

104TH CONGRESS
2^D SESSION

H. R. 3755

IN THE SENATE OF THE UNITED STATES

JULY 12, 1996

Received; read twice and referred to the Committee on Appropriations

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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Departments of Labor, Health and Human Services, and
4 Education, and related agencies for the fiscal year ending
5 September 30, 1997, and for other purposes, namely:

6 TITLE I—DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For expenses necessary to carry into effect the Job
10 Training Partnership Act, as amended, including the pur-
11 chase and hire of passenger motor vehicles, the construc-
12 tion, alteration, and repair of buildings and other facili-
13 ties, and the purchase of real property for training centers
14 as authorized by the Job Training Partnership Act; the
15 Women in Apprenticeship and Nontraditional Occupations
16 Act; the National Skill Standards Act of 1994; and the
17 School-to-Work Opportunities Act; \$4,171,482,000 (re-
18 duced by \$5,000,000) plus reimbursements, of which
19 \$3,297,011,000 (reduced by \$5,000,000) is available for
20 obligation for the period July 1, 1997 through June 30,
21 1998; of which \$73,861,000 is available for the period
22 July 1, 1997 through June 30, 2000 for necessary ex-
23 penses of construction, rehabilitation, and acquisition of
24 Job Corps centers; and of which \$175,000,000 shall be
25 available from July 1, 1997 through September 30, 1998,

1 for carrying out activities of the School-to-Work Opportu-
2 nities Act: *Provided*, That \$50,000,000 shall be for carry-
3 ing out section 401 of the Job Training Partnership Act,
4 \$65,000,000 shall be for carrying out section 402 of such
5 Act, \$7,300,000 shall be for carrying out section 441 of
6 such Act, \$2,530,000 shall be for all activities conducted
7 by and through the National Occupational Information
8 Coordinating Committee under such Act, \$850,000,000
9 (reduced by \$5,000,000) shall be for carrying out title II,
10 part A of such Act, and \$126,672,000 shall be for carry-
11 ing out title II, part C of such Act: *Provided further*, That
12 no funds from any other appropriation shall be used to
13 provide meal services at or for Job Corps centers: *Provided*
14 *further*, That funds provided to carry out title III of the
15 Job Training Partnership Act shall not be subject to the
16 limitation contained in subsection (b) of section 315 of
17 such Act; that the waiver allowing a reduction in the cost
18 limitation relating to retraining services described in sub-
19 section (a)(2) of such section 315 may be granted with
20 respect to funds from this Act if a substate grantee dem-
21 onstrates to the Governor that such waiver is appropriate
22 due to the availability of low-cost retraining services, is
23 necessary to facilitate the provision of needs-related pay-
24 ments to accompany long-term training, or is necessary
25 to facilitate the provision of appropriate basic readjust-

1 ment services; and that funds provided to carry out the
2 Secretary's discretionary grants under part B of such title
3 III may be used to provide needs-related payments to par-
4 ticipants who, in lieu of meeting the requirements relating
5 to enrollment in training under section 314(e) of such Act,
6 are enrolled in training by the end of the sixth week after
7 grant funds have been awarded: *Provided further*, That
8 service delivery areas may transfer funding provided here-
9 in under authority of titles II-B and II-C of the Job
10 Training Partnership Act between the programs author-
11 ized by those titles of that Act, if such transfer is approved
12 by the Governor: *Provided further*, That service delivery
13 areas and substate areas may transfer funding provided
14 herein under authority of title II-A and title III of the
15 Job Training Partnership Act between the programs au-
16 thorized by those titles of the Act, if such transfer is ap-
17 proved by the Governor: *Provided further*, That, notwith-
18 standing any other provision of law, any proceeds from
19 the sale of Job Corps center facilities shall be retained
20 by the Secretary of Labor to carry out the Job Corps pro-
21 gram.

22 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

23 AMERICANS

24 (TRANSFER OF FUNDS)

25 To carry out the activities for national grants or con-
26 tracts with public agencies and public or private nonprofit

1 organizations under paragraph (1)(A) of section 506(a)
2 of title V of the Older Americans Act of 1965, as amended,
3 or to carry out older worker activities as subsequently au-
4 thorized, \$242,450,000.

5 To carry out the activities for grants to States under
6 paragraph (3) of section 506(a) of title V of the Older
7 Americans Act of 1965, as amended, or to carry out older
8 worker activities as subsequently authorized,
9 \$130,550,000.

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

17 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

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

1 any period subsequent to September 15 of the current
2 year.

3 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
4 SERVICE OPERATIONS

5 For authorized administrative expenses,
6 \$132,279,000, together with not to exceed
7 \$3,096,111,000 (reduced by \$3,800,000) (decreased by
8 \$2,399,000) (including not to exceed \$1,653,000 which
9 may be used for amortization payments to States which
10 had independent retirement plans in their State employ-
11 ment service agencies prior to 1980, and including not to
12 exceed \$2,000,000 which may be obligated in contracts
13 with non-State entities for activities such as occupational
14 and test research activities which benefit the Federal-
15 State Employment Service System), which may be ex-
16 pended from the Employment Security Administration ac-
17 count in the Unemployment Trust Fund, and of which the
18 sums available in the allocation for activities authorized
19 by title III of the Social Security Act, as amended (42
20 U.S.C. 502–504), and the sums available in the allocation
21 for necessary administrative expenses for carrying out 5
22 U.S.C. 8501–8523, shall be available for obligation by the
23 States through December 31, 1997, except that funds
24 used for automation acquisitions shall be available for obli-
25 gation by States through September 30, 1999; and of
26 which \$132,279,000, together with not to exceed

1 \$701,369,000 of the amount which may be expended from
2 said trust fund, shall be available for obligation for the
3 period July 1, 1997 through June 30, 1998, to fund ac-
4 tivities under the Act of June 6, 1933, as amended, in-
5 cluding the cost of penalty mail made available to States
6 in lieu of allotments for such purpose, and of which
7 \$260,573,000 shall be available only to the extent nec-
8 essary for additional State allocations to administer unem-
9 ployment compensation laws to finance increases in the
10 number of unemployment insurance claims filed and
11 claims paid or changes in a State law: *Provided*, That to
12 the extent that the Average Weekly Insured Unemploy-
13 ment (AWIU) for fiscal year 1997 is projected by the De-
14 partment of Labor to exceed 2,828,000 an additional
15 \$28,600,000 shall be available for obligation for every
16 100,000 increase in the AWIU level (including a pro rata
17 amount for any increment less than 100,000) from the
18 Employment Security Administration Account of the Un-
19 employment Trust Fund: *Provided further*, That funds ap-
20 propriated in this Act which are used to establish a na-
21 tional one-stop career center network may be obligated in
22 contracts, grants or agreements with non-State entities:
23 *Provided further*, That funds appropriated under this Act
24 for activities authorized under the Wagner-Peyser Act, as
25 amended, and title III of the Social Security Act, may be

1 ceed \$39,977,000, which may be expended from the Em-
2 ployment Security Administration account in the Unem-
3 ployment Trust Fund.

4 PENSION AND WELFARE BENEFITS ADMINISTRATION
5 SALARIES AND EXPENSES

6 For necessary expenses for Pension and Welfare Ben-
7 efits Administration, \$65,783,000 (increased by
8 \$300,000, which amount shall be for genetic non-
9 discrimination enforcement activities).

10 PENSION BENEFIT GUARANTY CORPORATION

11 PENSION BENEFIT GUARANTY CORPORATION FUND

12 The Pension Benefit Guaranty Corporation is author-
13 ized to make such expenditures, including financial assist-
14 ance authorized by section 104 of Public Law 96-364,
15 within limits of funds and borrowing authority available
16 to such Corporation, and in accord with law, and to make
17 such contracts and commitments without regard to fiscal
18 year limitations as provided by section 104 of the Govern-
19 ment Corporation Control Act, as amended (31 U.S.C.
20 9104), as may be necessary in carrying out the program
21 through September 30, 1997, for such Corporation: *Pro-*
22 *vided*, That not to exceed \$135,720,000 shall be available
23 for administrative expenses of the Corporation.

1 EMPLOYMENT STANDARDS ADMINISTRATION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Employment Stand-
4 ards Administration, including reimbursement to State,
5 Federal, and local agencies and their employees for inspec-
6 tion services rendered, \$258,422,000 (increased by
7 \$5,000,000 for sweatshop enforcement in the garment in-
8 dustry), together with \$983,000 which may be expended
9 from the Special Fund in accordance with sections 39(c)
10 and 44(j) of the Longshore and Harbor Workers' Com-
11 pensation Act: *Provided*, That the Secretary of Labor is
12 authorized to accept, retain, and spend, until expended,
13 in the name of the Department of Labor, all sums of
14 money ordered to be paid to the Secretary of Labor, in
15 accordance with the terms of the Consent Judgment in
16 Civil Action No. 91-0027 of the United States District
17 Court for the District of the Northern Mariana Islands
18 (May 21, 1992): *Provided further*, That the Secretary of
19 Labor is authorized to establish and, in accordance with
20 31 U.S.C. 3302, collect and deposit in the Treasury fees
21 for processing applications and issuing certificates under
22 sections 11(d) and 14 of the Fair Labor Standards Act
23 of 1938, as amended (29 U.S.C. 211(d) and 214) and for
24 processing applications and issuing registrations under

1 Title I of the Migrant and Seasonal Agricultural Worker
2 Protection Act, 29 U.S.C. 1801 et seq.

3 SPECIAL BENEFITS
4 (INCLUDING TRANSFER OF FUNDS)

5 For the payment of compensation, benefits, and ex-
6 penses (except administrative expenses) accruing during
7 the current or any prior fiscal year authorized by title 5,
8 chapter 81 of the United States Code; continuation of ben-
9 efits as provided for under the head “Civilian War Bene-
10 fits” in the Federal Security Agency Appropriation Act,
11 1947; the Employees’ Compensation Commission Appro-
12 priation Act, 1944; and sections 4(c) and 5(f) of the War
13 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per
14 centum of the additional compensation and benefits re-
15 quired by section 10(h) of the Longshore and Harbor
16 Workers’ Compensation Act, as amended, \$213,000,000
17 together with such amounts as may be necessary to be
18 charged to the subsequent year appropriation for the pay-
19 ment of compensation and other benefits for any period
20 subsequent to August 15 of the current year: *Provided*,
21 That such sums as are necessary may be used under sec-
22 tion 8104 of title 5, United States Code, by the Secretary
23 to reimburse an employer, who is not the employer at the
24 time of injury, for portions of the salary of a reemployed,
25 disabled beneficiary: *Provided further*, That balances of re-
26 imbursements unobligated on September 30, 1996, shall

1 remain available until expended for the payment of com-
2 pensation, benefits, and expenses: *Provided further*, That
3 in addition there shall be transferred to this appropriation
4 from the Postal Service and from any other corporation
5 or instrumentality required under section 8147(c) of title
6 5, United States Code, to pay an amount for its fair share
7 of the cost of administration, such sums as the Secretary
8 of Labor determines to be the cost of administration for
9 employees of such fair share entities through September
10 30, 1997: *Provided further*, That of those funds trans-
11 ferred to this account from the fair share entities to pay
12 the cost of administration, \$11,390,000 shall be made
13 available to the Secretary of Labor for expenditures relat-
14 ing to capital improvements in support of Federal Employ-
15 ees' Compensation Act administration, and the balance of
16 such funds shall be paid into the Treasury as miscellane-
17 ous receipts: *Provided further*, That the Secretary may re-
18 quire that any person filing a notice of injury or a claim
19 for benefits under Subchapter 5, U.S.C., chapter 81, or
20 under subchapter 33, U.S.C. 901, et seq. (the Longshore
21 and Harbor Workers' Compensation Act, as amended),
22 provide as part of such notice and claim, such identifying
23 information (including Social Security account number) as
24 such regulations may prescribe.

1 BLACK LUNG DISABILITY TRUST FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For payments from the Black Lung Disability Trust
4 Fund, \$1,007,644,000, of which \$961,665,000 shall be
5 available until September 30, 1998, for payment of all
6 benefits as authorized by section 9501(d) (1), (2), (4), and
7 (7) of the Internal Revenue Code of 1954, as amended,
8 and interest on advances as authorized by section
9 9501(c)(2) of that Act, and of which \$26,071,000 shall
10 be available for transfer to Employment Standards Ad-
11 ministration, Salaries and Expenses, \$19,621,000 for
12 transfer to Departmental Management, Salaries and Ex-
13 penses, and \$287,000 for transfer to Departmental Man-
14 agement, Office of Inspector General, for expenses of oper-
15 ation and administration of the Black Lung Benefits pro-
16 gram as authorized by section 9501(d)(5)(A) of that Act:
17 *Provided*, That, in addition, such amounts as may be nec-
18 essary may be charged to the subsequent year appropria-
19 tion for the payment of compensation, interest, or other
20 benefits for any period subsequent to August 15 of the
21 current year: *Provided further*, That in addition such
22 amounts shall be paid from this fund into miscellaneous
23 receipts as the Secretary of the Treasury determines to
24 be the administrative expenses of the Department of the
25 Treasury for administering the fund during the current

1 fiscal year, as authorized by section 9501(d)(5)(B) of that
2 Act.

3 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
4 SALARIES AND EXPENSES

5 For necessary expenses for the Occupational Safety
6 and Health Administration, \$297,734,000, including not
7 to exceed \$66,929,000 which shall be the maximum
8 amount available for grants to States under section 23(g)
9 of the Occupational Safety and Health Act, which grants
10 shall be no less than fifty percent of the costs of State
11 occupational safety and health programs required to be
12 incurred under plans approved by the Secretary under sec-
13 tion 18 of the Occupational Safety and Health Act of
14 1970; and, in addition, notwithstanding 31 U.S.C. 3302,
15 the Occupational Safety and Health Administration may
16 retain up to \$750,000 per fiscal year of training institute
17 course tuition fees, otherwise authorized by law to be col-
18 lected, and may utilize such sums for occupational safety
19 and health training and education grants: *Provided*, That
20 none of the funds appropriated under this paragraph shall
21 be obligated or expended to prescribe, issue, administer,
22 or enforce any standard, rule, regulation, or order under
23 the Occupational Safety and Health Act of 1970 which
24 is applicable to any person who is engaged in a farming
25 operation which does not maintain a temporary labor

1 camp and employs ten or fewer employees: *Provided fur-*
2 *ther*, That no funds appropriated under this paragraph
3 shall be obligated or expended to administer or enforce
4 any standard, rule, regulation, or order under the Occupa-
5 tional Safety and Health Act of 1970 with respect to any
6 employer of ten or fewer employees who is included within
7 a category having an occupational injury lost workday case
8 rate, at the most precise Standard Industrial Classifica-
9 tion Code for which such data are published, less than the
10 national average rate as such rates are most recently pub-
11 lished by the Secretary, acting through the Bureau of
12 Labor Statistics, in accordance with section 24 of that Act
13 (29 U.S.C. 673), except—

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

17 (2) to conduct an inspection or investigation in
18 response to an employee complaint, to issue a cita-
19 tion for violations found during such inspection, and
20 to assess a penalty for violations which are not cor-
21 rected within a reasonable abatement period and for
22 any willful violations found;

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

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

3 (5) to take any action authorized by such Act
4 with respect to a report of an employment accident
5 which is fatal to one or more employees or which re-
6 sults in hospitalization of two or more employees,
7 and to take any action pursuant to such investiga-
8 tion authorized by such Act; and

9 (6) to take any action authorized by such Act
10 with respect to complaints of discrimination against
11 employees for exercising rights under such Act:

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

16 MINE SAFETY AND HEALTH ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses for the Mine Safety and
19 Health Administration, \$191,810,000, including purchase
20 and bestowal of certificates and trophies in connection
21 with mine rescue and first-aid work, and the hire of pas-
22 senger motor vehicles; the Secretary is authorized to ac-
23 cept lands, buildings, equipment, and other contributions
24 from public and private sources and to prosecute projects
25 in cooperation with other agencies, Federal, State, or pri-

1 vate; the Mine Safety and Health Administration is au-
2 thorized to promote health and safety education and train-
3 ing in the mining community through cooperative pro-
4 grams with States, industry, and safety associations; and
5 any funds available to the Department may be used, with
6 the approval of the Secretary, to provide for the costs of
7 mine rescue and survival operations in the event of a
8 major disaster: *Provided*, That none of the funds appro-
9 priated under this paragraph shall be obligated or ex-
10 pended to carry out section 115 of the Federal Mine Safe-
11 ty and Health Act of 1977 or to carry out that portion
12 of section 104(g)(1) of such Act relating to the enforce-
13 ment of any training requirements, with respect to shell
14 dredging, or with respect to any sand, gravel, surface
15 stone, surface clay, colloidal phosphate, or surface lime-
16 stone mine.

17 BUREAU OF LABOR STATISTICS

18 SALARIES AND EXPENSES

19 For necessary expenses for the Bureau of Labor Sta-
20 tistics, including advances or reimbursements to State,
21 Federal, and local agencies and their employees for serv-
22 ices rendered, \$302,947,000 (reduced by \$300,000), of
23 which \$16,145,000 shall be for expenses of revising the
24 Consumer Price Index and shall remain available until
25 September 30, 1998, together with not to exceed

1 \$52,053,000, which may be expended from the Employ-
2 ment Security Administration account in the Unemploy-
3 ment Trust Fund.

4 DEPARTMENTAL MANAGEMENT

5 SALARIES AND EXPENSES

6 For necessary expenses for Departmental Manage-
7 ment, including the hire of three sedans, and including
8 up to \$4,271,000 for the President's Committee on Em-
9 ployment of People With Disabilities, \$137,504,000; to-
10 gether with not to exceed \$297,000, which may be ex-
11 pended from the Employment Security Administration ac-
12 count in the Unemployment Trust Fund: *Provided*, That
13 no funds made available by this Act may be used by the
14 Solicitor of Labor to participate in a review in any United
15 States court of appeals of any decision made by the Bene-
16 fits Review Board under section 21 of the Longshore and
17 Harbor Workers' Compensation Act (33 U.S.C. 921)
18 where such participation is precluded by the decision of
19 the United States Supreme Court in *Director, Office of*
20 *Workers' Compensation Programs v. Newport News Ship-*
21 *building*, 115 S. Ct. 1278 (1995).

22 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT

23 AND TRAINING

24 Not to exceed \$178,149,000 (increased by
25 \$3,800,000) may be derived from the Employment Secu-
26 rity Administration account in the Unemployment Trust

1 Fund to carry out the provisions of 38 U.S.C. 4100–
2 4110A and 4321–4327, and Public Law 103–353, and
3 which shall be available for obligation by the States
4 through December 31, 1997.

5 OFFICE OF INSPECTOR GENERAL

6 For salaries and expenses of the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, as amended, \$42,938,000, together
9 with not to exceed \$3,543,000, which may be expended
10 from the Employment Security Administration account in
11 the Unemployment Trust Fund.

12 GENERAL PROVISIONS

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

17 (TRANSFER OF FUNDS)

18 SEC. 102. Not to exceed 1 percent of any discre-
19 tionary funds (pursuant to the Balanced Budget and
20 Emergency Deficit Control Act, as amended) which are
21 appropriated for the current fiscal year for the Depart-
22 ment of Labor in this Act may be transferred between ap-
23 propriations, but no such appropriation shall be increased
24 by more than 3 percent by any such transfer: *Provided*,
25 That the Appropriations Committees of both Houses of

1 Congress are notified at least fifteen days in advance of
2 any transfer.

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

8 SEC. 104. No funds appropriated or otherwise made
9 available in this title shall be disbursed without the ap-
10 proval of the Department’s Chief Financial Officer or his
11 delegatee.

12 SEC. 105. (a) GENERAL RULE.—In the administra-
13 tion and enforcement of the child labor provisions of the
14 Fair Labor Standards Act of 1938, employees who are 16
15 and 17 years of age shall be permitted to load materials,
16 but not operate or unload materials, into scrap paper
17 balers and paper box compactors—

18 (1) that are safe for 16- and 17-year-old em-
19 ployees loading the scrap paper balers or paper box
20 compactors, and

21 (2) that cannot operate while being loaded.

22 (b) DEFINITION.—For purposes of subsection (a),
23 scrap paper balers and paper box compactors shall be con-
24 sidered safe for 16- or 17-year-old employees to load only
25 if—

1 (1) such scrap paper balers and paper box com-
2 pactors are in compliance with the current safety
3 standard established by the American National
4 Standards Institute;

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

10 (3) the on-off switch of such scrap paper balers
11 and paper box compactors is maintained in an off
12 condition when such scrap paper balers and paper
13 box compactors are not in operation; and

14 (4) the employer of 16- and 17-year-old employ-
15 ees provides notice, and posts a notice, on such
16 scrap paper balers and paper box compactors stating
17 that—

18 (A) such scrap paper balers and paper box
19 compactors meet the current safety standard
20 established by the American National Stand-
21 ards Institute;

22 (B) 16- and 17-year-old employees may
23 only load such scrap paper balers and paper
24 box compactors; and

1 (C) any employee under the age of 18 may
2 not operate or unload such scrap paper balers
3 and paper box compactors:

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

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

15 This title may be cited as the "Department of Labor
16 Appropriations Act, 1997".

17 TITLE II—DEPARTMENT OF HEALTH AND
18 HUMAN SERVICES

19 HEALTH RESOURCES AND SERVICES ADMINISTRATION
20 HEALTH RESOURCES AND SERVICES

21 For carrying out titles II, III, VII, VIII, X, XIX, and
22 XXVI of the Public Health Service Act, section 427(a)
23 of the Federal Coal Mine Health and Safety Act, title V
24 of the Social Security Act, and the Health Care Quality
25 Improvement Act of 1986, as amended, \$3,082,190,000,

1 of which \$297,000 shall remain available until expended
2 for interest subsidies on loan guarantees made prior to
3 fiscal year 1981 under part B of title VII of the Public
4 Health Service Act: *Provided*, That the Division of Federal
5 Occupational Health may utilize personal services con-
6 tracting to employ professional management/administra-
7 tive and occupational health professionals: *Provided fur-*
8 *ther*, That of the funds made available under this heading,
9 \$2,828,000 shall be available until expended for facilities
10 renovations at the Gillis W. Long Hansen's Disease Cen-
11 ter: *Provided further*, That in addition to fees authorized
12 by section 427(b) of the Health Care Quality Improvement
13 Act of 1986, fees shall be collected for the full disclosure
14 of information under the Act sufficient to recover the full
15 costs of operating the National Practitioner Data Bank,
16 and shall remain available until expended to carry out that
17 Act: *Provided further*, That no more than \$5,000,000 is
18 available for carrying out the provisions of Public Law
19 104-73: *Provided further*, That of the funds made avail-
20 able under this heading, \$192,592,000 shall be for the
21 program under title X of the Public Health Service Act
22 to provide for voluntary family planning projects: *Provided*
23 *further*, That amounts provided to said projects under
24 such title shall not be expended for abortions, that all
25 pregnancy counseling shall be nondirective, and that such

1 amounts shall not be expended for any activity (including
2 the publication or distribution of literature) that in any
3 way tends to promote public support or opposition to any
4 legislative proposal or candidate for public office: *Provided*
5 *further*, That \$75,000,000 shall be for State AIDS Drug
6 Assistance Programs authorized by section 2616 of the
7 Public Health Service Act and shall be distributed to
8 States as authorized by section 2618(b)(2) of such Act.

9 MEDICAL FACILITIES GUARANTEE AND LOAN FUND
10 FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

11 For carrying out subsections (d) and (e) of section
12 1602 of the Public Health Service Act, \$7,000,000, to-
13 gether with any amounts received by the Secretary in con-
14 nection with loans and loan guarantees under title VI of
15 the Public Health Service Act, to be available without fis-
16 cal year limitation for the payment of interest subsidies.
17 During the fiscal year, no commitments for direct loans
18 or loan guarantees shall be made.

19 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

20 For the cost of guaranteed loans, such sums as may
21 be necessary to carry out the purpose of the program, as
22 authorized by title VII of the Public Health Service Act,
23 as amended: *Provided*, That such costs, including the cost
24 of modifying such loans, shall be as defined in section 502
25 of the Congressional Budget Act of 1974: *Provided fur-*
26 *ther*, That these funds are available to subsidize gross obli-

1 gations for the total loan principal any part of which is
2 to be guaranteed at not to exceed \$140,000,000. In addi-
3 tion, for administrative expenses to carry out the guaran-
4 teed loan program, \$2,688,000.

5 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

15 VACCINE INJURY COMPENSATION

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

20 CENTERS FOR DISEASE CONTROL AND PREVENTION

21 DISEASE CONTROL, RESEARCH, AND TRAINING

22 To carry out titles II, III, VII, XI, XV, XVII, and
23 XIX of the Public Health Service Act, sections 101, 102,
24 103, 201, 202, and 203 of the Federal Mine Safety and
25 Health Act of 1977, and sections 20, 21 and 22 of the
26 Occupational Safety and Health Act of 1970; including

1 insurance of official motor vehicles in foreign countries;
 2 and hire, maintenance, and operation of aircraft,
 3 \$2,153,376,000, of which \$8,353,000 shall remain avail-
 4 able until expended for equipment and construction and
 5 renovation of facilities, and in addition, such sums as may
 6 be derived from authorized user fees, which shall be cred-
 7 ited to this account: *Provided*, That in addition to amounts
 8 provided herein, up to \$48,400,000 shall be available from
 9 amounts available under section 241 of the Public Health
 10 Service Act, to carry out the National Center for Health
 11 Statistics surveys: *Provided further*, That none of the
 12 funds made available for injury prevention and control at
 13 the Centers for Disease Control and Prevention may be
 14 used to advocate or promote gun control.

15 In addition, \$33,642,000, to be derived from the Vio-
 16 lent Crime Reduction Trust Fund, for carrying out sec-
 17 tions 40151 and 40261 of Public Law 103–322.

18 NATIONAL INSTITUTES OF HEALTH

19 NATIONAL CANCER INSTITUTE

20 For carrying out section 301 and title IV of the Pub-
 21 lic Health Service Act with respect to cancer,
 22 \$2,385,741,000.

23 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

24 For carrying out section 301 and title IV of the Pub-
 25 lic Health Service Act with respect to cardiovascular, lung,

1 and blood diseases, and blood and blood products,
2 \$1,438,265,000.

3 NATIONAL INSTITUTE OF DENTAL RESEARCH

4 For carrying out section 301 and title IV of the Pub-
5 lic Health Service Act with respect to dental disease,
6 \$195,596,000.

7 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
8 KIDNEY DISEASES

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

12 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
13 AND STROKE

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to neurological dis-
16 orders and stroke, \$725,478,000.

17 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
18 DISEASES

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

22 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to general medical
25 sciences, \$1,003,722,000.

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.

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.

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.

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,
18 \$484,375,000.

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.

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.

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.

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.

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.

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.

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: *Pro-*

1 *vided*, That none of these funds shall be used to pay recipi-
2 ents of the general research support grants program any
3 amount for indirect expenses in connection with such
4 grants: *Provided further*, That \$37,000,000 shall be for
5 extramural facilities construction grants.

6 NATIONAL CENTER FOR HUMAN GENOME RESEARCH

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

10 JOHN E. FOGARTY INTERNATIONAL CENTER

11 For carrying out the activities at the John E.
12 Fogarty International Center, \$26,707,000.

13 NATIONAL LIBRARY OF MEDICINE

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to health information
16 communications, \$150,093,000, of which \$4,000,000 shall
17 be available until expended for improvement of informa-
18 tion systems: *Provided*, That in fiscal year 1997, the Li-
19 brary may enter into personal services contracts for the
20 provision of services in facilities owned, operated, or con-
21 structed under the jurisdiction of the National Institutes
22 of Health.

23 OFFICE OF THE DIRECTOR

24 (INCLUDING TRANSFER OF FUNDS)

25 For carrying out the responsibilities of the Office of
26 the Director, National Institutes of Health, \$275,423,000:

1 *Provided*, That funding shall be available for the purchase
2 of not to exceed five passenger motor vehicles for replace-
3 ment only: *Provided further*, That the Director may direct
4 up to 1 percent of the total amount made available in this
5 Act to all National Institutes of Health appropriations to
6 activities the Director may so designate: *Provided further*,
7 That no such appropriation shall be increased or de-
8 creased by more than 1 percent by any such transfers and
9 that the Congress is promptly notified of the transfer: *Pro-*
10 *vided further*, That NIH is authorized to collect third
11 party payments for the cost of clinical services that are
12 incurred in National Institutes of Health research facili-
13 ties and that such payments shall be credited to the Na-
14 tional Institutes of Health Management Fund: *Provided*
15 *further*, That all funds credited to the NIH Management
16 Fund shall remain available for one fiscal year after the
17 fiscal year in which they are deposited.

18 BUILDINGS AND FACILITIES

19 For the study of, construction of, and acquisition of
20 equipment for, facilities of or used by the National Insti-
21 tutes of Health, including the acquisition of real property,
22 \$200,000,000, to remain available until expended, of
23 which \$90,000,000 shall be for the clinical research cen-
24 ter: *Provided*, That, notwithstanding any other provision
25 of law, a single contract or related contracts for the devel-
26 opment and construction of the clinical research center

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

5 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
6 ADMINISTRATION

7 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

8 For carrying out titles V and XIX of the Public
9 Health Service Act with respect to substance abuse and
10 mental health services, the Protection and Advocacy for
11 Mentally Ill Individuals Act of 1986, and section 301 of
12 the Public Health Service Act with respect to program
13 management, \$1,849,235,000.

14 RETIREMENT PAY AND MEDICAL BENEFITS FOR
15 COMMISSIONED OFFICERS

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

1 AGENCY FOR HEALTH CARE POLICY AND RESEARCH

2 HEALTH CARE POLICY AND RESEARCH

3 For carrying out titles III and IX of the Public
4 Health Service Act, and part A of title XI of the Social
5 Security Act, \$90,469,000; in addition, amounts received
6 from Freedom of Information Act fees, reimbursable and
7 interagency agreements, and the sale of data tapes shall
8 be credited to this appropriation and shall remain avail-
9 able until expended: *Provided*, That the amount made
10 available pursuant to section 926(b) of the Public Health
11 Service Act shall not exceed \$34,700,000.

12 HEALTH CARE FINANCING ADMINISTRATION

13 GRANTS TO STATES FOR MEDICAID

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

17 For making, after May 31, 1997, payments to States
18 under title XIX of the Social Security Act for the last
19 quarter of fiscal year 1997 for unanticipated costs, in-
20 curred for the current fiscal year, such sums as may be
21 necessary.

22 For making payments to States under title XIX of
23 the Social Security Act for the first quarter of fiscal year
24 1998, \$27,988,993,000, to remain available until ex-
25 pended.

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

5 PAYMENTS TO HEALTH CARE TRUST FUNDS

6 For payment to the Federal Hospital Insurance and
7 the Federal Supplementary Medical Insurance Trust
8 Funds, as provided under sections 217(g) and 1844 of the
9 Social Security Act, sections 103(c) and 111(d) of the So-
10 cial Security Amendments of 1965, section 278(d) of Pub-
11 lic Law 97–248, and for administrative expenses incurred
12 pursuant to section 201(g) of the Social Security Act,
13 \$60,079,000,000.

14 PROGRAM MANAGEMENT

15 For carrying out, except as otherwise provided, titles
16 XI, XVIII, and XIX of the Social Security Act, title XIII
17 of the Public Health Service Act, and the Clinical Labora-
18 tory Improvement Amendments of 1988, not to exceed
19 \$1,733,125,000, to be transferred from the Federal Hos-
20 pital Insurance and the Federal Supplementary Medical
21 Insurance Trust Funds, as authorized by section 201(g)
22 of the Social Security Act; together with all funds collected
23 in accordance with section 353 of the Public Health Serv-
24 ice Act, the latter funds to remain available until ex-
25 pended, together with such sums as may be collected from
26 authorized user fees and the sale of data, which shall re-

1 main available until expended: *Provided*, That all funds
 2 derived in accordance with 31 U.S.C. 9701 from organiza-
 3 tions established under title XIII of the Public Health
 4 Service Act are to be credited to and available for carrying
 5 out the purposes of this appropriation.

6 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
 7 GUARANTEE FUND

8 For carrying out subsections (d) and (e) of section
 9 1308 of the Public Health Service Act, any amounts re-
 10 ceived by the Secretary in connection with loans and loan
 11 guarantees under title XIII of the Public Health Service
 12 Act, to be available without fiscal year limitation for the
 13 payment of outstanding obligations. During fiscal year
 14 1997, no commitments for direct loans or loan guarantees
 15 shall be made.

16 ADMINISTRATION FOR CHILDREN AND FAMILIES
 17 FAMILY SUPPORT PAYMENTS TO STATES

18 For making payments to States or other non-Federal
 19 entities, except as otherwise provided, under titles I, IV-
 20 A (other than section 402(g)(6)) and D, X, XI, XIV, and
 21 XVI of the Social Security Act, and the Act of July 5,
 22 1960 (24 U.S.C. ch. 9), \$13,301,000,000, to remain avail-
 23 able until expended.

24 For making, after May 31 of the current fiscal year,
 25 payments to States or other non-Federal entities under
 26 titles I, IV-A and D, X, XI, XIV, and XVI of the Social

1 Security Act, for the last three months of the current year
2 for unanticipated costs, incurred for the current fiscal
3 year, such sums as may be necessary.

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

10 JOB OPPORTUNITIES AND BASIC SKILLS

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

14 LOW INCOME HOME ENERGY ASSISTANCE

15 For making payments under title XXVI of the Omni-
16 bus Budget Reconciliation Act of 1981, \$900,000,000.

17 REFUGEE AND ENTRANT ASSISTANCE

18 For making payments for refugee and entrant assist-
19 ance activities authorized by title IV of the Immigration
20 and Nationality Act and section 501 of the Refugee Edu-
21 cation Assistance Act of 1980 (Public Law 96-422),
22 \$412,076,000: *Provided*, That funds appropriated pursu-
23 ant to section 414(a) of the Immigration and Nationality
24 Act under Public Law 103-333 for fiscal year 1995 shall
25 be available for the costs of assistance provided and other

1 activities conducted in such year and in fiscal years 1996
2 and 1997.

3 CHILD CARE AND DEVELOPMENT BLOCK GRANT

4 For carrying out sections 658A through 658R of the
5 Omnibus Budget Reconciliation Act of 1981 (The Child
6 Care and Development Block Grant Act of 1990),
7 \$950,000,000, which shall be available for obligation
8 under the same statutory terms and conditions applicable
9 in the prior fiscal year: *Provided*, That \$13,000,000 shall
10 become available for obligation on October 1, 1996.

11 SOCIAL SERVICES BLOCK GRANT

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

17 CHILDREN AND FAMILIES SERVICES PROGRAMS

18 For carrying out, except as otherwise provided, the
19 Runaway and Homeless Youth Act, the Developmental
20 Disabilities Assistance and Bill of Rights Act, the Head
21 Start Act, the Child Abuse Prevention and Treatment Act,
22 the Family Violence Prevention and Services Act, the Na-
23 tive American Programs Act of 1974, title II of Public
24 Law 95-266 (adoption opportunities), the Abandoned In-
25 fants Assistance Act of 1988, and part B(1) of title IV
26 of the Social Security Act; for making payments under the

1 Community Services Block Grant Act; and for necessary
2 administrative expenses to carry out said Acts and titles
3 I, IV, X, XI, XIV, XVI, and XX of the Social Security
4 Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omni-
5 bus Budget Reconciliation Act of 1981, title IV of the Im-
6 migration and Nationality Act, section 501 of the Refugee
7 Education Assistance Act of 1980, and section 126 and
8 titles IV and V of Public Law 100-485, \$4,854,036,000
9 (increased by \$2,399,000), of which \$531,941,000 shall
10 be for making payments under the Community Services
11 Block Grant Act: *Provided*, That to the extent Community
12 Services Block Grant funds are distributed as grant funds
13 by a State to an eligible entity as provided under the Act,
14 and have not been expended by such entity, they shall re-
15 main with such entity for carryover into the next fiscal
16 year for expenditure by such entity consistent with pro-
17 gram purposes.

18 In addition, \$27,358,000, to be derived from the Vio-
19 lent Crime Reduction Trust Fund, for carrying out sec-
20 tions 40155, 40211 and 40241 of Public Law 103-322.

21 FAMILY PRESERVATION AND SUPPORT

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

1 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
2 ASSISTANCE

3 For making payments to States or other non-Federal
4 entities, under title IV–E of the Social Security Act,
5 \$4,445,031,000.

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

9 ADMINISTRATION ON AGING

10 AGING SERVICES PROGRAMS

11 For carrying out, to the extent not otherwise pro-
12 vided, the Older Americans Act of 1965, as amended,
13 \$810,545,000.

14 OFFICE OF THE SECRETARY

15 GENERAL DEPARTMENTAL MANAGEMENT

16 For necessary expenses, not otherwise provided, for
17 general departmental management, including hire of six
18 sedans, and for carrying out titles III, XVII, and XX of
19 the Public Health Service Act, \$148,999,000, together
20 with \$5,851,000, to be transferred and expended as au-
21 thorized by section 201(g)(1) of the Social Security Act
22 from the Hospital Insurance Trust Fund and the Supple-
23 mental Medical Insurance Trust Fund: *Provided*, That of
24 the funds made available under this heading for carrying
25 out title XVII of the Public Health Service Act,

1 \$11,500,000 shall be available until expended for extra-
2 mural construction.

3 OFFICE OF INSPECTOR GENERAL

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

14 OFFICE FOR CIVIL RIGHTS

15 For expenses necessary for the Office for Civil
16 Rights, \$16,066,000, together with not to exceed
17 \$3,314,000, to be transferred and expended as authorized
18 by section 201(g)(1) of the Social Security Act from the
19 Hospital Insurance Trust Fund and the Supplemental
20 Medical Insurance Trust Fund.

21 POLICY RESEARCH

22 For carrying out, to the extent not otherwise pro-
23 vided, research studies under section 1110 of the Social
24 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 Medigrant
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 (c)(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 This title may be cited as the “Department of Health
19 and Human Services Appropriations Act, 1997”.

20 TITLE III—DEPARTMENT OF EDUCATION

21 EDUCATION REFORM

22 For carrying out activities authorized by the School-
23 to-Work Opportunities Act, \$175,000,000, which shall be-
24 come available on July 1, 1997, and remain available
25 through September 30, 1998.

1 EDUCATION FOR THE DISADVANTAGED

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

21 IMPACT AID

22 For carrying out programs of financial assistance to
23 federally affected schools authorized by title VIII of the
24 Elementary and Secondary Education Act of 1965,
25 \$728,000,000, of which \$615,500,000 shall be for basic
26 support payments under section 8003(b), \$40,000,000

1 shall be for payments for children with disabilities under
2 section 8003(d), \$50,000,000, to remain available until
3 expended, shall be for payments under section 8003(f),
4 \$5,000,000 shall be for construction under section 8007,
5 and \$17,500,000 shall be for Federal property payments
6 under section 8002.

7 SCHOOL IMPROVEMENT PROGRAMS

8 For carrying out school improvement activities au-
9 thorized by titles IV-A-1, V-A, VI, IX, X and XIII of
10 the Elementary and Secondary Education Act of 1965; the
11 Stewart B. McKinney Homeless Assistance Act; and the
12 Civil Rights Act of 1964; \$1,235,383,000 of which
13 \$1,071,495,000 shall become available on July 1, 1997,
14 and remain available through September 30, 1998: *Pro-*
15 *vided*, That of the amount appropriated, \$606,517,000
16 shall be for innovative education program strategies State
17 grants under title VI-A: *Provided further*, That the per-
18 centage of the funds appropriated under this heading for
19 innovative education program strategies State grants that
20 are allocated to any State or territory shall not be less
21 than the percentage allocated to such State or territory
22 from the total of the funds appropriated in appropriation
23 laws for fiscal year 1996 for the combined totals of such
24 grants plus Eisenhower professional development State
25 grants, foreign language assistance grants, and the star
26 schools program.

1 BILINGUAL AND IMMIGRANT EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, bilingual and immigrant education activities author-
4 ized by parts A and C of title VII of the Elementary and
5 Secondary Education Act, without regard to section
6 7103(b), \$167,190,000, of which \$50,000,000 shall be for
7 immigrant education programs authorized by part C: *Pro-*
8 *vided*, That State educational agencies may use all, or any
9 part of, their part C allocation for competitive grants to
10 local educational agencies: *Provided further*, That the De-
11 partment of Education should only support instructional
12 programs which ensure that students completely master
13 English in a timely fashion (a period of three to five years)
14 while meeting rigorous achievement standards in the aca-
15 demic content areas.

16 SPECIAL EDUCATION

17 For carrying out the Individuals with Disabilities
18 Education Act (except part I), \$3,246,315,000, of which
19 \$3,000,000,000 shall become available for obligation on
20 July 1, 1997, and shall remain available through Septem-
21 ber 30, 1998.

22 REHABILITATION SERVICES AND DISABILITY RESEARCH

23 For carrying out, to the extent not otherwise pro-
24 vided, the Rehabilitation Act of 1973, the Technology-
25 lated Assistance for Individuals with Disabilities Act, and

1 the Helen Keller National Center Act, as amended,
2 \$2,509,447,000.

3 SPECIAL INSTITUTIONS FOR PERSONS WITH
4 DISABILITIES

5 AMERICAN PRINTING HOUSE FOR THE BLIND

6 For carrying out the Act of March 3, 1879, as
7 amended (20 U.S.C. 101 et seq.), \$6,680,000.

8 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

9 For the National Technical Institute for the Deaf
10 under titles I and II of the Education of the Deaf Act
11 of 1986 (20 U.S.C. 4301 et seq.), \$43,041,000: *Provided*,
12 That from the amount available, the Institute may at its
13 discretion use funds for the endowment program as au-
14 thorized under section 207.

15 GALLAUDET UNIVERSITY

16 For the Kendall Demonstration Elementary School,
17 the Model Secondary School for the Deaf, and the partial
18 support of Gallaudet University under titles I and II of
19 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
20 et seq.), \$79,182,000: *Provided*, That from the amount
21 available, the University may at its discretion use funds
22 for the endowment program as authorized under section
23 207.

24 VOCATIONAL AND ADULT EDUCATION

25 For carrying out, to the extent not otherwise pro-
26 vided, the Carl D. Perkins Vocational and Applied Tech-

1 schedule of reductions established by the Secretary for this
2 purpose.

3 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

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

7 HIGHER EDUCATION

8 For carrying out, to the extent not otherwise pro-
9 vided, parts A and B of title III, without regard to section
10 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and
11 subpart 1 of part B of title X, and title XI of the Higher
12 Education Act of 1965, as amended, and the Mutual Edu-
13 cational and Cultural Exchange Act of 1961;
14 \$829,497,000, of which \$15,673,000 for interest subsidies
15 under title VII of the Higher Education Act, as amended,
16 shall remain available until expended: *Provided*, That
17 funds available for part D of title IX of the Higher Edu-
18 cation Act shall be available to fund noncompeting con-
19 tinuation awards for academic year 1997–1998 for fellow-
20 ships awarded originally under parts B and C of title IX
21 of said Act, under the terms and conditions of parts B
22 and C, respectively.

23 HOWARD UNIVERSITY

24 For partial support of Howard University (20 U.S.C.
25 121 et seq.), \$187,348,000: *Provided*, That from the
26 amount available, the University may at its discretion use

1 funds for the endowment program as authorized under the
2 Howard University Endowment Act (Public 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; the National Education Statistics
18 Act of 1994; section 2102(c)(11), sections 3136 and 3141,
19 parts A, B, and section 10601 of title X, and part C of
20 title XIII of the Elementary and Secondary Education Act
21 of 1965, as amended, and title VI of Public Law 103-
22 227, \$319,264,000: *Provided*, That \$48,000,000 shall be
23 for sections 3136 and 3141 of the Elementary and Sec-
24 ondary Education Act: *Provided further*, That none of the
25 funds appropriated in this paragraph may be obligated or

1 expended for the Goals 2000 Community Partnerships
2 Program.

3 LIBRARIES

4 For carrying out, to the extent not otherwise pro-
5 vided, titles I, III, and IV of the Library Services and Con-
6 struction Act, and title II–B of the Higher Education Act,
7 \$108,000,000, of which \$2,500,000 shall be for section
8 222 and \$1,000,000 shall be for section 223 of the Higher
9 Education Act.

10 DEPARTMENTAL MANAGEMENT

11 PROGRAM ADMINISTRATION

12 For carrying out, to the extent not otherwise pro-
13 vided, the Department of Education Organization Act, in-
14 cluding rental of conference rooms in the District of Co-
15 lumbia and hire of two passenger motor vehicles,
16 \$320,152,000 (decreased by \$20,000,000) (decreased by
17 \$1,000,000) (reduced by \$1,923,000).

18 OFFICE FOR CIVIL RIGHTS

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

22 OFFICE OF THE INSPECTOR GENERAL

23 For expenses necessary for the Office of the Inspector
24 General, as authorized by section 212 of the Department
25 of Education Organization Act, \$27,143,000, together
26 with any funds, to remain available until expended, that

1 represent the equitable share from the forfeiture of prop-
2 erty in investigations in which the Office of Inspector Gen-
3 eral participated, and which are transferred to the Office
4 of the Inspector General by the Department of Justice,
5 the Department of the Treasury, or the United States
6 Postal Service.

7 GENERAL PROVISIONS

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

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

1 schools, the pairing of schools, or the clustering of schools,
2 or any combination of grade restructuring, pairing or clus-
3 tering. The prohibition described in this section does not
4 include the establishment of magnet schools.

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

8 SEC. 304. Notwithstanding any other provision of
9 law, funds available under section 458 of the Higher Edu-
10 cation Act shall not exceed \$420,000,000 for fiscal year
11 1997. The Department of Education shall use at least
12 \$134,000,000 for payment of administrative cost allow-
13 ances owed to guaranty agencies for fiscal years 1996 and
14 1997. The Department of Education shall pay administra-
15 tive cost allowances to guaranty agencies, to be paid quar-
16 terly. Receipt of such funds and uses of such funds by
17 guaranty agencies shall be in accordance with section
18 428(f) of the Higher Education Act.

19 Notwithstanding section 458 of the Higher Education
20 Act, the Secretary may not use funds available under that
21 section or any other section for subsequent fiscal years
22 for administrative expenses of the William D. Ford Direct
23 Loan Program. The Secretary may not require the return
24 of guaranty agency reserve funds during fiscal year 1997,
25 except after consultation with both the Chairmen and

1 Houses of Congress are notified at least fifteen days in
2 advance of any transfer.

3 SEC. 307. (a) Section 8003(f)(3)(A)(i) of the Ele-
4 mentary and Secondary Education Act of 1965 (20 U.S.C.
5 7703(f)(3)(A)(i)) is amended—

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

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

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

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

20 (5) by adding at the end the following:

21 “The local educational agency shall select one
22 of the amounts determined under subclause (I),
23 (II), or (III) for purposes of the remaining
24 computations under this subparagraph.”.

1 (b) The amendments made by subsection (a) shall
2 apply with respect to fiscal years beginning with fiscal
3 year 1995.

4 TITLE III-A—WOMEN’S EDUCATIONAL EQUITY
5 INCREASE

6 The amount provided in title III for “School Improve-
7 ment Programs” (including for activities authorized by
8 title V–B of the Elementary and Secondary Education Act
9 of 1965) is increased, and the amount provided in title
10 III for “Education Research, Statistics, and Improve-
11 ment” is reduced; by \$2,000,000, and \$2,000,000, respec-
12 tively.

13 These titles may be cited as the “Department of Edu-
14 cation Appropriations Act, 1997”.

15 TITLE IV—RELATED AGENCIES
16 ARMED FORCES RETIREMENT HOME

17 For expenses necessary for the Armed Forces Retire-
18 ment Home to operate and maintain the United States
19 Soldiers’ and Airmen’s Home and the United States Naval
20 Home, to be paid from funds available in the Armed
21 Forces Retirement Home Trust Fund, \$53,184,000, of
22 which \$432,000 shall remain available until expended for
23 construction and renovation of the physical plants at the
24 United States Soldiers’ and Airmen’s Home and the Unit-
25 ed States Naval Home: *Provided*, That this appropriation

1 shall not be available for the payment of hospitalization
2 of members of the Soldiers' and Airmen's Home in United
3 States Army hospitals at rates in excess of those pre-
4 scribed by the Secretary of the Army upon recommenda-
5 tion of the Board of Commissioners and the Surgeon Gen-
6 eral of the Army.

7 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
8 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING
9 EXPENSES

10 For expenses necessary for the Corporation for Na-
11 tional and Community Service to carry out the provisions
12 of the Domestic Volunteer Service Act of 1973, as amend-
13 ed, \$202,046,000 (increased by \$1,923,000).

14 CORPORATION FOR PUBLIC BROADCASTING

15 For payment to the Corporation for Public Broad-
16 casting, as authorized by the Communications Act of
17 1934, an amount which shall be available within limita-
18 tions specified by that Act, for the fiscal year 1999,
19 \$250,000,000: *Provided*, That no funds made available to
20 the Corporation for Public Broadcasting by this Act shall
21 be used to pay for receptions, parties, or similar forms
22 of entertainment for Government officials or employees:
23 *Provided further*, That none of the funds contained in this
24 paragraph shall be available or used to aid or support any
25 program or activity from which any person is excluded,

1 or is denied benefits, or is discriminated against, on the
2 basis of race, color, national origin, religion, or sex.

3 FEDERAL MEDIATION AND CONCILIATION SERVICE

4 SALARIES AND EXPENSES

5 For expenses necessary for the Federal Mediation
6 and Conciliation Service to carry out the functions vested
7 in it by the Labor Management Relations Act, 1947 (29
8 U.S.C. 171–180, 182–183), including hire of passenger
9 motor vehicles; and for expenses necessary for the Labor-
10 Management Cooperation Act of 1978 (29 U.S.C. 175a);
11 and for expenses necessary for the Service to carry out
12 the functions vested in it by the Civil Service Reform Act,
13 Public Law 95–454 (5 U.S.C. chapter 71), \$32,579,000
14 including \$1,500,000, to remain available through Sep-
15 tember 30, 1998, for activities authorized by the Labor-
16 Management Cooperation Act of 1978 (29 U.S.C. 175a):
17 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
18 charged, up to full-cost recovery, for special training ac-
19 tivities and for arbitration services shall be credited to and
20 merged with this account, and shall remain available until
21 expended: *Provided further*, That fees for arbitration serv-
22 ices shall be available only for education, training, and
23 professional development of the agency workforce: *Pro-*
24 *vided further*, That the Director of the Service is author-
25 ized to accept on behalf of the United States gifts of serv-

1 ices and real, personal, or other property in the aid of any
2 projects or functions within the Director's jurisdiction.

3 FEDERAL MINE SAFETY AND HEALTH REVIEW

4 COMMISSION

5 SALARIES AND EXPENSES

6 For expenses necessary for the Federal Mine Safety
7 and Health Review Commission (30 U.S.C. 801 et seq.),
8 \$6,060,000.

9 NATIONAL COMMISSION ON LIBRARIES AND

10 INFORMATION SCIENCE

11 SALARIES AND EXPENSES

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

16 NATIONAL COUNCIL ON DISABILITY

17 SALARIES AND EXPENSES

18 For expenses necessary for the National Council on
19 Disability as authorized by title IV of the Rehabilitation
20 Act of 1973, as amended, \$1,757,000.

21 NATIONAL EDUCATION GOALS PANEL

22 For expenses necessary for the National Education
23 Goals Panel, as authorized by title II, part A of the Goals
24 2000: Educate America Act, \$974,000.

1 NATIONAL LABOR RELATIONS BOARD
2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, as amended (29
6 U.S.C. 141–167), and other laws, \$144,692,000: *Pro-*
7 *vided*, That no part of this appropriation shall be available
8 to organize or assist in organizing agricultural laborers or
9 used in connection with investigations, hearings, direc-
10 tives, or orders concerning bargaining units composed of
11 agricultural laborers as referred to in section 2(3) of the
12 Act of July 5, 1935 (29 U.S.C. 152), and as amended
13 by the Labor-Management Relations Act, 1947, as amend-
14 ed, and as defined in section 3(f) of the Act of June 25,
15 1938 (29 U.S.C. 203), and including in said definition em-
16 ployees engaged in the maintenance and operation of
17 ditches, canals, reservoirs, and waterways when main-
18 tained or operated on a mutual, nonprofit basis and at
19 least 95 per centum of the water stored or supplied there-
20 by is used for farming purposes: *Provided further*, That
21 none of the funds made available by this Act shall be used
22 in any way to promulgate a final rule (altering 29 CFR
23 part 103) regarding single location bargaining units in
24 representation cases.

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions
4 of the Railway Labor Act, as amended (45 U.S.C. 151–
5 188), including emergency boards appointed by the Presi-
6 dent, \$7,656,000.

7 OCCUPATIONAL SAFETY AND HEALTH REVIEW

8 COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary for the Occupational Safety
11 and Health Review Commission (29 U.S.C. 661),
12 \$7,753,000.

13 PHYSICIAN PAYMENT REVIEW COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary to carry out section 1845(a)
16 of the Social Security Act, \$2,920,000, to be transferred
17 to this appropriation from the Federal Supplementary
18 Medical Insurance Trust Fund.

19 PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary to carry out section 1886(e)
22 of the Social Security Act, \$3,263,000, to be transferred
23 to this appropriation from the Federal Hospital Insurance
24 and the Federal Supplementary Medical Insurance Trust
25 Funds.

1 SOCIAL SECURITY ADMINISTRATION

2 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

3 For payment to the Federal Old-Age and Survivors
4 Insurance and the Federal Disability Insurance trust
5 funds, as provided under sections 201(m), 228(g), and
6 1131(b)(2) of the Social Security Act, \$20,923,000.

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

11 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

24 SUPPLEMENTAL SECURITY INCOME PROGRAM

25 For carrying out titles XI and XVI of the Social Se-
26 curity Act, section 401 of Public Law 92-603, section 212

1 of Public Law 93–66, as amended, and section 405 of
2 Public Law 95–216, including payment to the Social Secu-
3 rity trust funds for administrative expenses incurred pur-
4 suant to section 201(g)(1) of the Social Security Act,
5 \$19,422,115,000, to remain available until expended: *Pro-*
6 *vided*, That any portion of the funds provided to a State
7 in the current fiscal year and not obligated by the State
8 during that year shall be returned to the Treasury.

9 In addition, \$25,000,000, to remain available until
10 September 30, 1998, for continuing disability reviews as
11 authorized by section 103 of Public Law 104–121. The
12 term “continuing disability reviews” has the meaning
13 given such term by section 201(g)(1)(A) of the Social Se-
14 curity Act.

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

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

22 LIMITATION ON ADMINISTRATIVE EXPENSES

23 For necessary expenses, including the hire of two pas-
24 senger motor vehicles, and not to exceed \$10,000 for offi-
25 cial reception and representation expenses, not more than
26 \$5,899,797,000 may be expended, as authorized by sec-

1 tion 201(g)(1) of the Social Security Act or as necessary
2 to carry out sections 9704 and 9706 of the Internal Reve-
3 nue Code of 1986 from any one or all of the trust funds
4 referred to therein: *Provided*, That reimbursement to the
5 trust funds under this heading for administrative expenses
6 to carry out sections 9704 and 9706 of the Internal Reve-
7 nue Code of 1986 shall be made, with interest, not later
8 than September 30, 1998: *Provided further*, That not less
9 than \$1,500,000 shall be for the Social Security Advisory
10 Board.

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

14 In addition to funding already available under this
15 heading, and subject to the same terms and conditions,
16 \$160,000,000, to remain available until September 30,
17 1998, for continuing disability reviews as authorized by
18 section 103 of Public Law 104–121. The term “continuing
19 disability reviews” has the meaning given such term by
20 section 201(g)(1)(A) of the Social Security Act.

21 In addition to funding already available under this
22 heading, and subject to the same terms and conditions,
23 \$250,073,000, which shall remain available until ex-
24 pended, to invest in a state-of-the-art computing network,
25 including related equipment and administrative expenses

1 associated solely with this network, for the Social Security
2 Administration and the State Disability Determination
3 Services, may be expended from any or all of the trust
4 funds as authorized by section 201(g)(1) of the Social Se-
5 curity Act.

6 OFFICE OF INSPECTOR GENERAL

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

15 RAILROAD RETIREMENT BOARD

16 DUAL BENEFITS PAYMENTS ACCOUNT

17 For payment to the Dual Benefits Payments Ac-
18 count, authorized under section 15(d) of the Railroad Re-
19 tirement Act of 1974, \$223,000,000, which shall include
20 amounts becoming available in fiscal year 1997 pursuant
21 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
22 tion, an amount, not to exceed 2 percent of the amount
23 provided herein, shall be available proportional to the
24 amount by which the product of recipients and the average
25 benefit received exceeds \$223,000,000: *Provided*, That the
26 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, to be derived from
25 the railroad retirement accounts and railroad unemploy-
26 ment insurance account: *Provided*, That none of the funds

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

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

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

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

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

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

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

1 States, the person shall be ineligible to receive any con-
2 tract or subcontract made with funds made available in
3 this Act, pursuant to the debarment, suspension, and ineli-
4 gibility procedures described in sections 9.400 through
5 9.409 of title 48, Code of Federal Regulations.

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

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

24 SEC. 509. Notwithstanding any other provision of
25 law—

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

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

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

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

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

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

11 (1) the creation of a human embryo or embryos
12 for research purposes; or

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

19 (b) For purposes of this section, the term “human
20 embryo or embryos” include any organism, not protected
21 as a human subject under 45 CFR 46 as of the date of
22 the enactment of this Act, that is derived by fertilization,
23 parthenogenesis, cloning, or any other means from one or
24 more human gametes.

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

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

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

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

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

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

24 SEC. 514. None of the funds made available in this
25 Act may be used to provide any direct benefit or assistance

1 to any individual in the United States when it is made
2 known to the Federal official having authority to obligate
3 or expend such funds that—

4 (1) the individual is not lawfully within the
5 United States; and

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

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

23 SEC. 516. (a) LIMITATION ON USE OF FUNDS FOR
24 PROMOTION OF LEGALIZATION OF CONTROLLED SUB-
25 STANCES.—None of the funds made available in this Act

1 may be used for any activity when it is made known to
2 the Federal official having authority to obligate or expend
3 such funds that the activity promotes the legalization of
4 any drug or other substance included in schedule I of the
5 schedules of controlled substances established by section
6 202 of the Controlled Substances Act (21 U.S.C. 812).

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

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

24 (1) the maintaining, establishing, or operation
25 of a unit of the Senior Reserve Officer Training

1 Corps (in accordance with section 654 of title 10,
2 United States Code, and other applicable Federal
3 laws) at the institution (or subelement); or

4 (2) a student at the institution (or subelement)
5 from enrolling in a unit of the Senior Reserve Offi-
6 cer Training Corps at another institution of higher
7 education.

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

12 (1) the institution (or subelement) has ceased
13 the policy or practice described in such subsection;
14 or

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

17 SEC. 518. (a) DENIAL OF FUNDS FOR PREVENTING
18 FEDERAL MILITARY RECRUITING ON CAMPUS.—None of
19 the funds made available in this Act may be provided by
20 contract or grant (including a grant of funds to be avail-
21 able for student aid) to any institution of higher education
22 when it is made known to the Federal official having au-
23 thority to obligate or expend such funds that the institu-
24 tion (or any subelement thereof) has a policy or practice

1 (regardless of when implemented) that prohibits, or in ef-
2 fect prevents—

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

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

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

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

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

23 SEC. 519. None of the funds made available in this
24 Act may be obligated or expended to enter into or renew
25 a contract with an entity when it is made known to the

1 Federal official having authority to obligate or expend
2 such funds that—

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

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

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

22 SEC. 521. None of the funds made available in this
23 Act may be used to order, direct, enforce, or compel any
24 employer to pay backpay to any employee for any period
25 when it is made known to the Federal official to whom

1 the funds are made available that during such period the
2 employee was not lawfully entitled to be present and em-
3 ployed in the United States.

4 SEC. 522. (a) LIMITATION ON TRANSFERS FROM
5 MEDICARE TRUST FUNDS.—None of the funds made
6 available in this Act under the heading “Title II—Depart-
7 ment of Health and Human Services—Health Care Fi-
8 nancing Administration—Program Management” for
9 transfer from the Federal Hospital Insurance Trust Fund
10 or the Federal Supplementary Medical Insurance Trust
11 Fund may be used for expenditures for official time for
12 employees of the Department of Health and Human Serv-
13 ices pursuant to section 7131 of title 5, United States
14 Code, or for facilities or support services for labor organi-
15 zations pursuant to policies, regulations, or procedures re-
16 ferred to in section 7135(b) of such title.

17 (b) LIMITATION ON TRANSFERS FROM OASDI
18 TRUST FUNDS.—None of the funds made available in this
19 Act under the heading “Title IV—Related Agencies—So-
20 cial Security Administration—Limitation on Administra-
21 tive Expenses” for transfer from the Federal Old-Age and
22 Survivors Insurance Trust Fund or the Federal Disability
23 Insurance Trust Fund may be used for expenditures for
24 official time for employees of the Social Security Adminis-
25 tration pursuant to section 7131 of title 5, United States

1 Code, or for facilities or support services for labor organi-
2 zations pursuant to policies, regulations, or procedures re-
3 ferred to in section 7135(b) of such title.

4 SEC. 523. None of the funds appropriated in this Act
5 may be made available to any entity under title X of the
6 Public Health Service Act unless it is made known to the
7 Federal official having authority to obligate or expend
8 such funds that the applicant for the award certifies to
9 the Secretary that it encourages family participation in
10 the decision of the minor to seek family planning services.

11 This Act may be cited as the “Departments of Labor,
12 Health and Human Services, and Education, and Related
13 Agencies Appropriations Act, 1997”.

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

Attest:

ROBIN H. CARLE,

Clerk.