

103^D CONGRESS
1ST SESSION

H. R. 2518

AMENDMENTS

In the Senate of the United States,

September 29 (legislative day, September 27), 1993.

Resolved, That the bill from the House of Representatives (H.R. 2518) entitled “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, 1994, and for other purposes”, do pass with the following

AMENDMENTS:

1 **(1)**Page 2, line 17, strike out **【\$4,943,181,000】** and in-
2 sert: *\$4,588,536,000*

3 **(2)**Page 2, line 19, strike out **【\$61,871,000】** and insert:
4 *\$65,000,000*

5 **(3)**Page 2, line 20, strike out **【\$78,303,000】** and insert:
6 *\$88,000,000*

7 **(4)**Page 2, line 23, strike out **【\$5,357,000】** and insert:
8 *\$5,800,000*

9 **(5)**Page 2, line 26, strike out **【\$3,831,000】** and insert:
10 *\$3,861,000*

11 **(6)**Page 3, line 10, after “addition,” insert:
12 *\$178,000,000 is appropriated for carrying out part B of*

1 *title II of the Job Training Partnership Act to be available*
2 *for obligation for the period October 1, 1993 through June*
3 *30, 1994; and, in addition, \$50,000,000 is appropriated for*
4 *carrying out part D of title IV of the Job Training Partner-*
5 *ship Act to be available for obligation for the period October*
6 *1, 1993 through June 30, 1995; and, in addition,*

7 **(7)**Page 3, line 13, strike out **【\$744,000】** and insert:
8 *\$1,500,000*

9 **(8)**Page 3, line 18, after “Act” insert: *and, in addition,*
10 *\$750,000 is appropriated for the Women in Apprenticeship*
11 *and Nontraditional Occupations Act (Public Law 102-530)*

12 **(9)**Page 3, line 20, strike all after “centers” over to and
13 including “1993” in line 2 on page 4

14 **(10)**Page 5, line 18, strike out **【\$69,542,000】** and in-
15 sert: *\$77,042,000*

16 **(11)**Page 5, line 19, strike out **【\$3,327,707,000】** and
17 insert: *\$3,338,389,000*

18 **(12)**Page 6, line 12, strike out **【\$67,486,000】** and in-
19 sert: *\$74,986,000*

20 **(13)**Page 7, line 1, strike out **【3.28】** and insert: *3.427*

21 **(14)**Page 8, line 8, strike out **【\$64,408,000】** and insert:
22 *\$64,058,000*

1 **(15)**Page 9, line 12, after “Act” insert: : *Provided, That,*
2 *notwithstanding 31 U.S.C. 3302, or any provision of Public*
3 *Law 102–170, Public Law 102–394, this Act, or any subse-*
4 *quent Appropriations Act, the Secretary of Labor is author-*
5 *ized to accept, retain and spend in the name of the Depart-*
6 *ment of Labor all sums of money ordered to be paid to the*
7 *Secretary of Labor, in accordance with the terms of the Con-*
8 *sent Judgment in Civil Action No. 91–0027 of the United*
9 *States District Court for the District of the Northern Mari-*
10 *ana Islands (May 21, 1992)*

11 *SEC. 100. CONGRESSIONAL COVERAGE UNDER*
12 *HEALTH CARE LEGISLATION.—*

13 *(a) FINDINGS.—Congress finds:*

14 *(1) Congress is expected to consider health care*
15 *reform legislation in the near future that would offer*
16 *a standard benefit package with several different op-*
17 *tions for the delivery of those benefits.*

18 *(2) The standard benefits offered under all plans*
19 *will be the same. Quality standards will apply to all*
20 *plans.*

21 *(3) Consumers will have the ability to choose a*
22 *plan on an annual basis, and will have access to full*
23 *information about all plans so that they may make*
24 *their choice based on the quality of plans and*
25 *consumer satisfaction of plans.*

1 (4) *Members of Congress should be treated the*
2 *same and afforded the same choices as every Amer-*
3 *ican in the health care system.*

4 (b) *SENSE OF THE CONGRESS.—It is the sense of the*
5 *Congress that any legislation approved by Congress should*
6 *provide health care plans of comparable high quality and*
7 *that Members of Congress participate on an equal basis*
8 *with all other Americans in the health care system that re-*
9 *sults from health care reform legislation.*

10 **(16)**Page 11, line 4, strike out **【\$1,001,575,000】** and
11 insert: *\$1,002,175,000*

12 **(17)**Page 11, line 9, strike out **【\$28,929,000】** and in-
13 sert: *\$29,529,000*

14 **(18)**Page 12, line 4, strike out **【\$294,640,000】** and in-
15 sert: *\$297,244,000*

16 **(19)**Page 14, line 11, strike out **【\$193,858,000】** and
17 insert: *\$195,002,000*

18 **(20)**Page 15, line 15, strike out **【\$281,768,000】** and
19 insert: *\$282,018,000*

20 **(21)**Page 15, line 16, strike out **【\$51,927,000】** and in-
21 sert: *\$51,227,000*

1 **(22)**Page 15, line 24, strike out **[\$142,242,000]** and
2 insert: *\$143,127,000*

3 **(23)**Page 16, strike out lines 4 to 7 and insert:

4 *For expenses necessary for the maintenance and oper-*
5 *ation of a comprehensive program of centralized services*
6 *which the Secretary of Labor may prescribe and deem ap-*
7 *propriate and advantageous to provide on a reimbursable*
8 *basis under the provisions of the Economy Act (subject to*
9 *prior notice to OMB) in the national office and field: Pro-*
10 *vided, That such fund shall be reimbursed in advance from*
11 *funds available to agencies, bureaus, and offices for which*
12 *such centralized services are performed at rates which will*
13 *return in full cost of operations including services obtained*
14 *through cooperative administrative services units under the*
15 *Economy Act, including reserves for accrued annual leave,*
16 *worker's compensation, depreciation of capitalized equip-*
17 *ment, and amortization of ADP software and systems (ei-*
18 *ther acquired or donated): Provided further, That funds re-*
19 *ceived for services rendered to any entity or person for use*
20 *of Departmental facilities, including associated utilities*
21 *and security services, shall be credited to and merged with*
22 *this fund.*

23 **(24)**Page 17, after line 2, insert:

1 *SEC. 102. Section 8102 of title 5, United States Code*
2 *(“the Act”) is amended to redesignate subsection (b) of sub-*
3 *section (c) and to add the following new subsection (b):*

4 *“(b) An individual convicted of a violation of 18*
5 *U.S.C. 1920, or of any felony fraud related to the applica-*
6 *tion for or receipt of benefits under subchapter I or III or*
7 *chapter 81 of title 5, shall (in addition to any other pen-*
8 *alties provided by this subchapter) as of the date of the con-*
9 *viction, forfeit all entitlement to any prospective benefits*
10 *provided by subchapter I or III for any injury occurring*
11 *on or before the date of the conviction.”.*

12 **(25)**Page 17, after line 2, insert:

13 *SEC. 103. None of the funds appropriated under this*
14 *Act shall be expended by the Secretary of Labor to imple-*
15 *ment or administer either the final or proposed regulations*
16 *referred to in section 303 of Public Law 102–27.*

17 **(26)**Page 17, line 10, strike out **【and XXVI】** and in-
18 sert: *XXVI, and XXVII*

19 **(27)**Page 17, line 15, strike out **【\$2,833,588,000】** and
20 insert: *\$2,954,341,000*

21 **(28)**Page 18, line 1, after “Center” insert: *: Provided*
22 *further, That no more than \$5,000,000 is available for car-*
23 *rying out the provisions of Public Law 102–501*

1 **(29)**Page 19, line 14, strike out **【\$2,500,000】** and in-
2 sert: *\$3,000,000*

3 **(30)**Page 19, line 19, strike out **【\$80,000,000】** and in-
4 sert: *\$110,000,000*

5 **(31)**Page 19, lines 23 and 24, strike out **【and XIX】**
6 and insert: *XIX, and XXVII*

7 **(32)**Page 20, line 4, strike out **【\$1,910,182,000】** and
8 insert: *\$2,088,781,000*

9 **(33)**Page 24, line 17, strike out **【\$328,915,000】** and
10 insert: *\$332,915,000*

11 **(34)**Page 24, line 21, after “grants” insert: *: Provided*
12 *further, That \$8,000,000 shall be for extramural facilities*
13 *construction grants to be awarded on a competitive basis*
14 *and in accordance with the criteria of section 481A(c)(2)*
15 *of subpart 1 of part E of title IV*

16 **(35)**Page 24, line 25, strike out **【\$119,030,000】** and
17 insert: *\$131,925,000*

18 **(36)**Page 25, line 3, strike out **【\$22,240,000】** and in-
19 sert: *\$19,988,000*

20 **(37)**Page 25, line 7, strike out **【\$118,481,000】** and in-
21 sert: *\$120,481,000*

1 **(38)**Page 25, line 11, strike out **【\$224,746,000】** and
2 insert: *\$241,225,000*

3 **(39)**Page 25, line 14, after “only” insert: *: Provided fur-*
4 *ther, That of the funds made available under this heading,*
5 *\$15,000,000 shall be made available for the Director’s Dis-*
6 *cretionary Fund, of which \$12,000,000 shall be allocated*
7 *to the relevant Institutes, Centers and Divisions to support*
8 *the activities of the Decade of the Brain Program*

9 **(40)**Page 25, line 25, strike out **【\$114,385,000】** and
10 insert: *\$101,000,000*

11 **(41)**Page 26, line 8, strike out **【\$2,057,167,000】** and
12 insert: *\$2,119,205,000*

13 **(42)**Page 26, line 16, strike out **【\$4,000,000】** and in-
14 sert: *\$3,000,000*

15 **(43)**Page 26, line 23, strike out **【\$68,758,000】** and in-
16 sert: *\$71,167,000*

17 **(44)**Page 27, line 18, strike out **【\$129,051,000】** and
18 insert: *\$139,305,000*

19 **(45)**Page 28, after line 16, insert:

20 *For making payments to States under title XIX of the*
21 *Social Security Act for the first quarter of fiscal year 1995,*
22 *\$26,600,000,000 to remain available until expended.*

1 **(46)**Page 29, line 10, strike out **【\$2,172,598,000】** and
2 insert: *\$2,192,414,000*

3 **(47)**Page 29, line 13, strike out **【\$2,172,598,000】** and
4 insert: *\$2,192,414,000*

5 **(48)**Page 30, after line 11, insert:

6 *For making benefit payments under title IV of the Fed-*
7 *eral Mine Safety and Health Act of 1977 for the first quar-*
8 *ter of fiscal year 1995, \$190,000,000, to remain available*
9 *until expended.*

10 **(49)**Page 30, line 19, strike out **【\$20,181,775,000】** and
11 insert: *\$20,172,775,000*

12 **(50)**Page 30, line 23, strike out **【July 31】** and insert:
13 *June 15*

14 **(51)**Page 31, after line 2, insert:

15 *For carrying out title XVI of the Social Security Act*
16 *for the first quarter of fiscal year 1995, \$6,770,000,000, to*
17 *remain available until expended.*

18 **(52)**Page 31, line 5, strike out **【\$4,874,285,000】** and
19 insert: *\$4,876,085,000*

20 **(53)**Page 31, line 6, after “Act” insert: *or as necessary*
21 *to carry out sections 9704 and 9706 of the Internal Revenue*

1 *Code of 1986 as such sections were in effect on January*
2 *1, 1993*

3 **(54)**Page 31, line 7, after “therein” insert: *: Provided,*
4 *That no more than \$542,398,000 shall be derived from the*
5 *Federal Hospital Insurance and the Federal Supple-*
6 *mentary Medical Insurance Trust Funds: Provided further,*
7 *That reimbursement to the Trust Funds under this heading*
8 *for administrative expenses to carry out sections 9704 and*
9 *9706 of the Internal Revenue Code of 1986 shall be made,*
10 *with interest, not later than September 30, 1996: Provided*
11 *further, That not more than \$1,800,000 is available for ex-*
12 *penses necessary for the Commission on the Social Security*
13 *“Notch” Issue, established by section 635 of Public Law*
14 *102–393 as amended*

15 **(55)**Page 31, line 15, strike out **[\$330,000,000]** and
16 insert: *\$220,000,000*

17 **(56)**Page 32, after line 14, insert:

18 *For making payments to States or other non-Federal*
19 *entities under titles I, IV–A (other than section 402(g)(6))*
20 *and D, X, XI, XIV, and XVI of the Social Security Act*
21 *and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first*
22 *quarter of fiscal year 1995, \$4,200,000,000 to remain avail-*
23 *able until expended.*

24 **(57)**Page 32, after line 18, insert:

1 *LOW INCOME HOME ENERGY ASSISTANCE*

2 *For making payments under title XXVI of the Omni-*
3 *bus Budget Reconciliation Act of 1981, \$1,507,408,000 to*
4 *be available for obligation in the period October 1, 1994*
5 *through June 30, 1995, of which \$100,000,000 shall be*
6 *available for reimbursing States for costs incurred during*
7 *the period October 1, 1993 through September 30, 1994.*

8 *For making payments under title XXVI of the Omni-*
9 *bus Budget Reconciliation Act of 1981, an additional*
10 *\$600,000,000: Provided, That all funds available under this*
11 *paragraph are hereby designated by Congress to be emer-*
12 *gency requirements pursuant to section 251(b)(2)(D) of the*
13 *Balanced Budget and Emergency Deficit Control Act of*
14 *1985: Provided further, That these funds shall be made*
15 *available only after submission to Congress of a formal*
16 *budget request by the President that includes designation*
17 *of the entire amount of the request as an emergency require-*
18 *ment as defined in the Balanced Budget and Emergency*
19 *Deficit Control Act of 1985.*

20 **(58)**Page 33, line 5, strike out **[\$447,643,000]** and in-
21 sert: *\$472,649,000, including \$12,000,000 which shall be*
22 *for carrying out the National Youth Sports Program: Pro-*
23 *vided, That payments from such amount to the grantee and*
24 *subgrantee administering the National Youth Sports Pro-*
25 *gram may not exceed the aggregate amount contributed in*

1 *cash or in kind by the grantee and subgrantee: Provided*
2 *further, That amounts in excess of \$9,400,000 of such*
3 *amount may not be made available to the grantee and*
4 *subgrantees administering the National Youth Sports Pro-*
5 *gram unless the grantee agrees to provide contributions in*
6 *cash over and above the preceding years cash contribution*
7 *to such program in an amount that equals 50 percent of*
8 *such excess amount: Provided further, That notwithstand-*
9 *ing any other provision of this Act, no department, agency,*
10 *or instrumentality of the United States Government receiv-*
11 *ing appropriated funds under this Act for fiscal year 1994*
12 *shall, during fiscal year 1994, obligate and expend funds*
13 *for consulting services in excess of an amount equal to 96.48*
14 *percent of the amount estimated to be obligated and ex-*
15 *pended by such department, agency, or instrumentality for*
16 *such services during fiscal year 1994: Provided further,*
17 *That notwithstanding any other provision of this Act, the*
18 *aggregate amount of funds appropriated by this Act to any*
19 *such department, agency, or instrumentality for fiscal year*
20 *1994 is reduced by an amount equal to 3.52 percent of the*
21 *amount expected to be expended by such department, agency*
22 *or instrumentality during fiscal year 1994 for consulting*
23 *services. As used in the preceding two provisos, the term*
24 *'consulting services' includes any services within the defini-*
25 *tion of sub-object class 25.1 as described in the Office of*

1 *Management and Budget Circular A-11, dated August 4,*
2 *1993*

3 **(59)**Page 33, line 9, after “\$892,711,000” insert: ,
4 *which shall be available for obligation under the same statu-*
5 *tory terms and conditions applicable in the prior fiscal year*

6 **(60)**Page 33, strike out lines 11 and 12 and insert:

7 *For making grants to States pursuant to section 2002*
8 *of the Social Security Act, \$2,800,000,000. For carrying out*
9 *section 2007 of the Social Security Act, an additional*
10 *\$1,000,000,000, which shall remain available until ex-*
11 *pended.*

12 **(61)**Page 34, line 13, after “100-77,” insert: *the Com-*
13 *mission on Child and Family Welfare established under*
14 *Public Law 102-521,*

15 **(62)**Page 34, line 14, strike out **[\$4,169,806,000]** and
16 insert: *\$4,296,796,000*

17 **(63)**Page 34, after line 14, insert:

18 *FAMILY SUPPORT AND PRESERVATION*
19 *For carrying out section 430 of the Social Security*
20 *Act, \$60,000,000.*

21 **(64)**Page 34, line 25, strike out **[\$841,875,000]** and
22 insert: *\$881,863,000*

1 (65)Page 35, line 5, strike out **[\$94,149,000]** and in-
2 sert: *\$92,793,000*

3 (66)Page 35, line 12, strike out **[\$62,379,000]** and in-
4 sert: *\$64,800,000*

5 (67)Page 37, strike out lines 3 to 9

6 (68)Page 37, line 14, strike out **[1911(d)]** and insert:
7 *1503*

8 (69)Page 37, after line 15, insert:

9 *SEC. 207. For the purpose of carrying out subparts*
10 *II and III part B of title XIX of the Public Health Service*
11 *Act (42 U.S.C. 300x-21 et seq.) for fiscal years 1993 and*
12 *1994, the Secretary of Health and Human Services shall*
13 *obligate \$7,532,065 from the amounts made available pur-*
14 *suant to section 1935(b) of such Act for fiscal year 1994,*
15 *of which \$673,706 shall be available to Arkansas, \$40,702*
16 *shall be available to Georgia, \$144,331 shall be available*
17 *to Hawaii, \$488,178 shall be available to Idaho, \$223,109*
18 *shall be available to Indiana, \$820,641 shall be available*
19 *to Iowa, \$729,745 shall be available to Kansas, \$609,672*
20 *shall be available to Kentucky, \$69,682 shall be available*
21 *to Louisiana, \$34,514 shall be available to Maine, \$349,997*
22 *shall be available to Minnesota, \$8,626 shall be available*
23 *to the Red Lake Indian Tribe, \$500,441 shall be available*
24 *to Mississippi, \$184,176 shall be available to Montana,*

1 \$231,450 shall be available to Nebraska, \$8,896 shall be
2 available to North Carolina, \$97,530 shall be available to
3 North Dakota, \$66,083 shall be available to Ohio, \$578,520
4 shall be available to Oklahoma, \$557,924 shall be available
5 to Oregon, \$167,753 shall be available to South Carolina,
6 \$319,674 shall be available to Tennessee, \$196,426 shall be
7 available to West Virginia, \$195,834 shall be available to
8 Wisconsin, and \$234,455 shall be available to Wyoming.

9 **(70)**Page 37, after line 15, insert:

10 *SEC. 208. Not to exceed \$190,400,000 may be obligated*
11 *in fiscal year 1994 for contracts with Utilization and Qual-*
12 *ity Control Peer Review Organizations pursuant to part*
13 *B of title XI of the Social Security Act.*

14 **(71)**Page 37, after line 15, insert:

15 *SEC. 209. None of the funds appropriated under this*
16 *Act for the Medicaid Disproportionate Share Hospital pay-*
17 *ment program may be disbursed to a State until the Gov-*
18 *ernor of such State certifies to the Secretary of Health and*
19 *Human Services that such funds shall be expended solely*
20 *for providing medical assistance under Medicaid: Provided,*
21 *That it is the sense of the Senate that any health care re-*
22 *form legislation enacted by Congress should modify or*
23 *eliminate the Medicaid Disproportionate Share Hospital*
24 *payment program, because States are currently abusing the*

1 *program by spending Federal matching funds for purposes*
2 *unrelated to Medicaid.*

3 **(72)**Page 37, after line 15, insert:

4 ***SEC. 210. RESTRICTION ON PAYMENT OF BENEFITS TO IN-***
5 ***DIVIDUALS CONFINED BY COURT ORDER TO***
6 ***PUBLIC INSTITUTIONS PURSUANT TO VER-***
7 ***DICTS OF NOT GUILTY BY REASON OF INSAN-***
8 ***ITY OR OTHER MENTAL DISORDER.***

9 *(a) IN GENERAL.—Section 202(x)(1) of the Social Se-*
10 *curity Act (42 U.S.C. 402(x)(1)) is amended—*

11 *(1) by inserting “(A)” after “(1)”, and*

12 *(2) by adding at the end the following new sub-*
13 *paragraph:*

14 *“(B) Notwithstanding any other provision*
15 *of this title, no monthly benefits shall be paid*
16 *under this section or under section 223 to any*
17 *individual for any month during which such in-*
18 *dividual is confined in any public institution by*
19 *a court order pursuant to a verdict that the indi-*
20 *vidual is guilty, but insane or not guilty of an*
21 *offense by reason of insanity (or by reason of a*
22 *similar finding, such as a mental disease, a*
23 *mental defect, or mental incompetence).”.*

24 *(b) CONFORMING AMENDMENTS.—*

1 (1) *The heading for section 202(x) of such Act is*
2 *amended by inserting “and Certain Other Inmates of*
3 *Public Institutions” after “Prisoners”.*

4 (2) *section 202(x)(3), is amended by striking*
5 *“any individual” and all that follows and inserting*
6 *“any individual confined as described in paragraph*
7 *(1) if the jail, prison, penal institution, correctional*
8 *facility, or other public institution to which such in-*
9 *dividual is so confined is under the jurisdiction of*
10 *such agency and the Secretary requires such informa-*
11 *tion to carry out the provisions of this section.”.*

12 (c) *EFFECTIVE DATE.—*

13 (1) *IN GENERAL.—Except as provided in para-*
14 *graph (2), the amendments made by this section shall*
15 *apply with respect to benefits for months commencing*
16 *90 days after the date of the enactment of this Act.*

17 (2) *SPECIAL RULE REGARDING PAYMENTS TO IN-*
18 *STITUTIONS.—The amendment made by subsection (a)*
19 *shall not apply to any payment with respect to any*
20 *individual, if, as of the date of the enactment of this*
21 *Act, such payment is made directly to the public in-*
22 *stitution to compensate such institution for the ex-*
23 *penditure of institutionalizing such individual.*

24 **(73)**Page 37, after line 19, insert:

1 (INCLUDING TRANSFER OF FUNDS)

2 ~~(74)~~Page 37, strike out all after line 19 over to and
3 including line 5 on page 38 and insert:

4 *For carrying out education reform activities author-*
5 *ized in law, including activities authorized by the Carl D.*
6 *Perkins Vocational and Applied Technology Education Act,*
7 *\$166,000,000, of which \$5,000,000, under section 402 of the*
8 *Perkins Act, shall be used by the Secretary for activities,*
9 *including peer review of applications, related to school-to-*
10 *work transition, and not less than \$45,000,000 shall be used*
11 *under section 420A of the Perkins Act for State grants and*
12 *subgrants to initiate activities in States and localities relat-*
13 *ed to school-to-work transition: Provided, That*
14 *\$116,000,000 of the funds provided shall be for carrying*
15 *out activities authorized by the Goals 2000: Educate Amer-*
16 *ica Act, or similar legislation, if enacted into law by April*
17 *1, 1994 of which \$5,000,000 shall be used for "State Plan-*
18 *ning for Improving Student Achievement Through Integra-*
19 *tion of Technology Into the Curriculum"; and that if such*
20 *legislation is not enacted by that date, this amount shall*
21 *be used for alleviation of the funding shortfall in the Pell*
22 *Grant program under subpart 1 of Part A of title IV of*
23 *the Higher Education Act of 1965: Provided further, That*
24 *any funds appropriated in this account may be transferred*
25 *as necessary to other Department of Education accounts.*

1 **(75)**Page 38, line 10, strike out **【\$6,871,147,000】** and
2 insert: *\$6,971,620,000*

3 **(76)**Page 38, line 11, strike out **【\$6,844,682,000】** and
4 insert: *\$6,943,175,000*

5 **(77)**Page 38, line 13, strike out **【\$5,597,000,000】** and
6 insert: *\$5,687,000,000*

7 **(78)**Page 38, line 14, strike out **【excluding subsection
8 (a)(3)】**

9 **(79)**Page 38, line 16, strike out **【\$39,734,000】** and in-
10 sert: *\$42,000,000*

11 **(80)**Page 38, line 17, strike out **【\$89,123,000】** and in-
12 sert: *\$92,123,000*

13 **(81)**Page 38, line 19, strike out **【\$302,773,000】** and
14 insert: *\$306,000,000*

15 **(82)**Page 38, line 26, strike out **【\$2,980,000】** and in-
16 sert: *\$4,960,000*

17 **(83)**Page 39, line 12, strike out **【\$813,074,000】** and
18 insert: *\$748,368,000*

19 **(84)**Page 39, line 13, strike out **【\$630,000,000】** and
20 insert: *\$563,780,000*

1 (85)Page 39, line 14, strike out **【\$123,629,000】** and
2 insert: *\$121,629,000*

3 (86)Page 39, line 15, strike out **【\$29,462,000】** and in-
4 sert: *\$34,762,000*

5 (87)Page 39, line 18, strike out **【\$1,786,000 shall be**
6 **for payments under section 3(e),】**

7 (88)Page 41, line 13, strike out **【\$1,339,178,000】** and
8 insert: *\$1,393,893,000*

9 (89)Page 41, line 13, strike out **【\$1,014,709,000】** and
10 insert: *\$1,065,101,000*

11 (90)Page 41, line 16, strike out **【\$24,925,000】** and in-
12 sert: *\$25,196,000*

13 (91)Page 41, line 17, strike out **【\$246,016,000】** and
14 insert: *\$252,658,000*

15 (92)Page 41, line 20, after “1965” insert: *: Provided*
16 *further, That of the amount provided for the State and local*
17 *programs under part B of title V of the Elementary and*
18 *Secondary Education Act, up to \$32,838,000 may be used*
19 *for Department of Education activities authorized under*
20 *the Safe Schools Act, or similar legislation, if such legisla-*
21 *tion is enacted by April 1, 1994; and any funds used for*

1 *such activities shall be available from October 1, 1993*
2 *through September 30, 1994*

3 **(93)**Page 41, line 24, strike out **【\$242,789,000】** and
4 insert: *\$232,251,000*

5 **(94)**Page 41, line 25, strike out **【\$36,672,000】** and in-
6 sert: *\$35,708,000*

7 **(95)**Page 41, line 26, strike out **【\$40,000,000】** and in-
8 sert: *\$35,968,000*

9 **(96)**Page 42, line 8, strike out **【\$3,039,442,000】** and
10 insert: *\$3,134,734,000*

11 **(97)**Page 42, line 8, strike out **【\$2,108,218,000】** and
12 insert: *\$2,163,508,000*

13 **(98)**Page 42, line 9, strike out **【\$325,773,000】** and in-
14 sert: *\$343,751,000*

15 **(99)**Page 42, line 9, strike out **【\$243,769,000】** and in-
16 sert: *\$256,280,000*

17 **(100)**Page 42, line 10, strike out **【\$113,755,000】** and
18 insert: *\$120,000,000*

19 **(101)**Page 42, line 25, strike out all after “1973,” over
20 to and including “407” in line 1 on page 43 and insert:

1 *the Technology-Related Assistance for Individuals with Dis-*
2 *abilities Act*

3 **(102)**Page 43, line 2, strike out **[\$2,251,028,000]** and
4 insert: *\$2,316,913,000*

5 **(103)**Page 43, line 21, strike out **[\$77,435,000]** and
6 insert: *\$79,435,000*

7 **(104)**Page 43, line 23, after “expended” insert: *and*
8 *\$2,000,000 shall be for construction and shall be available*
9 *until expended*

10 **(105)**Page 44, line 6, strike out **[\$1,474,243,000]** and
11 insert: *\$1,483,433,000*

12 **(106)**Page 44, line 17, strike out **[\$31,327,000]** and
13 insert: *\$40,327,000*

14 **(107)**Page 44, line 21, strike out **[\$16,705,000]** and
15 insert: *\$25,705,000*

16 **(108)**Page 44, line 22, after “411(b)” insert: *, including*
17 *\$5,000,000 for model community education and employ-*
18 *ment centers*

19 **(109)**Page 45, line 5, after “E,” insert: *G,*

20 **(110)**Page 45, line 6, strike out **[\$8,120,366,000]** and
21 insert: *\$8,004,293,000*

1 (111)Page 45, line 9, strike out **[\$2,250]** and insert:

2 *\$2,300*

3 (112)Page 46, strike out lines 1 to 5

4 (113)Page 46, line 6, after “DIRECT” insert: *STUDENT*

5 (114)Page 46, line 7, strike out all after “of” down to

6 and including “569)” in line 9 and insert: *direct loans au-*

7 *thorized by title IV, part D, of the Higher Education Act,*

8 *as amended*

9 (115)Page 46, lines 17 and 18, strike out **[and subpart**

10 **1 of part B]** and insert: *, subpart 1 of part B and part*

11 *D*

12 (116)Page 46, line 19, strike out **[and section 1410]**

13 (117)Page 46, line 23, strike out **[\$889,855,000]** and

14 insert: *\$882,974,000*

15 (118)Page 47, line 2, after “1204(c)” insert: *: Provided,*

16 *That under subpart 6 of part A of title IV of the Higher*

17 *Education Act, the District of Columbia and the Common-*

18 *wealth of Puerto Rico shall receive funding allocations as*

19 *if they were States and shall not be subject to the limita-*

20 *tions on the non-State entities listed in section 419G(b)*

21 (119)Page 48, line 23, strike out **[\$178,500,000]** and

22 insert: *\$357,000,000*

1 **(120)**Page 49, line 8, after “amended” insert: *(or any*
2 *successor authority)*

3 **(121)**Page 49, line 8, strike out **[section 1566,]**

4 **(122)**Page 49, line 13, strike out **[section 6041 of Pub-**
5 **lic Law 100–418;]**

6 **(123)**Page 49, line 15, strike out all after “Act,” down
7 to and including “2012” in line 22 and insert:
8 *\$301,398,000: Provided, That \$31,000,000 shall be for re-*
9 *search centers, including funds to extend the existing award*
10 *for a research center on the education of disadvantaged stu-*
11 *dents for up to one year; \$38,032,000 shall be for regional*
12 *laboratories, including \$9,508,000 for rural initiatives;*
13 *\$40,000,000 shall be for activities under the Fund for Inno-*
14 *vation in Education; \$4,463,000 shall be for civic education*
15 *activities under section 4609; \$5,396,000 shall be for Grants*
16 *for Schools and Teachers under subpart 1 and \$3,687,000*
17 *shall be for Family School Partnerships under subpart 2*
18 *of part B of title III of Public Law 100-297; \$14,582,000*
19 *shall be for national diffusion activities under section 1562;*
20 *\$16,072,000 shall be for national programs under section*
21 *2012, including \$3,672,000 for the National Clearinghouse*
22 *for Science and Mathematics under section 2012(d); and*
23 *\$15,000,000 shall be for regional consortia under subpart*
24 *2 of part A of title II; \$9,607,000 shall be for Javits gifted*

1 *and talented students education; \$27,000,000 shall be for*
2 *star schools, of which \$4,500,000 shall be for a demonstra-*
3 *tion of a statewide, two-way interactive fiber optic tele-*
4 *communications network, carrying voice, video, and data*
5 *transmissions, and housing a point of presence in every*
6 *county; \$1,737,000 shall be for territorial teacher training;*
7 *and \$3,212,000 shall be for the National Writing Project*

8 **(124)**Page 50, line 2, strike out **[\$145,101,000]** and
9 insert: *\$147,517,000, of which \$19,000,000 shall be used to*
10 *carry out the provisions of title II of the Library Services*
11 *and Construction Act and shall remain available until ex-*
12 *pended, and \$4,960,000 shall be for section 222 and*
13 *\$2,802,000 shall be for section 223 of the Higher Education*
14 *Act, of which \$2,500,000 shall be for demonstration of on-*
15 *line and dial-in access to a statewide, multitype library*
16 *bibliographic database through a statewide fiber optic net-*
17 *work housing a point of presence in every county, connect-*
18 *ing library services in every municipality*

19 **(125)**Page 50, line 9, strike out **[\$352,008,000]** and
20 insert: *\$291,921,000*

21 **(126)**Page 52, after line 17, insert:

22 *SEC. 305. (a) The Congress finds that—*

23 *(1) in order to increase our Nation's standard of*
24 *living and to increase the number of good jobs, the*

1 *United States must increase its productivity and*
2 *ability to compete in the international marketplace*
3 *by improving the educational level of our workforce;*

4 *(2) although efforts are being made to establish*
5 *higher educational standards and goals, there is a*
6 *substantial shortage of resources to meet such stand-*
7 *ards and goals;*

8 *(3) States and local communities are finding it*
9 *increasingly difficult to meet ever higher educational*
10 *standards and goals, and States will not be able to*
11 *fund needed changes without Federal help to reach*
12 *such standards and goals;*

13 *(4) the Federal Government has established*
14 *many education programs but failed to provide ade-*
15 *quate funding for such programs, for example one*
16 *such program provides education to our Nation's dis-*
17 *abled students and was established with a promise of*
18 *40 percent Federal funding but currently receives*
19 *only 8 percent Federal funding;*

20 *(5) the annual shortfall in Federal education*
21 *programs is approximately half of the promised fund-*
22 *ing;*

23 *(6) many needed education improvements will*
24 *not need Federal funds, however, other suggested*
25 *changes such as lengthened school years, better pay,*

1 *after-school activities, mentoring for students at risk,*
2 *programs for gifted students, and replacing sub-*
3 *standard buildings will require substantial Federal*
4 *assistance; and*

5 *(7) the Federal contribution to education is less*
6 *than 2 percent of the total Federal budget, and in*
7 *order to make education a national priority, the total*
8 *percentage of Federal education funding should be in-*
9 *creased by 1 percent each year over the next 8 years*
10 *to reach 10 percent of the total Federal budget.*

11 *(b) It is the sense of the Congress that the total share*
12 *of the Federal spending on education should increase by at*
13 *least 1 percent each year until such share reaches 10 percent*
14 *of the total Federal budget.*

15 **(127)**Page 52, after line 17, insert:

16 *SEC. 306. (a) The Congress finds that—*

17 *(1) according to the recent National Performance*
18 *Review, there are currently 230 distinct programs in*
19 *the Department of Education, 160 of which award*
20 *grants through 245 national competitions each year;*

21 *(2) many of these programs overlap in purpose*
22 *and orientation, differing only in the administrative*
23 *requirements such programs impose on applicants*
24 *and the Department of Education;*

1 (3) as an example, the goal of reforming schools
2 is funded through at least 4 programs assisted under
3 this Act, including the programs assisted under chap-
4 ter 2 of title I of the Elementary and Secondary Edu-
5 cation Act of 1965 (block grants), the Fund for the
6 Improvement and Reform of Schools and Teaching,
7 the Secretary's Fund for Innovation in Education,
8 and a new program established under the Goals 2000:
9 Educate America Act, which has not yet become law;

10 (4) the overhead at the Department of Education
11 to administer each separate program, and the cost to
12 States, localities and schools of preparing applica-
13 tions, planning ahead, and managing funds under
14 each program diverts scarce resources from schools
15 and students;

16 (5) some Federal programs serve purposes which
17 would be better served by consolidation into a single
18 flexible grant, a few serve purposes that could be met
19 without Federal assistance, and some programs are
20 obsolete;

21 (6) in the Department of Education's internal
22 study for the National Performance Review, the De-
23 partment indicated that the Department had identi-
24 fied 41 programs that could be eliminated or consoli-
25 dated into other programs;

1 (7) *this Act takes a significant step toward con-*
2 *solidation by eliminating funding for 13 programs,*
3 *and the Department of Education has begun a serious*
4 *effort to consolidate programs, as is appropriate, in*
5 *the reauthorization of the Elementary and Secondary*
6 *Education Act of 1965, but much more remains to be*
7 *done; and*

8 (8) *the Defense Base Closure and Realignment*
9 *Commission offers a successful model for cutting gov-*
10 *ernment spending despite powerful interests within*
11 *and outside of the Congress dedicated to protecting*
12 *specific projects or programs.*

13 (b) *It is the sense of the Congress that—*

14 (1) *within 6 months of the date of enactment of*
15 *this Act, the Department of Education should prepare*
16 *and submit to the Committee on Labor and Human*
17 *Resources of the Senate and the Committee on Edu-*
18 *cation and Labor of the House of Representatives a*
19 *legislative package reflecting the President's National*
20 *Performance Review plan to consolidate Federal edu-*
21 *cation programs;*

22 (2) *the Committee on Labor and Human Re-*
23 *sources of the Senate and the Committee on Edu-*
24 *cation and Labor of the House of Representatives*
25 *should consider the package submitted by the Depart-*

1 *ment of Education and should report to the Senate*
2 *and House of Representatives, respectively, bills pro-*
3 *posing to consolidate Federal education programs;*

4 *(3) the leadership of each House of the Congress*
5 *should establish—*

6 *(A) a process for considering a bill de-*
7 *scribed in paragraph (2) under which such bill*
8 *would be subject to a single vote of approval or*
9 *disapproval by such House; or*

10 *(B) a comparable process to minimize the*
11 *possibility that individual programs will be ex-*
12 *cepted from the consolidation; and*

13 *(4) the objective of the consolidation should be,*
14 *first, to find savings by reducing the administrative*
15 *costs to both the Department of Education and to*
16 *States and localities that are due to redundant pro-*
17 *grams, and, second, to maximize the impact of Fed-*
18 *eral education dollars, but not to reduce our Nation's*
19 *overall investment in schools and students.*

20 **(128)**Page 52, line 25, strike out all after “amended,”
21 over to and including line 2 on page 53, and insert:
22 *\$206,287,000: Provided, That notwithstanding any other*
23 *provision of this Act, including the provisos pertaining to*
24 *consulting services under the heading Community Services*
25 *Block Grant, no department, agency, or instrumentality of*

1 *the United States Government receiving appropriated funds*
2 *under this Act for fiscal year 1994 shall, during fiscal year*
3 *1994, obligate and expend funds for consulting services in*
4 *excess of an amount equal to 94.975 percent of the amount*
5 *estimated to be obligated and expended by such department,*
6 *agency, or instrumentality for such services during fiscal*
7 *year 1994: Provided further, That notwithstanding any*
8 *other provision of this Act, the aggregate amount of funds*
9 *appopriated by this Act to any such department, agency,*
10 *or instrumentality for fiscal year 1994 is reduced by an*
11 *amount equal to 5.025 percent of the amount to be expended*
12 *by such department, agency, or instrumentality during fis-*
13 *cal year 1994 for consulting services. As used in the preced-*
14 *ing two provisos, the term “consulting services” includes*
15 *any service within the definition of sub-object class 25.1 as*
16 *described in the Office of Management and Budget Circular*
17 *A-11, dated August 4, 1993.*

18 **(129)**Page 53, line 8, strike out **【\$292,640,000】** and
19 insert: *\$320,000,000*

20 **(130)**Page 54, line 20, strike out **【\$1,590,000】** and in-
21 sert: *\$1,791,000*

22 **(131)**Page 55, line 21, strike out **【\$8,506,000】** and in-
23 sert: *\$8,807,000*

1 **(132)**Page 62, strike out all after line 22 over to and
2 including line 2 on page 64

3 **(133)**Page 64, after line 2, insert:

4 *SEC. 509. (a). Notwithstanding any other provision of*
5 *law, monthly benefit payments under part B or part C of*
6 *the Black Lung Benefits Act for months after December*
7 *1993 and before October 1994 shall be calculated as though*
8 *the provisions of Federal law prescribing pay rates for Fed-*
9 *eral employees continued in effect, without amendment to*
10 *or limitation of such provisions, after January 1993.*

11 *(b). Of the amounts provided under title XII of Public*
12 *Law 102-368, Additional Assistance to Distressed Commu-*
13 *nities, under the heading "Community Investment Pro-*
14 *gram", \$225,000,000 are rescinded.*

15 **(134)**Page 64, after line 8, insert:

16 *SEC. 511. It is the sense of the Senate that the United*
17 *States Department of Justice should investigate whether*
18 *any Federal criminal civil rights laws were violated as a*
19 *result of (1) the murder of Yankel Rosenbaum on August*
20 *19, 1991, and (2) the circumstances surrounding the mur-*
21 *der and accompanying riots in Crown Heights.*

22 **(135)**Page 64, after line 8, insert:

1 **TITLE VI—NONSMOKING POLICY**

2 **SEC. 601. SHORT TITLE.**

3 *This title may be cited as the “Preventing Our Kids*
4 *From Inhaling Deadly Smoke (PRO-KIDS) Act of 1993”.*

5 **SEC. 602. FINDINGS.**

6 *The Congress finds that—*

7 *(1) environmental tobacco smoke comes from sec-*
8 *ondhand smoke exhaled by smokers and sidestream*
9 *smoke emitted from the burning of cigarettes, cigars,*
10 *and pipes;*

11 *(2) since citizens of the United States spend up*
12 *to 90 percent of a day indoors, there is a significant*
13 *potential for exposure to environmental tobacco smoke*
14 *from indoor air;*

15 *(3) exposure to environmental tobacco smoke oc-*
16 *curs in schools, public buildings, and other indoor fa-*
17 *cilities;*

18 *(4) recent scientific studies have concluded that*
19 *exposure to environmental tobacco smoke is a cause of*
20 *lung cancer in healthy nonsmokers and is responsible*
21 *for acute and chronic respiratory problems and other*
22 *health impacts in sensitive populations (including*
23 *children);*

24 *(5) the health risks posed by environmental to-*
25 *bacco smoke exceed the risks posed by many environ-*

1 *mental pollutants regulated by the Environmental*
2 *Protection Agency; and*

3 *(6) according to information released by the En-*
4 *vironmental Protection Agency, environmental to-*
5 *bacco smoke results in a loss to the economy of over*
6 *\$3,000,000,000 per year.*

7 **SEC. 603. DEFINITIONS.**

8 *As used in this title:*

9 *(1) ADMINISTRATOR.—The term “Adminis-*
10 *trator” means the Administrator of the Environ-*
11 *mental Protection Agency.*

12 *(2) CHILDREN.—The term “children” means in-*
13 *dividuals who have not attained the age of 18.*

14 *(3) CHILDREN’S SERVICES.—The term “chil-*
15 *dren’s services” means—*

16 *(A) direct health services that are routinely*
17 *provided to children and that are funded (in*
18 *whole or in part) by Federal funds; or*

19 *(B) any other direct services that are rou-*
20 *tinely provided primarily to children, including*
21 *educational services and that are funded (in*
22 *whole or in part) by Federal funds.*

23 *(4) FEDERAL AGENCY.—The term “Federal agen-*
24 *cy” means an entity in the executive, legislative or ju-*
25 *dicial branch of the Federal Government.*

1 (5) *SECRETARY.*—The term “Secretary” means
2 the Secretary of Health and Human Services.

3 **SEC. 604. NONSMOKING POLICY FOR CHILDREN’S SERV-**
4 **ICES.**

5 (a) *ISSUANCE OF GUIDELINES.*—Not later than 180
6 days after the date of enactment of this Act, the Adminis-
7 trator shall issue guidelines for instituting and enforcing
8 a nonsmoking policy at each indoor facility where chil-
9 dren’s services are provided.

10 (b) *CONTENTS OF GUIDELINES.*—A nonsmoking policy
11 that meets the requirements of the guidelines shall, at a
12 minimum, prohibit smoking in each portion of an indoor
13 facility where children’s services are provided that is not
14 ventilated separately (as defined by the Administrator)
15 from other portions of the facility.

16 **SEC. 605. TECHNICAL ASSISTANCE.**

17 The Administrator and the Secretary shall provide
18 technical assistance to persons who provide children’s serv-
19 ices and other persons who request technical assistance. The
20 technical assistance shall include information—

21 (1) on smoking cessation programs for employ-
22 ees; and

23 (2) to assist in compliance with the requirements
24 of this title.

1 **SEC. 606. FEDERALLY FUNDED PROGRAMS.**

2 (a) *IN GENERAL.*—Notwithstanding any other provi-
3 sion of law, each person who provides children’s services
4 shall establish and make a good-faith effort to enforce a non-
5 smoking policy that meets or exceeds the requirements of
6 subsection (b).

7 (b) *NONSMOKING POLICY.*—

8 (1) *GENERAL REQUIREMENTS.*—A nonsmoking
9 policy meets the requirements of this subsection if the
10 policy—

11 (A) is consistent with the guidelines issued
12 under section 604(a);

13 (B) prohibits smoking in each portion of an
14 indoor facility used in connection with the pro-
15 vision of services directly to children; and

16 (C) where appropriate, requires that signs
17 stating that smoking is not permitted be posted
18 in each indoor facility to communicate the
19 policy.

20 (2) *PERMISSIBLE FEATURES.*—A nonsmoking
21 policy that meets the requirements of this subsection
22 may allow smoking in those portions of the facility—

23 (A) in which services are not normally pro-
24 vided directly to children; and

1 (B) that are ventilated separately from
2 those portions of the facility in which services
3 are normally provided directly to children.

4 (c) *WAIVER.*—

5 (1) *IN GENERAL.*—A person described in sub-
6 section (a) may publicly petition the head of the Fed-
7 eral agency from which the person receives Federal
8 funds (including financial assistance) for a waiver
9 from any or all of the requirements of subsection (b).

10 (2) *CONDITIONS FOR GRANTING A WAIVER.*—*Ex-*
11 *cept as provided in paragraph (3), the head of the*
12 *Federal agency may grant a waiver only—*

13 (A) *after consulting with the Administrator,*
14 *and receiving the concurrence of the*
15 *Administrator;*

16 (B) *after giving an opportunity for public*
17 *hearing (at the main office of the Federal agency*
18 *or at any regional office of the agency) and com-*
19 *ment; and*

20 (C) *if the person requesting the waiver pro-*
21 *vides assurances that are satisfactory to the head*
22 *of the Federal agency (with the concurrence of*
23 *the Administrator) that—*

24 (i) *unusual extenuating circumstances*
25 *prevent the person from establishing or en-*

1 *forcing the nonsmoking policy (or a require-*
2 *ment under the policy) referred to in sub-*
3 *section (b) (including a case in which the*
4 *person shares space in an indoor facility*
5 *with another entity and cannot obtain an*
6 *agreement with the other entity to abide by*
7 *the nonsmoking policy requirement) and the*
8 *person will establish and make a good-faith*
9 *effort to enforce an alternative nonsmoking*
10 *policy (or alternative requirement under the*
11 *policy) that will protect children from expo-*
12 *sure to environmental tobacco smoke to the*
13 *maximum extent possible; or*

14 *(ii) the person requesting the waiver*
15 *will establish and make a good-faith effort*
16 *to enforce an alternative nonsmoking policy*
17 *(or alternative requirement under the pol-*
18 *icy) that will protect children from exposure*
19 *to environmental tobacco smoke to the same*
20 *degree as the policy (or requirement) under*
21 *subsection (b).*

22 (3) *SPECIAL WAIVER.*—

23 (A) *IN GENERAL.*—*On receipt of an appli-*
24 *cation, the head of the Federal agency may grant*
25 *a special waiver to a person described in sub-*

1 *section (a) who employs individuals who are*
2 *members of a labor organization and provide*
3 *children's services pursuant to a collective bar-*
4 *gaining agreement that—*

5 *(i) took effect before the date of enact-*
6 *ment of this Act; and*

7 *(ii) includes provisions relating to*
8 *smoking privileges that are in violation of*
9 *the requirements of this section.*

10 *(B) TERMINATION OF WAIVER.—A special*
11 *waiver granted under this paragraph shall ter-*
12 *minate on the earlier of—*

13 *(i) the first expiration date (after the*
14 *date of enactment of this Act) of the collec-*
15 *tive bargaining agreement containing the*
16 *provisions relating to smoking privileges; or*

17 *(ii) the date that is 1 year after the*
18 *date specified in subsection (f).*

19 *(d) CIVIL PENALTIES.—*

20 *(1) IN GENERAL.—(A) Any person subject to the*
21 *requirements of this section who fails to comply with*
22 *the requirements shall be liable to the United States*
23 *for a civil penalty in an amount not to exceed \$1,000*
24 *for each violation, but in no case shall the amount be*
25 *in excess of the amount of Federal funds received by*

1 *the person for the fiscal year in which the violation*
2 *occurred for the provision of children's services.*

3 *(B) Each day a violation continues shall con-*
4 *stitute a separate violation.*

5 *(2) ASSESSMENT.—A civil penalty for a viola-*
6 *tion of this section shall be assessed by the head of the*
7 *Federal agency that provided Federal funds (includ-*
8 *ing financial assistance) to the person (or if the head*
9 *of the Federal agency does not have the authority to*
10 *issue an order, the appropriate official) by an order*
11 *made on the record after opportunity for a hearing in*
12 *accordance with section 554 of title 5, United States*
13 *Code. Before issuing the order, the head of the Federal*
14 *agency (or the appropriate official) shall—*

15 *(A) give written notice to the person to be*
16 *assessed a civil penalty under the order of the*
17 *proposal to issue the order; and*

18 *(B) provide the person an opportunity to*
19 *request, not later than 15 days after the date of*
20 *receipt of the notice, a hearing on the order.*

21 *(3) AMOUNT OF CIVIL PENALTY.—In determining*
22 *the amount of a civil penalty under this subsection,*
23 *the head of the Federal agency (or the appropriate of-*
24 *ficial) shall take into account—*

1 (A) *the nature, circumstances, extent, and*
2 *gravity of the violation;*

3 (B) *with respect to the violator, the ability*
4 *to pay, the effect of the penalty on the ability to*
5 *continue operation, any prior history of the*
6 *same kind of violation, the degree of culpability,*
7 *and a demonstration of willingness to comply*
8 *with the requirements of this title; and*

9 (C) *such other matters as justice may*
10 *require.*

11 (4) *MODIFICATION.—The head of the Federal*
12 *agency (or the appropriate official) may compromise,*
13 *modify, or remit, with or without conditions, any*
14 *civil penalty that may be imposed under this sub-*
15 *section. The amount of the penalty as finally deter-*
16 *mined or agreed upon in compromise may be de-*
17 *ducted from any sums that the United States owes to*
18 *the person against whom the penalty is assessed.*

19 (5) *PETITION FOR REVIEW.—A person who has*
20 *requested a hearing concerning the assessment of a*
21 *penalty pursuant to paragraph (2) and is aggrieved*
22 *by an order assessing a civil penalty may file a peti-*
23 *tion for judicial review of the order with the United*
24 *States Court of Appeals for the District of Columbia*
25 *Circuit or for any other circuit in which the person*

1 *resides or transacts business. The petition may only*
2 *be filed during the 30-day period beginning on the*
3 *date of issuance of the order making the assessment.*

4 (6) *FAILURE TO PAY.—If a person fails to pay*
5 *an assessment of a civil penalty—*

6 (A) *after the order making the assessment*
7 *has become a final order and without filing a pe-*
8 *tition for judicial review in accordance with*
9 *paragraph (5); or*

10 (B) *after a court has entered a final judg-*
11 *ment in favor of the head of the Federal agency*
12 *(or appropriate official),*

13 *the Attorney General shall recover the amount as-*
14 *essed (plus interest at currently prevailing rates*
15 *from the last day of the 30-day period referred to in*
16 *paragraph (5) or the date of the final judgment, as*
17 *the case may be) in an action brought in an appro-*
18 *priate district court of the United States. In the ac-*
19 *tion, the validity, amount, and appropriateness of the*
20 *penalty shall not be subject to review.*

21 (e) *EXEMPTION.—This section shall not apply to a*
22 *person who provides children’s services who—*

23 (1) *has attained the age of 18;*

24 (2) *provides children’s services—*

25 (A) *in a private residence; and*

1 (B) only to children who are, by affinity or
2 consanguinity, or by court decree, a grandchild,
3 niece, or nephew of the provider; and

4 (3) is registered and complies with any State re-
5 quirements that govern the children's services pro-
6 vided.

7 (f) *EFFECTIVE DATE.*—This section shall take effect on
8 the first day of the first fiscal year beginning after the date
9 of enactment of this Act.

10 **SEC. 607. REPORT BY THE ADMINISTRATOR.**

11 Not later than 2 years after the date of enactment of
12 this Act, the Administrator shall submit a report to the
13 Congress that includes—

14 (1) information concerning the degree of compli-
15 ance with this title; and

16 (2) an assessment of the legal status of smoking
17 in public places.

18 **SEC. 608. PREEMPTION.**

19 Nothing in this title is intended to preempt any provi-
20 sion of law of a State or political subdivision of a State
21 that is more restrictive than a provision of this title.

Attest:

Secretary.

HR 2518 EAS—2

HR 2518 EAS—3

HR 2518 EAS—4

HR 2518 EAS—5

HR 2518 EAS—6

HR 2518 EAS—7

HR 2518 EAS—8