
 25 *from the amount available, the University may at its dis-*
 26 *cretion use funds for the endowment program as author-*

1 ized under the Howard University Endowment Act (Public
2 Law 98–480).

3 HIGHER EDUCATION FACILITIES LOANS

4 The Secretary is hereby authorized to make such ex-
5 penditures, within the limits of funds available under this
6 heading and in accord with law, and to make such con-
7 tracts and commitments without regard to fiscal year limi-
8 tation, as provided by section 104 of the Government Cor-
9 poration Control Act (31 U.S.C. 9104), as may be nec-
10 essary in carrying out the program for the current fiscal
11 year.

12 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

13 PROGRAM

14 For administrative expenses to carry out the existing
15 direct loan program of college housing and academic facili-
16 ties loans entered into pursuant to title VII, part C, of
17 the Higher Education Act, as amended, \$698,000.

18 COLLEGE HOUSING LOANS

19 Pursuant to title VII, part C of the Higher Education
20 Act, as amended, for necessary expenses of the college
21 housing loans program, the Secretary shall make expendi-
22 tures and enter into contracts without regard to fiscal year
23 limitation using loan repayments and other resources
24 available to this account. Any unobligated balances becom-
25 ing available from fixed fees paid into this account pursu-
26 ant to 12 U.S.C. 1749d, relating to payment of costs for

1 inspections and site visits, shall be available for the operat-
 2 ing expenses of this account.

3 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

4 CAPITAL FINANCING, PROGRAM ACCOUNT

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

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

14 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

15 For carrying out activities authorized by the Edu-
 16 cational Research, Development, Dissemination, and Im-
 17 provement Act of 1994 *including part E*; the National
 18 Education Statistics Act of 1994; section 2102(e)(11),
 19 sections 3136 and 3141, parts ~~A~~, B, C, and D of title III
 20 and parts A, B, I, and K and section 10601 of title X,
 21 and part C of title XIII of the Elementary and Secondary
 22 Education Act of 1965, as amended, and title VI of Public
 23 Law 103-227, ~~\$319,264,000~~ \$350,788,000: *Provided*,
 24 That \$48,000,000 shall be for sections 3136 and 3141 of
 25 the Elementary and Secondary Education Act: *Provided*
 26 *further*, That none of the funds appropriated in this para-

1 graph may be obligated or expended for the Goals 2000
2 Community Partnerships Program.

3 LIBRARIES

4 For carrying out, to the extent not otherwise pro-
5 vided, titles I, *II*, III, and IV of the Library Services and
6 Construction Act, and title II–B of the Higher Education
7 Act, ~~\$108,000,000, of which \$2,500,000 shall be for sec-~~
8 ~~tion 222 and \$1,000,000 shall be for section 223 of the~~
9 ~~Higher Education Act \$128,369,000, of which \$16,369,000~~
10 *shall be used to carry out the provisions of title II of the*
11 *Library Services and Construction Act and shall remain*
12 *available until expended; and \$2,500,000 shall be for section*
13 *222 and \$5,000,000 shall be for section 223 of the Higher*
14 *Education Act: Provided, That \$1,000,000 shall be competi-*
15 *tively awarded to a nonprofit regional social tolerance re-*
16 *source center, operating tolerance tools and prejudice reduc-*
17 *tion programs and multimedia tolerance and genocide ex-*
18 *hibits.*

19 DEPARTMENTAL MANAGEMENT

20 PROGRAM ADMINISTRATION

21 For carrying out, to the extent not otherwise pro-
22 vided, the Department of Education Organization Act, in-
23 cluding rental of conference rooms in the District of Co-
24 lumbia and hire of two passenger motor vehicles,
25 \$320,152,000 (~~decreased by \$20,000,000~~) (~~decreased by~~
26 ~~\$1,000,000~~) (~~reduced by \$1,923,000~~).

1 OFFICE FOR CIVIL RIGHTS

2 For expenses necessary for the Office for Civil
3 Rights, as authorized by section 203 of the Department
4 of Education Organization Act, \$54,171,000.

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, ~~\$27,143,000~~ \$27,991,000,
9 together with any funds, to remain available until ex-
10 pended, that represent the equitable share from the for-
11 feiture of property in investigations in which the Office
12 of Inspector General participated, and which are trans-
13 ferred to the Office of the Inspector General by the De-
14 partment of Justice, the Department of the Treasury, or
15 the United States Postal Service.

16 GENERAL PROVISIONS

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

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

1 portation of any student to a school other than the school
 2 which is nearest the student's home, except for a student
 3 requiring special education, to the school offering such
 4 special education, in order to comply with title VI of the
 5 Civil Rights Act of 1964. For the purpose of this section
 6 an indirect requirement of transportation of students in-
 7 cludes the transportation of students to carry out a plan
 8 involving the reorganization of the grade structure of
 9 schools, the pairing of schools, or the clustering of schools,
 10 or any combination of grade restructuring, pairing or clus-
 11 tering. The prohibition described in this section does not
 12 include the establishment of magnet schools.

13 SEC. 303. No funds appropriated under this Act may
 14 be used to prevent the implementation of programs of vol-
 15 untary prayer and meditation in the public schools.

16 SEC. 304. Notwithstanding any other provision of
 17 law, funds available under section 458 of the Higher Edu-
 18 cation Act shall not exceed ~~\$420,000,000~~ *\$440,000,000* for
 19 fiscal year 1997. The Department of Education shall use
 20 at least ~~\$134,000,000~~ for payment of administrative cost
 21 allowances owed to guaranty agencies for fiscal years 1996
 22 and 1997. The Department of Education shall pay admin-
 23 istrative cost allowances to guaranty agencies, to be paid
 24 ~~quarterly~~ *\$80,000,000 of the amounts provided for payment*
 25 *of administrative cost allowances to guaranty agencies for*

1 *fiscal year 1996. For fiscal year 1997, the Department of*
2 *Education shall pay administrative costs to guaranty agen-*
3 *cies, calculated on the basis of 0.85 percent of the total prin-*
4 *cipal amount of loans upon which insurance was issued on*
5 *or after October 1, 1996: Provided, That such administra-*
6 *tive costs shall be paid only on the first \$8,200,000,000 of*
7 *the principal amount of loans upon which insurance was*
8 *issued on or after October 1, 1996 by such guaranty agen-*
9 *cies, and shall not exceed a total of \$70,000,000. Such pay-*
10 *ments are to be paid quarterly, and receipt of such funds*
11 *and uses of such funds shall be in accordance with section*
12 *428(f) of the Higher Education Act. Receipt of such funds*
13 *and uses of such funds by guaranty agencies shall be in*
14 *accordance with section 428(f) of the Higher Education*
15 *Act.*

16 Notwithstanding section 458 of the Higher Education
17 Act, the Secretary may not use funds available under that
18 section or any other section for subsequent fiscal years
19 for administrative expenses of the William D. Ford Direct
20 Loan Program. The Secretary may not require the return
21 of guaranty agency reserve funds during fiscal year 1997,
22 except after consultation with both the Chairmen and
23 ranking members of the House Economic and Educational
24 Opportunities Committee and the Senate Labor and
25 Human Resources Committee. Any reserve funds recov-

1 ered by the Secretary shall be returned to the Treasury
2 of the United States for purposes of reducing the Federal
3 deficit.

4 No funds available to the Secretary may be used for
5 (1) the hiring of advertising agencies or other third parties
6 to provide advertising services for student loan programs,
7 or (2) payment of administrative fees relating to the Wil-
8 liam D. Ford Direct Loan Program to institutions of high-
9 er education.

10 SEC. 305. None of the funds appropriated in this Act
11 may be obligated or expended to carry out ~~sections 727,~~
12 ~~932, and 1002~~ *section 727* of the Higher Education Act
13 of 1965, and section 621(b) of Public Law 101–589.

14 (TRANSFER OF FUNDS)

15 SEC. 306. Not to exceed 1 percent of any discre-
16 tionary funds (pursuant to the Balanced Budget and
17 Emergency Deficit Control Act, as amended) which are
18 appropriated for the current fiscal year for the Depart-
19 ment of Education in this Act may be transferred between
20 appropriations, but no such appropriation shall be in-
21 creased by more than 3 percent by any such transfer: *Pro-*
22 *vided*, That the Appropriations Committees of both
23 Houses of Congress are notified at least fifteen days in
24 advance of any transfer.

1 SEC. 307. (a) Section 8003(f)(3)(A)(i) of the Ele-
2 mentary and Secondary Education Act of 1965 (20 U.S.C.
3 7703(f)(3)(A)(i)) is amended—

4 (1) in the matter preceding subclause (I), by
5 striking “The Secretary” and all that follows
6 through “greater of—” and inserting the following:
7 “‘The Secretary, in conjunction with the local edu-
8 cational agency, shall first determine each of the fol-
9 lowing:’”;

10 (2) in each of subclauses (I) through (III), by
11 striking “the average” each place it appears the first
12 time in each such subclause and inserting “The av-
13 erage”;

14 (3) in subclause (I), by striking the semicolon
15 and inserting a period;

16 (4) in subclause (II), by striking “: or” and in-
17 serting a period; and

18 (5) by adding at the end the following:
19 “‘The local educational agency shall select one
20 of the amounts determined under subclause (I),
21 (II), or (III) for purposes of the remaining
22 computations under this subparagraph.’”.

23 (b) The amendments made by subsection (a) shall
24 apply with respect to fiscal years beginning with fiscal
25 year 1995.

1 Home, to be paid from funds available in the Armed
2 Forces Retirement Home Trust Fund, ~~\$53,184,000~~
3 ~~\$56,204,000~~, of which \$432,000 shall remain available
4 until expended for construction and renovation of the
5 physical plants at the United States Soldiers' and Air-
6 men's Home and the United States Naval Home: *Pro-*
7 *vided*, That this appropriation shall not be available for
8 the payment of hospitalization of members of the Soldiers'
9 and Airmen's Home in United States Army hospitals at
10 rates in excess of those prescribed by the Secretary of the
11 Army upon recommendation of the Board of Commis-
12 sioners and the Surgeon General of the Army.

13 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
14 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING
15 EXPENSES

16 For expenses necessary for the Corporation for Na-
17 tional and Community Service to carry out the provisions
18 of the Domestic Volunteer Service Act of 1973, as amend-
19 ed, ~~\$202,046,000~~ (increased by ~~\$1,923,000~~) \$203,969,000.

20 CORPORATION FOR PUBLIC BROADCASTING

21 For payment to the Corporation for Public Broad-
22 casting, as authorized by the Communications Act of
23 1934, an amount which shall be available within limita-
24 tions specified by that Act, for the fiscal year 1999,
25 \$250,000,000: *Provided*, That no funds made available to

1 the Corporation for Public Broadcasting by this Act shall
2 be used to pay for receptions, parties, or similar forms
3 of entertainment for Government officials or employees:
4 *Provided further*, That none of the funds contained in this
5 paragraph shall be available or used to aid or support any
6 program or activity from which any person is excluded,
7 or is denied benefits, or is discriminated against, on the
8 basis of race, color, national origin, religion, or sex.

9 FEDERAL MEDIATION AND CONCILIATION SERVICE

10 SALARIES AND EXPENSES

11 For expenses necessary for the Federal Mediation
12 and Conciliation Service to carry out the functions vested
13 in it by the Labor Management Relations Act, 1947 (29
14 U.S.C. 171–180, 182–183), including hire of passenger
15 motor vehicles; and for expenses necessary for the Labor-
16 Management Cooperation Act of 1978 (29 U.S.C. 175a);
17 and for expenses necessary for the Service to carry out
18 the functions vested in it by the Civil Service Reform Act,
19 Public Law 95–454 (5 U.S.C. chapter 71), \$32,579,000
20 including \$1,500,000, to remain available through Sep-
21 tember 30, 1998, for activities authorized by the Labor-
22 Management Cooperation Act of 1978 (29 U.S.C. 175a):
23 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
24 charged, up to full-cost recovery, for special training ac-
25 tivities and for arbitration services shall be credited to and

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

9 FEDERAL MINE SAFETY AND HEALTH REVIEW

10 COMMISSION

11 SALARIES AND EXPENSES

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

15 NATIONAL COMMISSION ON LIBRARIES AND

16 INFORMATION SCIENCE

17 SALARIES AND EXPENSES

18 For necessary expenses for the National Commission
 19 on Libraries and Information Science, established by the
 20 Act of July 20, 1970 (Public Law 91-345, as amended
 21 by Public Law 102-95), ~~\$812,000~~ \$897,000.

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on
4 Disability as authorized by title IV of the Rehabilitation
5 Act of 1973, as amended, ~~\$1,757,000~~ \$1,793,000.

6 NATIONAL EDUCATION GOALS PANEL

7 For expenses necessary for the National Education
8 Goals Panel, as authorized by title II, part A of the Goals
9 2000: Educate America Act, ~~\$974,000~~ \$1,500,000.

10 NATIONAL LABOR RELATIONS BOARD

11 SALARIES AND EXPENSES

12 For expenses necessary for the National Labor Rela-
13 tions Board to carry out the functions vested in it by the
14 Labor-Management Relations Act, 1947, as amended (29
15 U.S.C. 141–167), and other laws, ~~\$144,692,000~~
16 \$170,266,000: *Provided*, That no part of this appropriation
17 shall be available to organize or assist in organizing agri-
18 cultural laborers or used in connection with investigations,
19 hearings, directives, or orders concerning bargaining units
20 composed of agricultural laborers as referred to in section
21 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as
22 amended by the Labor-Management Relations Act, 1947,
23 as amended, and as defined in section 3(f) of the Act of
24 June 25, 1938 (29 U.S.C. 203), and including in said defi-
25 nition employees engaged in the maintenance and oper-

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

9 NATIONAL MEDIATION BOARD

10 SALARIES AND EXPENSES

11 For expenses necessary to carry out the provisions
 12 of the Railway Labor Act, as amended (45 U.S.C. 151–
 13 188), including emergency boards appointed by the Presi-
 14 dent, ~~\$7,656,000~~ \$8,300,000: *Provided, That unobligated*
 15 *balances at the end of fiscal year 1997 not needed for emer-*
 16 *gency boards or any other purposes in fiscal year 1997 shall*
 17 *remain available until expended.*

18 OCCUPATIONAL SAFETY AND HEALTH REVIEW

19 COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Occupational Safety
 22 and Health Review Commission (29 U.S.C. 661),
 23 \$7,753,000.

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, ~~\$2,920,000~~ \$3,263,000, to be
5 transferred to this appropriation from the Federal Supple-
6 mentary 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, \$3,263,000, to be transferred
11 to this appropriation from the Federal Hospital Insurance
12 and the Federal Supplementary Medical Insurance Trust
13 Funds.

14 SOCIAL SECURITY ADMINISTRATION

15 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

16 For payment to the Federal Old-Age and Survivors
17 Insurance and the Federal Disability Insurance trust
18 funds, as provided under sections 201(m), 228(g), and
19 1131(b)(2) of the Social Security Act, \$20,923,000.

20 In addition, to reimburse these trust funds for admin-
21 istrative expenses to carry out sections 9704 and 9706 of
22 the Internal Revenue Code of 1986, \$10,000,000, to re-
23 main available until expended.

1 SPECIAL BENEFITS FOR DISABLED COAL MINERS

2 For carrying out title IV of the Federal Mine Safety
3 and Health Act of 1977, \$460,070,000, to remain avail-
4 able until expended.

5 For making, after July 31 of the current fiscal year,
6 benefit payments to individuals under title IV of the Fed-
7 eral Mine Safety and Health Act of 1977, for costs in-
8 curred in the current fiscal year, such amounts as may
9 be necessary.

10 For making benefit payments under title IV of the
11 Federal Mine Safety and Health Act of 1977 for the first
12 quarter of fiscal year 1998, \$160,000,000, to remain
13 available until expended.

14 SUPPLEMENTAL SECURITY INCOME PROGRAM

15 For carrying out titles XI and XVI of the Social Se-
16 curity Act, section 401 of Public Law 92-603, section 212
17 of Public Law 93-66, as amended, and section 405 of
18 Public Law 95-216, including payment to the Social Secu-
19 rity trust funds for administrative expenses incurred pur-
20 suant to section 201(g)(1) of the Social Security Act,
21 ~~\$19,422,115,000~~ \$19,357,010,000, to remain available
22 until expended: *Provided*, That any portion of the funds
23 provided to a State in the current fiscal year and not obli-
24 gated by the State during that year shall be returned to
25 the Treasury.

1 In addition, ~~\$25,000,000~~, to remain available until
2 September 30, 1998, for continuing disability reviews as
3 authorized by section ~~103~~ of Public Law ~~104-121~~. The
4 term “continuing disability reviews” has the meaning
5 given such term by section 201(g)(1)(A) of the Social Se-
6 curity Act.

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

11 *In addition, \$175,000,000, to remain available until*
12 *September 30, 1998, for payment to the Social Security*
13 *trust funds for administrative expenses for continuing dis-*
14 *ability reviews as authorized by section 103 of Public Law*
15 *104-121 and Supplemental Security Income administra-*
16 *tive work required by welfare reform, as authorized by Pub-*
17 *lic Law 104-193. The term “continuing disability reviews”*
18 *means reviews and redetermination as defined under sec-*
19 *tion 201(g)(1)(A) of the Social Security Act as amended,*
20 *and reviews and redeterminations authorized under section*
21 *211 of Public Law 104-193.*

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

1 For carrying out title XVI of the Social Security Act
2 for the first quarter of fiscal year 1998, \$9,690,000,000,
3 to remain available until expended.

4 LIMITATION ON ADMINISTRATIVE EXPENSES

5 For necessary expenses, including the hire of two pas-
6 senger motor vehicles, and not to exceed \$10,000 for offi-
7 cial reception and representation expenses, not more than
8 ~~\$5,899,797,000~~ \$5,820,907,000 may be expended, as au-
9 thorized by section 201(g)(1) of the Social Security Act
10 or as necessary to carry out sections 9704 and 9706 of
11 the Internal Revenue Code of 1986 from any one or all
12 of the trust funds referred to therein: *Provided*, That reim-
13 bursement to the trust funds under this heading for ad-
14 ministrative expenses to carry out sections 9704 and 9706
15 of the Internal Revenue Code of 1986 shall be made, with
16 interest, not later than September 30, 1998: *Provided fur-*
17 *ther*, That not less than ~~\$1,500,000~~ \$1,268,000 shall be
18 for the Social Security Advisory Board: *Provided further*,
19 *That unobligated balances at the end of fiscal year 1997*
20 *not needed for fiscal year 1997 shall remain available until*
21 *expended for a state-of-the-art computing network, includ-*
22 *ing related equipment and administrative expenses associ-*
23 *ated solely with this network.*

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

1 In addition to funding already available under this
2 heading, and subject to the same terms and conditions,
3 ~~\$160,000,000~~, to remain available until September 30,
4 1998, for continuing disability reviews as authorized by
5 section 103 of Public Law 104–121. The term “continuing
6 disability reviews” has the meaning given such term by
7 section 201(g)(1)(A) of the Social Security Act.

8 *In addition to funding already available under this*
9 *heading, and subject to the same terms and conditions,*
10 *\$310,000,000, to remain available until September 30,*
11 *1998, for continuing disability reviews as authorized by sec-*
12 *tion 103 of Public Law 104–121 and Supplemental Secu-*
13 *rity Income administrative work required by welfare re-*
14 *form, as authorized by Public Law 104–193. The term “con-*
15 *tinuing disability reviews” means reviews and redeter-*
16 *mination as defined under section 201(g)(1)(A) of the So-*
17 *cial Security Act as amended, and reviews and redeter-*
18 *minations authorized under section 211 of Public Law 104–*
19 *193.*

20 In addition to funding already available under this
21 heading, and subject to the same terms and conditions,
22 ~~\$250,073,000~~ \$226,291,000, which shall remain available
23 until expended, to invest in a state-of-the-art computing
24 network, including related equipment and administrative
25 expenses associated solely with this network, for the Social

1 Security Administration and the State Disability Deter-
2 mination Services, may be expended from any or all of
3 the trust funds as authorized by section 201(g)(1) of the
4 Social Security Act.

5 OFFICE OF INSPECTOR GENERAL

6 For expenses necessary for the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, as amended, \$6,335,000, together
9 with not to exceed \$21,089,000, to be transferred and ex-
10 pended as authorized by section 201(g)(1) of the Social
11 Security Act from the Federal Old-Age and Survivors In-
12 surance Trust Fund and the Federal Disability Insurance
13 Trust Fund.

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, \$223,000,000, which shall include
19 amounts becoming available in fiscal year 1997 pursuant
20 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
21 tion, an amount, not to exceed 2 percent of the amount
22 provided herein, shall be available proportional to the
23 amount by which the product of recipients and the average
24 benefit received exceeds \$223,000,000: *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, \$300,000, to remain available through September
9 30, 1998, 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 \$87,898,000, to be derived in such amounts as determined
17 by the Board from the railroad retirement accounts and
18 from moneys credited to the railroad unemployment insur-
19 ance administration fund.

20 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General for audit, investigatory and review activities, as
23 authorized by the Inspector General Act of 1978, as
24 amended, not more than ~~\$5,268,000~~ \$5,540,000, to be de-
25 rived from the railroad retirement accounts and railroad
26 unemployment insurance account:—*Provided*, That none of

1 the funds made available in this Act may be transferred
2 to the Office from the Department of Health and Human
3 Services, or used to carry out any such transfer: *Provided*
4 *further*, That none of the funds made available in this
5 paragraph may be used for any audit, investigation, or re-
6 view of the Medicare program.

7 UNITED STATES INSTITUTE OF PEACE

8 OPERATING EXPENSES

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

12 TITLE V—GENERAL PROVISIONS

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

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

23 SEC. 503. (a) No part of any appropriation contained
24 in this Act shall be used, other than for normal and recog-
25 nized executive-legislative relationships, for publicity or

1 propaganda purposes, for the preparation, distribution, or
2 use of any kit, pamphlet, booklet, publication, radio, tele-
3 vision, or video presentation designed to support or defeat
4 legislation pending before the Congress, ~~except in presen-~~
5 ~~tation to the Congress itself~~ *or any State legislature, except*
6 *in presentation to the Congress or any State legislative body*
7 *itself.*

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

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

1 funds available for “Salaries and expenses, National Medi-
2 ation Board”.

3 SEC. 505. Notwithstanding any other provision of
4 this Act, no funds appropriated under this Act shall be
5 used to carry out any program of distributing sterile nee-
6 dles for the hypodermic injection of any illegal drug unless
7 the Secretary of Health and Human Services determines
8 that such programs are effective in preventing the spread
9 of HIV and do not encourage the use of illegal drugs.

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

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

21 (c) PROHIBITION OF CONTRACTS WITH PERSONS
22 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
23 If it has been finally determined by a court or Federal
24 agency that any person intentionally affixed a label bear-
25 ing a “Made in America” inscription, or any inscription

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

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

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

1 SEC. 509. Notwithstanding any other provision of
2 law—

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

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

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

1 SEC. 510. None of the funds made available in this
2 Act may be used for the expenses of an electronic benefit
3 transfer (EBT) task force.

4 SEC. 511. None of the funds made available in this
5 Act may be used to enforce the requirements of section
6 428(b)(1)(U)(iii) of the Higher Education Act of 1965
7 with respect to any lender when it is made known to the
8 Federal official having authority to obligate or expend
9 such funds that the lender has a loan portfolio under part
10 B of title IV of such Act that is equal to or less than
11 \$5,000,000.

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

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

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

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

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

3 ~~SEC. 513.~~ None of the funds made available in this
4 Act may be used by the National Labor Relations Board
5 to assert jurisdiction over any labor dispute when it is
6 made known to the Federal official having authority to
7 obligate or expend such funds that—

8 (1) the labor dispute does not involve any class
9 or category of employer over which the Board would
10 assert jurisdiction under the standards prevailing on
11 August 1, 1959, with each financial threshold
12 amount adjusted for inflation by—

13 (A) using changes in the Consumer Price
14 Index for all urban consumers published by the
15 Department of Labor;

16 (B) using as the base period the later of
17 (i) the most recent calendar quarter ending be-
18 fore the financial threshold amount was estab-
19 lished; or (ii) the calendar quarter ending June
20 30, 1959; and

21 (C) rounding the adjusted financial thresh-
22 old amount to the nearest \$10,000; and

23 (2) the effect of the labor dispute on interstate
24 commerce is not otherwise sufficiently substantial to
25 warrant the exercise of the Board's jurisdiction.

1 SEC. 514. None of the funds made available in this
2 Act may be used to provide any direct benefit or assistance
3 to any individual in the United States when it is made
4 known to the Federal official having authority to obligate
5 or expend such funds that—

6 (1) the individual is not lawfully within the
7 United States; and

8 (2) the benefit or assistance to be provided is
9 other than emergency medical assistance; a benefit
10 mandated by the federal courts to be provided by the
11 State; or public health assistance for immunizations
12 with respect to immunizable diseases, testing and
13 treatment for communicable diseases, and treatment
14 for symptoms of communicable diseases whether or
15 not such symptoms are actually caused by a commu-
16 nicable disease.

17 SEC. 515. The Mine Safety and Health Administra-
18 tion shall not close or relocate any safety and health tech-
19 nology center until after submitting to the Committee on
20 Appropriations of the House of Representatives a detailed
21 analysis of the cost savings anticipated from such action
22 and the effects of such action on the provision of services,
23 including timely on-site assistance during mine emer-
24 gencies.

1 SEC. 516. (a) LIMITATION ON USE OF FUNDS FOR
2 PROMOTION OF LEGALIZATION OF CONTROLLED SUB-
3 STANCES.—None of the funds made available in this Act
4 may be used for any activity when it is made known to
5 the Federal official having authority to obligate or expend
6 such funds that the activity promotes the legalization of
7 any drug or other substance included in schedule I of the
8 schedules of controlled substances established by section
9 202 of the Controlled Substances Act (21 U.S.C. 812).

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

17 SEC. 517. (a) DENIAL OF FUNDS FOR PREVENTING
18 ROTC ACCESS TO CAMPUS.—None of the funds made
19 available in this Act may be provided by contract or by
20 grant (including a grant of funds to be available for stu-
21 dent aid) to an institution of higher education when it is
22 made known to the Federal official having authority to
23 obligate or expend such funds that the institution (or any
24 subelement thereof) has a policy or practice (regardless

1 of when implemented) that prohibits, or in effect pre-
2 vents—

3 (1) the maintaining, establishing, or operation
4 of a unit of the Senior Reserve Officer Training
5 Corps (in accordance with section 654 of title 10,
6 United States Code, and other applicable Federal
7 laws) at the institution (or subelement); or

8 (2) a student at the institution (or subelement)
9 from enrolling in a unit of the Senior Reserve Offi-
10 cer Training Corps at another institution of higher
11 education.

12 (b) EXCEPTION.—The limitation established in sub-
13 section (a) shall not apply to an institution of higher edu-
14 cation when it is made known to the Federal official hav-
15 ing authority to obligate or expend such funds that—

16 (1) the institution (or subelement) has ceased
17 the policy or practice described in such subsection;
18 or

19 (2) the institution has a longstanding policy of
20 pacifism based on historical religious affiliation.

21 SEC. 518. (a) DENIAL OF FUNDS FOR PREVENTING
22 FEDERAL MILITARY RECRUITING ON CAMPUS.—None of
23 the funds made available in this Act may be provided by
24 contract or grant (including a grant of funds to be avail-
25 able for student aid) to any institution of higher education

1 when it is made known to the Federal official having au-
2 thority to obligate or expend such funds that the institu-
3 tion (or any subelement thereof) has a policy or practice
4 (regardless of when implemented) that prohibits, or in ef-
5 feet prevents—

6 (1) entry to campuses, or access to students
7 (who are 17 years of age or older) on campuses, for
8 purposes of Federal military recruiting; or

9 (2) access to the following information pertain-
10 ing to students (who are 17 years of age or older)
11 for purposes of Federal military recruiting: student
12 names, addresses, telephone listings, dates and
13 places of birth, levels of education, degrees received,
14 prior military experience, and the most recent pre-
15 vious educational institutions enrolled in by the stu-
16 dents.

17 (b) EXCEPTION.—The limitation established in sub-
18 section (a) shall not apply to an institution of higher edu-
19 cation when it is made known to the Federal official hav-
20 ing authority to obligate or expend such funds that—

21 (1) the institution (or subelement) has ceased
22 the policy or practice described in such subsection;
23 or

24 (2) the institution has a longstanding policy of
25 pacifism based on historical religious affiliation.

1 ~~SEC. 519.~~ None of the funds made available in this
2 Act may be obligated or expended to enter into or renew
3 a contract with an entity when it is made known to the
4 Federal official having authority to obligate or expend
5 such funds that—

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

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

16 *SEC. 519.* None of the funds made available in this
17 Act may be obligated or expended to enter into or renew
18 a contract with an entity when it is made known to the
19 Federal official having authority to obligate or expend such
20 funds that—

21 (1) such entity is otherwise a contractor with the
22 United States and is subject to the requirement in
23 section 4212(d) of title 38, United States Code, re-
24 garding submission of an annual report to the Sec-

1 *retary of Labor concerning employment of certain vet-*
2 *erans; and*

3 *(2) such entity has not submitted a report as re-*
4 *quired by that section for the most recent year for*
5 *which such requirement was applicable to such entity.*

6 ~~SEC. 520. None of the funds made available in this~~
7 ~~Act to the Department of Labor may be used to enforce~~
8 ~~section 1926.28(a) of title 29, Code of Federal Regula-~~
9 ~~tions, with respect to any operation, when it is made~~
10 ~~known to the Federal official having authority to obligate~~
11 ~~or expend such funds that such enforcement pertains to~~
12 ~~a requirement that workers wear long pants and such re-~~
13 ~~quirement would cause workers to experience extreme dis-~~
14 ~~comfort due to excessively high air temperatures.~~

15 ~~SEC. 521. None of the funds made available in this~~
16 ~~Act may be used to order, direct, enforce, or compel any~~
17 ~~employer to pay backpay to any employee for any period~~
18 ~~when it is made known to the Federal official to whom~~
19 ~~the funds are made available that during such period the~~
20 ~~employee was not lawfully entitled to be present and em-~~
21 ~~ployed in the United States.~~

22 ~~SEC. 522. (a) LIMITATION ON TRANSFERS FROM~~
23 ~~MEDICARE TRUST FUNDS.—None of the funds made~~
24 ~~available in this Act under the heading “Title II—Depart-~~
25 ~~ment of Health and Human Services—Health Care Fi-~~

1 nancing Administration—Program Management” for
2 transfer from the Federal Hospital Insurance Trust Fund
3 or the Federal Supplementary Medical Insurance Trust
4 Fund may be used for expenditures for official time for
5 employees of the Department of Health and Human Serv-
6 ices pursuant to section 7131 of title 5, United States
7 Code, or for facilities or support services for labor organi-
8 zations pursuant to policies, regulations, or procedures re-
9 ferred to in section 7135(b) of such title.

10 (b) LIMITATION ON TRANSFERS FROM OASDI
11 TRUST FUNDS.—None of the funds made available in this
12 Act under the heading “Title IV—Related Agencies—So-
13 cial Security Administration—Limitation on Administra-
14 tive Expenses” for transfer from the Federal Old-Age and
15 Survivors Insurance Trust Fund or the Federal Disability
16 Insurance Trust Fund may be used for expenditures for
17 official time for employees of the Social Security Adminis-
18 tration pursuant to section 7131 of title 5, United States
19 Code, or for facilities or support services for labor organi-
20 zations pursuant to policies, regulations, or procedures re-
21 ferred to in section 7135(b) of such title.

22 SEC. 523. None of the funds appropriated in this Act
23 may be made available to any entity under title X of the
24 Public Health Service Act unless it is made known to the
25 Federal official having authority to obligate or expend

1 such funds that the applicant for the award certifies to
2 the Secretary that it encourages family participation in
3 the decision of the minor to seek family planning services.

4 *SEC. 524. No more than 1 percent of salaries appro-*
5 *priated for each Agency in this Act may be expended by*
6 *that Agency on cash performance awards: Provided, That*
7 *Agencies in this Act may waive the provisions of 5 U.S.C.*
8 *5384(b)(2) in order to comply with this section: Provided*
9 *further, That of the budgetary resources available to Agen-*
10 *cies in this Act for salaries and expenses during fiscal year*
11 *1997, \$30,500,000, to be allocated by the Office of Manage-*
12 *ment and Budget, are permanently canceled: Provided fur-*
13 *ther, That the foregoing provision shall not apply to the*
14 *Food and Drug Administration and the Indian Health*
15 *Service.*

16 *SEC. 525. VOLUNTARY SEPARATION INCENTIVES FOR*
17 *EMPLOYEES OF CERTAIN FEDERAL AGENCIES.—(a) DEFINI-*
18 *TIONS.—For the purposes of this section—*

19 (1) *the term “agency” means the Railroad Re-*
20 *retirement Board and the Office of Inspector General of*
21 *the Railroad Retirement Board;*

22 (2) *the term “employee” means an employee (as*
23 *defined by section 2105 of title 5, United States Code)*
24 *who is employed by an agency, is serving under an*
25 *appointment without time limitation, and has been*

1 *currently employed for a continuous period of at least*
2 *3 years, but does not include—*

3 *(A) a reemployed annuitant under sub-*
4 *chapter III of chapter 83 or chapter 84 of title*
5 *5, United States Code, or another retirement sys-*
6 *tem for employees of the agency;*

7 *(B) an employee having a disability on the*
8 *basis of which such employee is or would be eli-*
9 *gible for disability retirement under subchapter*
10 *III of chapter 83 or chapter 84 of title 5, United*
11 *States Code, or another retirement system for*
12 *employees of the agency;*

13 *(C) an employee who is in receipt of a spe-*
14 *cific notice of involuntary separation for mis-*
15 *conduct or unacceptable performance;*

16 *(D) an employee who, upon completing an*
17 *additional period of service as referred to in sec-*
18 *tion 3(b)(2)(B)(ii) of the Federal Workforce Re-*
19 *structuring Act of 1994 (5 U.S.C. 5597 note),*
20 *would qualify for a voluntary separation incen-*
21 *tive payment under section 3 of such Act;*

22 *(E) an employee who has previously re-*
23 *ceived any voluntary separation incentive pay-*
24 *ment by the Federal Government under this sec-*

1 *tion or any other authority and has not repaid*
2 *such payment;*

3 *(F) an employee covered by statutory reem-*
4 *ployment rights who is on transfer to another or-*
5 *ganization; or*

6 *(G) any employee who, during the twenty-*
7 *four-month period preceding the date of separa-*
8 *tion, has received a recruitment or relocation*
9 *bonus under section 5753 of title 5, United*
10 *States Code, or who, within the twelve-month pe-*
11 *riod preceding the date of separation, received a*
12 *retention allowance under section 5754 of title 5,*
13 *United States Code.*

14 *(b) AGENCY STRATEGIC PLAN.—*

15 *(1) IN GENERAL.—The three-member Railroad*
16 *Retirement Board, prior to obligating any resources*
17 *for voluntary separation incentive payments, shall*
18 *submit to the House and Senate Committees on Ap-*
19 *propriations and the Committee on Governmental Af-*
20 *airs of the Senate and the Committee on Government*
21 *Reform and Oversight of the House of Representatives*
22 *a strategic plan outlining the intended use of such in-*
23 *centive payments and a proposed organizational*
24 *chart for the agency once such incentive payments*
25 *have been completed.*

1 (2) *CONTENTS.*—*The agency’s plan shall in-*
2 *clude—*

3 (A) *the positions and functions to be re-*
4 *duced or eliminated, identified by organizational*
5 *unit, geographic location, occupational category*
6 *and grade level;*

7 (B) *the number and amounts of voluntary*
8 *separation incentive payments to be offered; and*

9 (C) *a description of how the agency will op-*
10 *erate without the eliminated positions and func-*
11 *tions.*

12 (c) *AUTHORITY TO PROVIDE VOLUNTARY SEPARATION*
13 *INCENTIVE PAYMENTS.*—

14 (1) *IN GENERAL.*—*A voluntary separation incen-*
15 *tive payment under this section may be paid by an*
16 *agency to any employee only to the extent necessary*
17 *to eliminate the positions and functions identified by*
18 *the strategic plan.*

19 (2) *AMOUNT AND TREATMENT OF PAYMENTS.*—*A*
20 *voluntary separation incentive payment—*

21 (A) *shall be paid in a lump sum after the*
22 *employee’s separation;*

23 (B) *shall be paid from appropriations or*
24 *funds available for the payment of the basic pay*
25 *of the employees;*

1 (C) shall be equal to the lesser of—

2 (i) an amount equal to the amount the
3 employee would be entitled to receive under
4 section 5595(c) of title 5, United States
5 Code; or

6 (ii) an amount determined by the
7 agency head not to exceed \$25,000;

8 (D) may not be made except in the case of
9 any qualifying employee who voluntarily sepa-
10 rates (whether by retirement or resignation) be-
11 fore September 30, 1997;

12 (E) shall not be a basis for payment, and
13 shall not be included in the computation, of any
14 other type of Government benefit; and

15 (F) shall not be taken into account in deter-
16 mining the amount of any severance pay to
17 which the employee may be entitled under section
18 5595 of title 5, United States Code, based on any
19 other separation.

20 (d) *ADDITIONAL AGENCY CONTRIBUTIONS TO THE RE-*
21 *TIREMENT FUND.*—

22 (1) *IN GENERAL.*—In addition to any other pay-
23 ments which it is required to make under subchapter
24 III of chapter 83 of title 5, United States Code, an
25 agency shall remit to the Office of Personnel Manage-

1 *ment for deposit in the Treasury of the United States*
2 *to the credit of the Civil Service Retirement and Dis-*
3 *ability Fund an amount equal to 15 percent of the*
4 *final basic pay of each employee of the agency who*
5 *is covered under subchapter III of chapter 83 or chap-*
6 *ter 84 of title 5, United States Code, to whom a vol-*
7 *untary separation incentive has been paid under this*
8 *section.*

9 (2) *DEFINITION.*—*For the purpose of paragraph*
10 *(1), the term “final basic pay”, with respect to an*
11 *employee, means the total amount of basic pay which*
12 *would be payable for a year of service by such em-*
13 *ployee, computed using the employee’s final rate of*
14 *basic pay, and, if last serving on other than a full-*
15 *time basis, with appropriate adjustment therefor.*

16 (e) *EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE*
17 *GOVERNMENT.*—*An individual who has received a vol-*
18 *untary separation incentive payment under this section*
19 *and accepts any employment for compensation with the*
20 *Government of the United States, or who works for any*
21 *agency of the United States Government through a personal*
22 *services contract, within 5 years after the date of the separa-*
23 *tion on which the payment is based shall be required to*
24 *pay, prior to the individual’s first day of employment, the*

1 *entire amount of the incentive payment to the agency that*
2 *paid the incentive payment.*

3 *(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—*

4 *(1) IN GENERAL.—The total number of funded*
5 *employee positions in the agency shall be reduced by*
6 *one position for each vacancy created by the separa-*
7 *tion of any employee who has received, or is due to*
8 *receive, a voluntary separation incentive payment*
9 *under this section. For the purposes of this subsection,*
10 *positions shall be counted on a full-time-equivalent*
11 *basis.*

12 *(2) ENFORCEMENT.—The President, through the*
13 *Office of Management and Budget, shall monitor the*
14 *agency and take any action necessary to ensure that*
15 *the requirements of this subsection are met.*

16 *(g) EFFECTIVE DATE.—This section shall take effect*
17 *October 1, 1996.*

18 **TITLE VI—COMMISSION ON**
19 **RETIREMENT INCOME POLICY**

20 **SEC. 601. SHORT TITLE.**

21 *This title may be cited as the “Commission on Retire-*
22 *ment Income Policy Act of 1996”.*

1 **SEC. 602. ESTABLISHMENT.**

2 *There is established a commission to be known as the*
3 *Commission on Retirement Income Policy (in this title re-*
4 *ferred to as the “Commission”).*

5 **SEC. 603. DUTIES.**

6 *(a) IN GENERAL.—The Commission shall conduct a*
7 *full and complete review and study of—*

8 *(1) trends in retirement savings in the United*
9 *States;*

10 *(2) existing Federal incentives and programs*
11 *that are established to encourage and protect such*
12 *savings; and*

13 *(3) new Federal incentives and programs that*
14 *are needed to encourage and protect such savings.*

15 *(b) SPECIFIC ISSUES.—In fulfilling the duty described*
16 *in subsection (a), the Commission shall address—*

17 *(1) the amount and sources of Federal and pri-*
18 *ivate funds, including tax expenditures (as defined in*
19 *section 3 of the Congressional Budget Act of 1974 (2*
20 *U.S.C. 622)), needed to finance the incentives and*
21 *programs referred to in subsection (a)(2) and any*
22 *new Federal incentive or program that the Commis-*
23 *sion recommends be established;*

24 *(2) the most efficient and effective manner, con-*
25 *sidering the needs of retirement plan sponsors for*
26 *simplicity, reasonable cost, and appropriate incen-*

1 *tives, of ensuring that individuals in the United*
2 *States will have adequate retirement savings;*

3 *(3) the amounts of retirement income that future*
4 *retirees will need to replace various levels of preretire-*
5 *ment income, including amounts necessary to pay for*
6 *medical and long-term care;*

7 *(4) the workforce and demographic trends that*
8 *affect the pensions of future retirees;*

9 *(5) the role of retirement savings in the economy*
10 *of the United States;*

11 *(6) sources of retirement income other than pri-*
12 *vate pensions that are available to individuals in the*
13 *United States; and*

14 *(7) the shift away from insured and qualified*
15 *pension benefits in the United States.*

16 *(c) RECOMMENDATIONS.—*

17 *(1) IN GENERAL.—The Commission shall formu-*
18 *late recommendations based on the review and study*
19 *conducted under subsection (a). The recommendations*
20 *shall include measures that address the needs of future*
21 *retirees for—*

22 *(A) appropriate pension plan coverage and*
23 *other mechanisms for saving for retirement;*

24 *(B) an adequate retirement income;*

1 (C) *preservation of benefits they accumulate*
2 *by participating in pension plans;*

3 (D) *information concerning pension plan*
4 *benefits; and*

5 (E) *procedures to resolve disputes involving*
6 *such benefits.*

7 (2) *EFFECT ON FEDERAL BUDGET DEFICIT.—A*
8 *recommendation of the Commission for a new Federal*
9 *incentive or program that would result in an increase*
10 *in the Federal budget deficit shall not appear in the*
11 *report required under section 607 unless it is accom-*
12 *panied by a recommendation for offsetting the in-*
13 *crease.*

14 **SEC. 604. MEMBERSHIP.**

15 (a) *NUMBER AND APPOINTMENT.—*

16 (1) *IN GENERAL.—The Commission shall be com-*
17 *posed of 16 voting members appointed not later than*
18 *90 days after the date of the enactment of this Act.*
19 *The Commission shall consist of the following mem-*
20 *bers:*

21 (A) *Four members appointed by the Presi-*
22 *dent, of which two shall be from the executive*
23 *branch of the Government and two from private*
24 *life.*

1 (B) *Three members appointed by the Major-*
2 *ity Leader of the Senate of which at least one*
3 *shall be from private life.*

4 (C) *Three members appointed by the Minor-*
5 *ity Leader of the Senate of which at least one*
6 *shall be from private life.*

7 (D) *Three members appointed by the Major-*
8 *ity Leader of the House of Representatives of*
9 *which at least one shall be from private life.*

10 (E) *Three members appointed by the Minor-*
11 *ity Leader of the House of Representatives of*
12 *which at least one shall be from private life.*

13 (2) *QUALIFICATIONS.—The individuals referred*
14 *to in paragraph (1) who are not Members of the Con-*
15 *gress shall be leaders of business or labor, distin-*
16 *guished academics, or other individuals with distinc-*
17 *tive qualifications and experience in retirement in-*
18 *come policy.*

19 (b) *TERMS.—Each member shall be appointed for the*
20 *life of the Commission.*

21 (c) *VACANCIES.—A vacancy in the Commission shall*
22 *be filled not later than 90 days after the date of the creation*
23 *of the vacancy in the manner in which the original ap-*
24 *pointment was made.*

25 (d) *COMPENSATION.—*

1 (1) *RATES OF PAY.*—*Except as provided in*
2 *paragraph (2), members of the Commission shall serve*
3 *without pay.*

4 (2) *TRAVEL EXPENSES.*—*Each member of the*
5 *Commission shall receive travel expenses, including*
6 *per diem in lieu of subsistence, in accordance with*
7 *sections 5702 and 5703 of title 5, United States Code.*

8 (e) *QUORUM.*—*10 members of the Commission shall*
9 *constitute a quorum, but 6 members may hold hearings,*
10 *take testimony, or receive evidence.*

11 (f) *CHAIRPERSON.*—*The chairperson of the Commis-*
12 *sion shall be elected by a majority vote of the members of*
13 *the Commission.*

14 (g) *MEETINGS.*—*The Commission shall meet at the call*
15 *of the chairperson of the Commission.*

16 (h) *DECISIONS.*—*Decisions of the Commission shall be*
17 *made according to the vote of not less than a majority of*
18 *the members who are present and voting at a meeting called*
19 *pursuant to subsection (g).*

20 **SEC. 605. STAFF AND SUPPORT SERVICES.**

21 (a) *EXECUTIVE DIRECTOR.*—*The Commission shall*
22 *have an executive director appointed by the Commission.*
23 *The Commission shall fix the pay of the executive director.*

24 (b) *STAFF.*—*The Commission may appoint and fix the*
25 *pay of additional personnel as it considers appropriate.*

1 (c) *APPLICABILITY OF CERTAIN CIVIL SERVICE*
2 *LAWS.*—*The executive director and staff of the Commission*
3 *may be appointed without regard to the provisions of title*
4 *5, United States Code, governing appointments in the com-*
5 *petitive service, and may be paid without regard to the pro-*
6 *visions of chapter 51 and subchapter III of chapter 53 of*
7 *that title relating to classification and General Schedule*
8 *pay rates.*

9 (d) *EXPERTS AND CONSULTANTS.*—*The Commission*
10 *may procure temporary and intermittent services under*
11 *section 3109(b) of title 5, United States Code, at rates the*
12 *Commission determines to be appropriate.*

13 (e) *STAFF OF FEDERAL AGENCIES.*—*Upon request of*
14 *the Commission, the head of any Federal agency may de-*
15 *tail, on a reimbursable basis, any of the personnel of the*
16 *agency to the Commission to assist it in carrying out its*
17 *duties under this title.*

18 (f) *ADMINISTRATIVE SUPPORT SERVICES.*—*Upon the*
19 *request of the Commission, the Administrator of General*
20 *Services shall provide to the Commission, on a reimbursable*
21 *basis, the administrative support services necessary for the*
22 *Commission to carry out its responsibilities under this title.*

23 **SEC. 606. POWERS.**

24 (a) *HEARINGS AND SESSIONS.*—

1 (1) *IN GENERAL.*—*The Commission may, for the*
2 *purpose of carrying out this title, hold hearings, sit*
3 *and act at times and places, take testimony, and re-*
4 *ceive evidence as the Commission considers appro-*
5 *priate. The Commission may administer oaths or af-*
6 *firmations to witnesses appearing before it.*

7 (2) *PUBLIC HEARINGS.*—*The Commission may*
8 *hold public hearings to receive the views of a broad*
9 *spectrum of the public on the status of the private re-*
10 *irement system of the United States.*

11 (b) *DELEGATION OF AUTHORITY.*—*Any member, com-*
12 *mittee, or agent of the Commission may, if authorized by*
13 *the Commission, take any action which the Commission is*
14 *authorized to take by this section.*

15 (c) *INFORMATION.*—

16 (1) *INFORMATION FROM FEDERAL AGENCIES.*—

17 (A) *IN GENERAL.*—*The Commission may se-*
18 *cure directly from any Federal agency informa-*
19 *tion necessary to enable it to carry out this title.*
20 *Upon request of the Commission, the head of the*
21 *Federal agency shall furnish the information to*
22 *the Commission.*

23 (B) *EXCEPTION.*—*Subparagraph (A) shall*
24 *not apply to any information that the Commis-*

1 *sion is prohibited to secure or request by another*
2 *law.*

3 (2) *PUBLIC SURVEYS.*—*The Commission may*
4 *conduct the public surveys necessary to enable it to*
5 *carry out this title. In conducting such surveys, the*
6 *Commission shall not be considered an agency for*
7 *purposes of chapter 35 of title 44, United States Code.*

8 (d) *MAILS.*—*The Commission may use the United*
9 *States mails in the same manner and under the same condi-*
10 *tions as other Federal agencies.*

11 (e) *CONTRACT AND PROCUREMENT AUTHORITY.*—*The*
12 *Commission may make purchases, and may contract with*
13 *and compensate government and private agencies or per-*
14 *sons for property or services, without regard to—*

15 (1) *section 3709 of the Revised Statutes (41*
16 *U.S.C. 5); and*

17 (2) *title III of the Federal Property and Admin-*
18 *istrative Services Act of 1949 (41 U.S.C. 251 et seq.).*

19 (f) *GIFTS.*—*The Commission may accept, use, and dis-*
20 *pose of gifts of services or property, both real and personal,*
21 *for the purpose of assisting the work of the Commission.*
22 *Gifts of money and proceeds from sales of property received*
23 *as gifts shall be deposited in the Treasury and shall be*
24 *available for disbursement upon order of the Commission.*
25 *For purposes of Federal income, estate, and gift taxes, prop-*

1 erty accepted under this subsection shall be considered as
2 a gift to the United States.

3 (g) **VOLUNTEER SERVICES.**—Notwithstanding section
4 1342 of title 31, United States Code, the Commission may
5 accept and use voluntary and uncompensated services as
6 the Commission determines necessary.

7 **SEC. 607. REPORT.**

8 Not later than 1 year after the first meeting of the
9 Commission, the Commission shall submit a report to the
10 President, the majority and minority leaders of the Senate,
11 the Committee on Labor and Human Resources and the
12 Committee on Finance of the Senate, the majority and mi-
13 nority leaders of the House of Representatives, and the
14 Committee on Ways and Means and the Committee on Eco-
15 nomic and Educational Opportunities of the House of Rep-
16 resentatives. The report shall review the matters that the
17 Commission is required to study under section 603 and
18 shall set forth the recommendations of the Commission.

19 **SEC. 608. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated such sums as
21 may be necessary to carry out this title.

22 **SEC. 609. TERMINATION.**

23 The Commission shall terminate not later than the ex-
24 piration of the 90-day period beginning on the date on
25 which the Commission submits its report under section 607.

1 This Act may be cited as the “Departments of Labor,
2 Health and Human Services, and Education, and Related
3 Agencies Appropriations Act, 1997”.

 Passed the House of Representatives July 12 (legis-
lative day of July 11), 1996.

Attest:

ROBIN H. CARLE,

Clerk.