

Calendar No. 110105TH CONGRESS
1ST SESSION**S. 1019****[Report No. 105-47]**

Making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 15, 1997

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

A BILL

Making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 legislative branch for the fiscal year ending September 30,
6 1998, and for other purposes, namely:

1 TITLE I—CONGRESSIONAL OPERATIONS

2 SENATE

3 EXPENSE ALLOWANCES

4 For expense allowances of the Vice President,
5 \$10,000; the President Pro Tempore of the Senate,
6 \$10,000; Majority Leader of the Senate, \$10,000; Minor-
7 ity Leader of the Senate, \$10,000; Majority Whip of the
8 Senate, \$5,000; Minority Whip of the Senate, \$5,000; and
9 Chairmen of the Majority and Minority Conference Com-
10 mittees, \$3,000 for each Chairman; in all, \$56,000.

11 REPRESENTATION ALLOWANCES FOR THE MAJORITY AND

12 MINORITY LEADERS

13 For representation allowances of the Majority and
14 Minority Leaders of the Senate, \$15,000 for each such
15 Leader; in all, \$30,000.

16 SALARIES, OFFICERS AND EMPLOYEES

17 For compensation of officers, employees, and others
18 as authorized by law, including agency contributions,
19 \$77,254,000, which shall be paid from this appropriation
20 without regard to the below limitations, as follows:

21 OFFICE OF THE VICE PRESIDENT

22 For the Office of the Vice President, \$1,612,000.

23 OFFICE OF THE PRESIDENT PRO TEMPORE

24 For the Office of the President Pro Tempore,
25 \$371,000.

1 OFFICES OF THE MAJORITY AND MINORITY LEADERS

2 For Offices of the Majority and Minority Leaders,
3 \$2,388,000.

4 OFFICES OF THE MAJORITY AND MINORITY WHIPS

5 For Offices of the Majority and Minority Whips,
6 \$1,221,000.

7 CONFERENCE COMMITTEES

8 For the Conference of the Majority and the Con-
9 ference of the Minority, at rates of compensation to be
10 fixed by the Chairman of each such committee,
11 \$1,061,000 for each such committee; in all, \$2,122,000.

12 OFFICES OF THE SECRETARIES OF THE CONFERENCE OF
13 THE MAJORITY AND THE CONFERENCE OF THE MINORITY

14 For Offices of the Secretaries of the Conference of
15 the Majority and the Conference of the Minority,
16 \$409,000.

17 POLICY COMMITTEES

18 For salaries of the Majority Policy Committee and
19 the Minority Policy Committee, \$1,077,500 for each such
20 committee, in all, \$2,155,000.

21 OFFICE OF THE CHAPLAIN

22 For Office of the Chaplain, \$260,000.

23 OFFICE OF THE SECRETARY

24 For Office of the Secretary, \$13,306,000.

1 OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

2 For Office of the Sergeant at Arms and Doorkeeper,
3 \$33,037,000.

4 OFFICES OF THE SECRETARIES FOR THE MAJORITY AND
5 MINORITY

6 For Offices of the Secretary for the Majority and the
7 Secretary for the Minority, \$1,165,000.

8 AGENCY CONTRIBUTIONS AND RELATED EXPENSES

9 For agency contributions for employee benefits, as
10 authorized by law, and related expenses, \$19,208,000.

11 OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

12 For salaries and expenses of the Office of the Legisla-
13 tive Counsel of the Senate, \$3,605,000.

14 OFFICE OF SENATE LEGAL COUNSEL

15 For salaries and expenses of the Office of Senate
16 Legal Counsel, \$966,000.

17 EXPENSE ALLOWANCES OF THE SECRETARY OF THE
18 SENATE, SERGEANT AT ARMS AND DOORKEEPER OF
19 THE SENATE, AND SECRETARIES FOR THE MAJOR-
20 ITY AND MINORITY OF THE SENATE

21 For expense allowances of the Secretary of the Sen-
22 ate, \$3,000; Sergeant at Arms and Doorkeeper of the Sen-
23 ate, \$3,000; Secretary for the Majority of the Senate,
24 \$3,000; Secretary for the Minority of the Senate, \$3,000;
25 in all, \$12,000.

1 CONTINGENT EXPENSES OF THE SENATE
2 INQUIRIES AND INVESTIGATIONS

3 For expenses of inquiries and investigations ordered
4 by the Senate, or conducted pursuant to section 134(a)
5 of Public Law 601, Seventy-ninth Congress, as amended,
6 section 112 of Public Law 96-304 and Senate Resolution
7 281, agreed to March 11, 1980, \$75,600,000.

8 EXPENSES OF THE UNITED STATES SENATE CAUCUS ON
9 INTERNATIONAL NARCOTICS CONTROL

10 For expenses of the United States Senate Caucus on
11 International Narcotics Control, \$370,000.

12 SECRETARY OF THE SENATE

13 For expenses of the Office of the Secretary of the
14 Senate, \$1,511,000.

15 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

16 For expenses of the Office of the Sergeant at Arms
17 and Doorkeeper of the Senate, \$64,400,000, of which
18 \$7,000,000 shall remain available until September 30,
19 1999.

20 MISCELLANEOUS ITEMS

21 For miscellaneous items, \$7,905,000.

22 SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE
23 ACCOUNT

24 For Senators' Official Personnel and Office Expense
25 Account, \$228,600,000.

1 STATIONERY (REVOLVING FUND)

2 For stationery for the President of the Senate,
3 \$4,500, for officers of the Senate and the Conference of
4 the Majority and Conference of the Minority of the Senate,
5 \$8,500; in all, \$13,000.

6 OFFICIAL MAIL COSTS

7 For expenses necessary for official mail costs of the
8 Senate, \$300,000, to remain available until September 30,
9 1999.

10 ADMINISTRATIVE PROVISIONS

11 SEC. 1. (a) For fiscal year 1998, and each fiscal year
12 thereafter, the Secretary of the Senate is authorized to
13 make advance payments under a contract or other agree-
14 ment to provide a service or deliver an article for the Unit-
15 ed States Government without regard to the provisions of
16 section 3324 of title 31, United States Code.

17 (b) An advance payment authorized by subsection (a)
18 shall be made in accordance with regulations issued by the
19 Committee on Rules and Administration of the Senate.

20 (c) The authority granted by subsection (a) shall not
21 take effect until regulations are issued pursuant to sub-
22 section (b).

23 SEC. 2. (a) Upon the written request of the Majority
24 or Minority Whip of the Senate, the Secretary of the Sen-
25 ate shall transfer during any fiscal year, from the appro-

1 priations account appropriated under the headings “Sala-
2 ries, Officers and Employees” and “Offices of the Majority
3 and Minority Whips”, such amount as either whip shall
4 specify to the appropriations account, within the contin-
5 gent fund of the Senate, “Miscellaneous Items”.

6 (b) The Majority and Minority Whips of the Senate
7 are each authorized to incur such expenses as may be nec-
8 essary or appropriate. Expenses incurred by either such
9 whip shall be paid from the amount transferred pursuant
10 to subsection (a) by such whip and upon vouchers ap-
11 proved by such whip.

12 (c) The Secretary of the Senate is authorized to ad-
13 vance such sums as may be necessary to defray expenses
14 incurred in carrying out subsections (a) and (b).

15 SEC. 3. (a) Effective in the case of any fiscal year
16 which begins on or after October 1, 1997, clause (iii) of
17 paragraph (3)(A) of section 506(b) of the Supplemental
18 Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended to
19 read as follows:

20 “(iii) subject to subparagraph (B), in case the
21 Senator represents Alabama, \$182,567, Alaska,
22 \$251,901, Arizona, \$197,079, Arkansas, \$168,282,
23 California, \$468,724, Colorado, \$186,350, Connecti-
24 cut, \$160,903, Delaware, \$127,198, Florida,
25 \$299,746, Georgia, \$210,214, Hawaii, \$279,512,

1 Idaho, \$163,335, Illinois, \$266,248, Indiana,
2 \$194,770, Iowa, \$170,565, Kansas, \$168,177, Ken-
3 tucky, \$177,338, Louisiana, \$185,647, Maine,
4 \$147,746, Maryland, \$173,020, Massachusetts,
5 \$195,799, Michigan, \$236,459, Minnesota,
6 \$187,702, Mississippi, \$168,103, Missouri,
7 \$197,941, Montana, \$161,725, Nebraska, \$160,361,
8 Nevada, \$171,096, New Hampshire, \$142,394, New
9 Jersey, \$206,260, New Mexico, \$166,140, New
10 York, \$327,955, North Carolina, \$210,946, North
11 Dakota, \$149,824, Ohio, \$259,452, Oklahoma,
12 \$181,761, Oregon, \$189,345, Pennsylvania,
13 \$266,148, Rhode Island, \$138,582, South Carolina,
14 \$170,451, South Dakota, \$151,450, Tennessee,
15 \$191,954, Texas, \$348,681, Utah, \$168,632, Ver-
16 mont, \$135,925, Virginia, \$193,467, Washington,
17 \$214,694, West Virginia, \$147,772, Wisconsin,
18 \$191,569, Wyoming, \$152,438, plus”.

19 (b) Subsection (a) of the first section of Public Law
20 100–137 (2 U.S.C. 58c) is amended by adding at the end
21 the following:

22 “(6) Effective on and after October 1, 1997, the Sen-
23 ators’ Account shall be available for the payment of
24 franked mail expenses of Senators.”.

25 (c)(1) Section 12 of Public Law 101–520 is repealed.

1 (2) The amendment made by paragraph (1) shall be
2 effective on and after October 1, 1997.

3 (d) Nothing in this section affects the authority of
4 the Committee on Rules and Administration of the Senate
5 to prescribe regulations relating to the frank by Senators
6 and officers of the Senate.

7 SEC. 4. (a) The aggregate amount authorized by Sen-
8 ate Resolution 54, agreed to February 13, 1997, is in-
9 creased—

10 (1) by \$401,635 for the period March 1, 1997,
11 through September 30, 1998, and

12 (2) by \$994,150 for the period March 1, 1998,
13 through February 28, 1999.

14 (b) This section is effective on and after October 1,
15 1997.

16 SEC. 5. Effective on and after October 1, 1997, each
17 of the dollar amounts contained in the table under section
18 105(d)(1) of the Legislative Branch Appropriations Act,
19 1968 (2 U.S.C 61–1) shall be deemed to be the dollar
20 amounts in that table on December 31, 1995, increased
21 by 2 percent on January 1, 1996, and by 2.3 percent on
22 January 1, 1997.

23 SEC. 6. (a) The aggregate amount authorized by Sen-
24 ate Resolution 54, agreed to February 13, 1997, is in-
25 creased—

1 (1) by \$125,000 for the period March 1, 1997,
2 through September 30, 1998; and

3 (2) by \$175,000 for the period March 1, 1998,
4 through February 28, 1999.

5 (b) Funds in the account, within the contingent fund
6 of the Senate, available for the expenses of inquiries and
7 investigations shall be available for franked mail expenses
8 incurred by committees of the Senate the other expenses
9 of which are paid from that account.

10 (c) This section is effective for fiscal years beginning
11 on and after October 1, 1997.

12 SEC. 7. Section 1101 of Public Law 85-58 (2 U.S.C.
13 46a-1) is amended by adding at the end the following:
14 “Disbursements from the fund shall be made upon vouch-
15 ers approved by the Secretary of the Senate, or his des-
16 ignee.”.

17 **JOINT ITEMS**

18 For Joint Committees, as follows:

19 **JOINT ECONOMIC COMMITTEE**

20 For salaries and expenses of the Joint Economic
21 Committee, \$2,750,000, to be disbursed by the Secretary
22 of the Senate.

1 JOINT COMMITTEE ON PRINTING

2 For salaries and expenses of the Joint Committee on
3 Printing, \$807,000, to be disbursed by the Secretary of
4 the Senate.

5 JOINT COMMITTEE ON TAXATION

6 For salaries and expenses of the Joint Committee on
7 Taxation, \$5,724,000, to be disbursed by the Chief Ad-
8 ministrative Officer of the House: *Provided*, That
9 \$100,000 of the funds in this Act shall not be available
10 for expenditure except for staff designated to provide
11 Members of Congress, not on the Tax Committees, assist-
12 ance in securing revenue estimates for legislation with the
13 assumptions used in determining the revenue estimate
14 prepared by the Joint Committee for that Member of Con-
15 gress.

16 For other joint items, as follows:

17 OFFICE OF THE ATTENDING PHYSICIAN

18 For medical supplies, equipment, and contingent ex-
19 penses of the emergency rooms, and for the Attending
20 Physician and his assistants, including (1) an allowance
21 of \$1,500 per month to the Attending Physician; (2) an
22 allowance of \$500 per month each to two medical officers
23 while on duty in the Attending Physician's office; (3) an
24 allowance of \$500 per month to one assistant and \$400
25 per month each to not to exceed nine assistants on the

1 amounts as may be necessary may be transferred between
2 the Sergeant at Arms of the House of Representatives and
3 the Sergeant at Arms and Doorkeeper of the Senate, upon
4 approval of the Committee on Appropriations of the House
5 of Representatives and the Committee on Appropriations
6 of the Senate.

7
8 GENERAL EXPENSES

8 For the Capitol Police Board for necessary expenses
9 of the Capitol Police, including motor vehicles, commu-
10 nications and other equipment, security equipment and in-
11 stallation, uniforms, weapons, supplies, materials, train-
12 ing, medical services, forensic services, stenographic serv-
13 ices, personal and professional services, the employee as-
14 sistance program, not more than \$2,000 for the awards
15 program, postage, telephone service, travel advances, relo-
16 cation of instructor and liaison personnel for the Federal
17 Law Enforcement Training Center, and \$85 per month
18 for extra services performed for the Capitol Police Board
19 by an employee of the Sergeant at Arms of the Senate
20 or the House of Representatives designated by the Chair-
21 man of the Board, \$5,401,000, to be disbursed by the
22 Chief Administrative Officer of the House of Representa-
23 tives: *Provided*, That, notwithstanding any other provision
24 of law, the cost of basic training for the Capitol Police
25 at the Federal Law Enforcement Training Center for fis-

1 cal year 1998 shall be paid by the Secretary of the Treas-
2 ury from funds available to the Department of the Treas-
3 ury.

4 ADMINISTRATIVE PROVISIONS

5 SEC. 101. Amounts appropriated for fiscal year 1998
6 for the Capitol Police Board for the Capitol Police may
7 be transferred between the headings “SALARIES” and
8 “GENERAL EXPENSES” upon the approval of—

9 (1) the Committee on Appropriations of the
10 House of Representatives, in the case of amounts
11 transferred from the appropriation provided to the
12 Sergeant at Arms of the House of Representatives
13 under the heading “SALARIES”;

14 (2) the Committee on Appropriations of the
15 Senate, in the case of amounts transferred from the
16 appropriation provided to the Sergeant at Arms and
17 Doorkeeper of the Senate under the heading “SALA-
18 RIES”; and

19 (3) the Committees on Appropriations of the
20 Senate and the House of Representatives, in the
21 case of other transfers.

22 SEC. 102. (a)(1) The Capitol Police Board shall es-
23 tablish and maintain unified schedules of rates of basic
24 pay for members and civilian employees of the Capitol Po-
25 lice which shall apply to both Members and employees

1 whose appointing authority is an officer of the Senate and
2 Members and employees whose appointing authority is an
3 officer of the House of Representatives.

4 (2) The Capitol Police Board may, from time to time,
5 adjust any schedule established under paragraph (1) to
6 the extent that the Board determines appropriate to re-
7 flect changes in the cost of living and to maintain pay
8 comparability.

9 (3) A schedule established or revised under para-
10 graph (1) or (2) shall take effect only upon approval by
11 the Committee on House Oversight of the House of Rep-
12 resentatives and the Committee on Rules and Administra-
13 tion of the Senate.

14 (4) A schedule approved under paragraph (3) shall
15 have the force and effect of law.

16 (b)(1) The Capitol Police Board shall prescribe, by
17 regulation, a unified leave system for members and civilian
18 employees of the Capitol Police which shall apply to both
19 Members and employees whose appointing authority is an
20 officer of the Senate and Members and employees whose
21 appointing authority is an officer of the House of Rep-
22 resentatives. The leave system shall include provisions
23 for—

24 (A) annual leave, based on years of service;

25 (B) sick leave;

1 (C) administrative leave;

2 (D) leave under the Family and Medical Leave
3 Act of 1993 (29 U.S.C. 2601 et seq.);

4 (E) leave without pay and leave with reduced
5 pay, including provisions relating to contribution for
6 benefits for any period of such leave;

7 (F) approval of all leave by the Chief or the
8 designee of the Chief;

9 (G) the order in which categories of leave shall
10 be used;

11 (H) use, accrual, and carryover rules and limi-
12 tations, including rules and limitations for any pe-
13 riod of active duty in the Armed Forces;

14 (I) advance of annual leave or sick leave after
15 a member or civilian employee has used all such ac-
16 crued leave;

17 (J) buy back of annual leave or sick leave used
18 during an extended recovery period in the case of an
19 injury in the performance of duty;

20 (K) the use of accrued leave before termination
21 of the employment as a member or civilian employee
22 of the Capitol Police, with provision for lump sum
23 payment for unused annual leave; and

24 (L) a leave sharing program.

1 (2) The leave system under this section may not pro-
2 vide for the accrual of either annual or sick leave for any
3 period of leave without pay or leave with reduced pay.

4 (3) All provisions of the leave system established
5 under this subsection shall be subject to the approval of
6 the Committee on House Oversight of the House of Rep-
7 resentatives and the Committee on Rules and Administra-
8 tion of the Senate. All regulations approved under this
9 subsection shall have the force and effect of law.

10 (c)(1) Upon the approval of the Capitol Police Board,
11 a member or civilian employee of the Capitol Police who
12 is separated from service, may be paid a lump sum pay-
13 ment for the accrued annual leave of the member or civil-
14 ian employee.

15 (2) The lump sum payment under paragraph (1)—

16 (A) shall equal the pay the member or civilian
17 employee would have received had such member or
18 employee remained in the service until the expiration
19 of the period of annual leave;

20 (B) shall be paid from amounts appropriated to
21 the Capitol Police;

22 (C) shall be based on the rate of basic pay in
23 effect with respect to the member or civilian em-
24 ployee on the last day of service of the member or
25 civilian employee;

1 (D) shall not be calculated on the basis of ex-
2 tending the period of leave described under subpara-
3 graph (A) by any holiday occurring after the date of
4 separation from service;

5 (E) shall be considered pay for taxation pur-
6 poses only; and

7 (F) shall be paid only after the Chairman of the
8 Capitol Police Board certifies the applicable period
9 of leave to the Secretary of the Senate or the Chief
10 Administrative Officer of the House of Representa-
11 tives, as appropriate.

12 (3) A member or civilian employee of the Capitol Po-
13 lice who enters active duty in the armed forces may—

14 (A) receive a lump sum payment for accrued
15 annual leave in accordance with this subsection, in
16 addition to any pay or allowance payable from the
17 armed forces; or

18 (B) elect to have the leave remain to the credit
19 of such member or civilian employee until such mem-
20 ber or civilian employee returns from active duty.

21 (4) The Capitol Police Board may prescribe regula-
22 tions to carry out this subsection. No lump sum payment
23 may be paid under this subsection until such regulations
24 are approved by the Committee on Rules and Administra-
25 tion of the Senate and the Committee on House Oversight

1 of the House of Representatives. All regulations approved
 2 under this subsection shall have the force and effect of
 3 law.

4 (d) Nothing in this section shall be construed to effect
 5 the appointing authority of any officer of the Senate or
 6 the House of Representatives.

7 CAPITOL GUIDE SERVICE AND SPECIAL SERVICES

8 OFFICE

9 For salaries and expenses of the Capitol Guide Serv-
 10 ice and Special Services Office, \$1,991,000, to be dis-
 11 bursed by the Secretary of the Senate: *Provided*, That no
 12 part of such amount may be used to employ more than
 13 forty individuals: *Provided further*, That the Capitol Guide
 14 Board is authorized, during emergencies, to employ not
 15 more than two additional individuals for not more than
 16 one hundred twenty days each, and not more than ten ad-
 17 ditional individuals for not more than six months each,
 18 for the Capitol Guide Service.

19 STATEMENTS OF APPROPRIATIONS

20 For the preparation, under the direction of the Com-
 21 mittees on Appropriations of the Senate and the House
 22 of Representatives, of the statements for the first session
 23 of the One Hundred Fifth Congress, showing appropria-
 24 tions made, indefinite appropriations, and contracts au-
 25 thorized, together with a chronological history of the regu-

1 lar appropriations bills as required by law, \$30,000, to be
 2 paid to the persons designated by the chairmen of such
 3 committees to supervise the work.

4 OFFICE OF COMPLIANCE

5 SALARIES AND EXPENSES

6 For salaries and expenses of the Office of Compli-
 7 ance, as authorized by section 305 of the Congressional
 8 Accountability Act of 1995 (2 U.S.C. 1385), \$2,600,000.

9 CONGRESSIONAL BUDGET OFFICE

10 SALARIES AND EXPENSES

11 For salaries and expenses necessary to carry out the
 12 provisions of the Congressional Budget Act of 1974 (Pub-
 13 lic Law 93-344), including not more than \$2,500 to be
 14 expended on the certification of the Director of the Con-
 15 gressional Budget Office in connection with official rep-
 16 resentation and reception expenses, \$24,995,000: *Pro-*
 17 *vided*, That no part of such amount may be used for the
 18 purchase or hire of a passenger motor vehicle.

19 ARCHITECT OF THE CAPITOL

20 CAPITOL BUILDINGS AND GROUNDS

21 CAPITOL BUILDINGS

22 SALARIES AND EXPENSES

23 For salaries for the Architect of the Capitol, the As-
 24 sistant Architect of the Capitol, and other personal serv-
 25 ices, at rates of pay provided by law; for surveys and stud-
 26 ies in connection with activities under the care of the Ar-

1 architect of the Capitol; for all necessary expenses for the
2 maintenance, care and operation of the Capitol and elec-
3 trical substations of the Senate and House office buildings
4 under the jurisdiction of the Architect of the Capitol, in-
5 cluding furnishings and office equipment; including not
6 more than \$1,000 for official reception and representation
7 expenses, to be expended as the Architect of the Capitol
8 may approve; purchase or exchange, maintenance and op-
9 eration of a passenger motor vehicle; and not to exceed
10 \$20,000 for attendance, when specifically authorized by
11 the Architect of the Capitol, at meetings or conventions
12 in connection with subjects related to work under the Ar-
13 chitect of the Capitol, \$39,554,000, of which \$7,500,000
14 shall remain available until expended.

15 **CAPITOL GROUNDS**

16 For all necessary expenses for care and improvement
17 of grounds surrounding the Capitol, the Senate and House
18 office buildings, and the Capitol Power Plant, \$6,203,000,
19 of which \$745,000 shall remain available until expended.

20 **SENATE OFFICE BUILDINGS**

21 For all necessary expenses for maintenance, care and
22 operation of Senate Office Buildings; and furniture and
23 furnishings to be expended under the control and super-
24 vision of the Architect of the Capitol, \$50,922,000, of
25 which \$13,200,000 shall remain available until expended:
26 *Provided*, That appropriations under this heading for

1 management personnel and miscellaneous restaurant ex-
2 penses hereafter shall be transferred at the beginning of
3 each fiscal year to the special deposit account in the Unit-
4 ed States Treasury established under Public Law 87-82,
5 approved July 6, 1961, as amended (40 U.S.C. 174j-4),
6 and effective October 1, 1997, all management personnel
7 of the Senate Restaurant facilities shall be paid from the
8 special deposit account. Management personnel trans-
9 ferred hereunder shall be paid at the same rates of pay
10 applicable immediately prior to the date of transfer, and
11 annual and sick leave balances shall be credited to leave
12 accounts of such personnel in the Senate Restaurants.

13 **CAPITOL POWER PLANT**

14 For all necessary expenses for the maintenance, care
15 and operation of the Capitol Power Plant; lighting, heat-
16 ing, power (including the purchase of electrical energy)
17 and water and sewer services for the Capitol, Senate and
18 House office buildings, Library of Congress buildings, and
19 the grounds about the same, Botanic Garden, Senate ga-
20 rage, and air conditioning refrigeration not supplied from
21 plants in any of such buildings; heating the Government
22 Printing Office and Washington City Post Office, and
23 heating and chilled water for air conditioning for the Su-
24 preme Court Building, Union Station complex, Thurgood
25 Marshall Federal Judiciary Building and the Folger

1 Shakespeare Library, expenses for which shall be ad-
2 vanced or reimbursed upon request of the Architect of the
3 Capitol and amounts so received shall be deposited into
4 the Treasury to the credit of this appropriation,
5 \$33,645,000, of which \$1,650,000 shall remain available
6 until expended: *Provided*, That not more than \$4,000,000
7 of the funds credited or to be reimbursed to this appro-
8 priation as herein provided shall be available for obligation
9 during fiscal year 1998.

10 LIBRARY OF CONGRESS

11 CONGRESSIONAL RESEARCH SERVICE

12 SALARIES AND EXPENSES

13 For necessary expenses to carry out the provisions
14 of section 203 of the Legislative Reorganization Act of
15 1946 (2 U.S.C. 166) and to revise and extend the Anno-
16 tated Constitution of the United States of America,
17 \$65,134,000: *Provided*, That no part of such amount may
18 be used to pay any salary or expense in connection with
19 any publication, or preparation of material therefor (ex-
20 cept the Digest of Public General Bills), to be issued by
21 the Library of Congress unless such publication has ob-
22 tained prior approval of either the Committee on House
23 Oversight of the House of Representatives or the Commit-
24 tee on Rules and Administration of the Senate: *Provided*
25 *further*, That, notwithstanding any other provision of law,

1 the compensation of the Director of the Congressional Re-
2 search Service, Library of Congress, shall be at an annual
3 rate which is equal to the annual rate of basic pay for
4 positions at level IV of the Executive Schedule under sec-
5 tion 5315 of title 5, United States Code.

6 GOVERNMENT PRINTING OFFICE

7 CONGRESSIONAL PRINTING AND BINDING

8 For authorized printing and binding for the Congress
9 and the distribution of Congressional information in any
10 format; printing and binding for the Architect of the Cap-
11 itol; expenses necessary for preparing the semimonthly
12 and session index to the Congressional Record, as author-
13 ized by law (44 U.S.C. 902); printing and binding of Gov-
14 ernment publications authorized by law to be distributed
15 to Members of Congress; and printing, binding, and dis-
16 tribution of Government publications authorized by law to
17 be distributed without charge to the recipient,
18 \$82,269,000: *Provided*, That this appropriation shall not
19 be available for paper copies of the permanent edition of
20 the Congressional Record for individual Representatives,
21 Resident Commissioners or Delegates authorized under 44
22 U.S.C. 906: *Provided further*, That none of the funds ap-
23 propriated or made available under this Act may be ex-
24 pended for printing and binding and related services pro-
25 vided to Congress under chapter 7 of title 44, United

1 States Code, unless such printing and binding and related
2 services are provided during fiscal year 1998 and the bill-
3 ing of such printing and binding and related services oc-
4 curs not later than December 31, 1998.

5 This title may be cited as the “Congressional Oper-
6 ations Appropriations Act, 1998”.

7 TITLE II—OTHER AGENCIES

8 BOTANIC GARDEN

9 SALARIES AND EXPENSES

10 For all necessary expenses for the maintenance, care
11 and operation of the Botanic Garden and the nurseries,
12 buildings, grounds, and collections; and purchase and ex-
13 change, maintenance, repair, and operation of a passenger
14 motor vehicle; all under the direction of the Joint Commit-
15 tee on the Library, \$3,228,000.

16 LIBRARY OF CONGRESS

17 SALARIES AND EXPENSES

18 For necessary expenses of the Library of Congress
19 not otherwise provided for, including development and
20 maintenance of the Union Catalogs; custody and custodial
21 care of the Library buildings; special clothing; cleaning,
22 laundering and repair of uniforms; preservation of motion
23 pictures in the custody of the Library; operation and
24 maintenance of the American Folklife Center in the Li-
25 brary; preparation and distribution of catalog records and

1 other publications of the Library; hire or purchase of one
2 passenger motor vehicle; and expenses of the Library of
3 Congress Trust Fund Board not properly chargeable to
4 the income of any trust fund held by the Board,
5 \$229,904,000, of which not more than \$7,869,000 shall
6 be derived from collections credited to this appropriation
7 during fiscal year 1998, and shall remain available until
8 expended, under the Act of June 28, 1902 (chapter 1301;
9 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the Library
10 of Congress may not obligate or expend any funds derived
11 from collections under the Act of June 28, 1902, in excess
12 of the amount authorized for obligation or expenditure in
13 appropriations Acts: *Provided further*, That the total
14 amount available for obligation shall be reduced by the
15 amount by which collections are less than the \$7,869,000:
16 *Provided further*, That of the total amount appropriated,
17 \$9,619,000 is to remain available until expended for ac-
18 quisition of books, periodicals, newspapers, and all other
19 materials including subscriptions for bibliographic services
20 for the Library, including \$40,000 to be available solely
21 for the purchase, when specifically approved by the Librar-
22 ian, of special and unique materials for additions to the
23 collections: *Provided further*, That of the total amount ap-
24 propriated, \$5,584,000 is to remain available until ex-

1 pended for the acquisition and partial support for imple-
2 mentation of an integrated library system (ILS).

3 COPYRIGTH OFFICE

4 SALARIES AND EXPENSES

5 For necessary expenses of the Copyright Office, in-
6 cluding publication of the decisions of the United States
7 courts involving copyrights, \$34,567,000, of which not
8 more than \$17,340,000 shall be derived from collections
9 credited to this appropriation during fiscal year 1998
10 under 17 U.S.C. 708(d), and not more than \$5,086,000
11 shall be derived from collections during fiscal year 1998
12 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005:
13 *Provided*, That the total amount available for obligation
14 shall be reduced by the amount by which collections are
15 less than \$22,426,000: *Provided further*, That not more
16 than \$100,000 of the amount appropriated is available for
17 the maintenance of an "International Copyright Institute"
18 in the Copyright Office of the Library of Congress for the
19 purpose of training nationals of developing countries in
20 intellectual property laws and policies: *Provided further*,
21 That not more than \$2,250 may be expended, on the cer-
22 tification of the Librarian of Congress, in connection with
23 official representation and reception expenses for activities
24 of the International Copyright Institute.

1 BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED
2 SALARIES AND EXPENSES

3 For salaries and expenses to carry out the Act of
4 March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.
5 135a), \$47,870,000, of which \$14,194,000 shall remain
6 available until expended.

7 FURNITURE AND FURNISHINGS

8 For necessary expenses for the purchase, installation,
9 and repair of furniture, furnishings, office and library
10 equipment, \$4,178,000.

11 ADMINISTRATIVE PROVISIONS

12 SEC. 201. Appropriations in this Act available to the
13 Library of Congress shall be available, in an amount of
14 not more than \$194,290, of which \$58,100 is for the Con-
15 gressional Research Service, when specifically authorized
16 by the Librarian, for attendance at meetings concerned
17 with the function or activity for which the appropriation
18 is made.

19 SEC. 202. (a) No part of the funds appropriated in
20 this Act shall be used by the Library of Congress to ad-
21 minister any flexible or compressed work schedule which—

22 (1) applies to any manager or supervisor in a
23 position the grade or level of which is equal to or
24 higher than GS-15; and

1 (2) grants such manager or supervisor the right
2 to not be at work for all or a portion of a workday
3 because of time worked by the manager or super-
4 visor on another workday.

5 (b) For purposes of this section, the term “manager
6 or supervisor” means any management official or super-
7 visor, as such terms are defined in section 7103(a) (10)
8 and (11) of title 5, United States Code.

9 SEC. 203. Appropriated funds received by the Library
10 of Congress from other Federal agencies to cover general
11 and administrative overhead costs generated by perform-
12 ing reimbursable work for other agencies under the au-
13 thority of 31 U.S.C. 1535 and 1536 shall not be used to
14 employ more than 65 employees and may be expended or
15 obligated—

16 (1) in the case of a reimbursement, only to such
17 extent or in such amounts as are provided in appro-
18 priations Acts; or

19 (2) in the case of an advance payment, only—

20 (A) to pay for such general or administra-
21 tive overhead costs as are attributable to the
22 work performed for such agency; or

23 (B) to such extent or in such amounts as
24 are provided in appropriations Acts, with re-

1 spect to any purpose not allowable under sub-
2 paragraph (A).

3 SEC. 204. Of the amounts appropriated to the Li-
4 brary of Congress in this Act, not more than \$5,000 may
5 be expended, on the certification of the Librarian of Con-
6 gress, in connection with official representation and recep-
7 tion expenses for the incentive awards program.

8 SEC. 205. Of the amount appropriated to the Library
9 of Congress in this Act, not more than \$12,000 may be
10 expended, on the certification of the Librarian of Con-
11 gress, in connection with official representation and recep-
12 tion expenses for the Overseas Field Offices.

13 SEC. 206. (a) For fiscal year 1998, the obligational
14 authority of the Library of Congress for the activities de-
15 scribed in subsection (b) may not exceed \$100,490,000.

16 (b) The activities referred to in subsection (a) are re-
17 imbursable and revolving fund activities that are funded
18 from sources other than appropriations to the Library in
19 appropriations Acts for the legislative branch.

20 SEC. 207. (a) ESTABLISHMENT.—Effective October
21 1, 1997, there is established in the Treasury of the United
22 States a revolving fund to be known as the Cooperative
23 Acquisitions Program Revolving Fund (in this section re-
24 ferred to as the “revolving fund”). Moneys in the revolving
25 fund shall be available to the Librarian of Congress, with-

1 out fiscal year limitation, for financing the cooperative ac-
2 quisitions program (in this section referred to as the “pro-
3 gram”) under which the Library acquires foreign publica-
4 tions and research materials on behalf of participating in-
5 stitutions on a cost-recovery basis. Obligations under the
6 revolving fund are limited to amounts specified in the ap-
7 propriations Act for that purpose for any fiscal year.

8 (b) AMOUNTS DEPOSITED.—The revolving fund shall
9 consist of—

10 (1) any amounts appropriated by law for the
11 purposes of the revolving fund;

12 (2) any amounts held by the Librarian as of
13 October 1, 1997 or the date of enactment, whichever
14 is later, that were collected as payment for the Li-
15 brary’s indirect costs of the program; and

16 (3) the difference between (A) the total value of
17 the supplies, equipment, gift fund balances, and
18 other assets of the program, and (B) the total value
19 of the liabilities (including unfunded liabilities such
20 as the value of accrued annual leave of employees)
21 of the program.

22 (c) CREDITS TO THE REVOLVING FUND.—The re-
23 volving fund shall be credited with all advances and
24 amounts received as payment for purchases under the pro-
25 gram and services and supplies furnished to program par-

1 ticipants, at rates estimated by the Librarian to be ade-
2 quate to recover the full direct and indirect costs of the
3 program to the Library over a reasonable period of time.

4 (d) UNOBLIGATED BALANCES.—Any unobligated and
5 unexpended balances in the revolving fund that the Li-
6 brarian determines to be in excess of amounts needed for
7 activities financed by the revolving fund, shall be deposited
8 in the Treasury of the United States as miscellaneous re-
9 ceipts. Amounts needed for activities financed by the re-
10 volving fund means the direct and indirect costs of the
11 program, including the costs of purchasing, shipping,
12 binding of books and other library materials; supplies, ma-
13 terials, equipment and services needed in support of the
14 program; salaries and benefits; general overhead; and
15 travel.

16 (e) ANNUAL REPORT.—Not later than March 31 of
17 each year, the Librarian of Congress shall prepare and
18 submit to Congress an audited financial statement for the
19 revolving fund for the preceding fiscal year. The audit
20 shall be conducted in accordance with Government Audit-
21 ing Standards for financial audits issued by the Comptrol-
22 ler General of the United States.

23 SEC. 208. AUTHORITY OF THE BOARD TO INVEST
24 GIFT FUNDS.—Section 4 of the Act entitled “An Act to
25 create a Library of Congress Trust Fund Board, and for

1 other purposes”, approved March 3, 1925 (2 U.S.C. 160),
 2 is amended by adding at the end the following new undes-
 3 ignated paragraph:

4 “Upon agreement by the Librarian of Congress and
 5 the board, a gift or bequest accepted by the Librarian
 6 under the first paragraph of this section may be invested
 7 or reinvested in the same manner as provided for trust
 8 funds under the second paragraph of section 2.”.

9 ARCHITECT OF THE CAPITOL

10 LIBRARY BUILDINGS AND GROUNDS

11 STRUCTURAL AND MECHANICAL CARE

12 For all necessary expenses for the mechanical and
 13 structural maintenance, care and operation of the Library
 14 buildings and grounds, \$14,699,000, of which \$3,910,000
 15 shall remain available until expended.

16 GOVERNMENT PRINTING OFFICE

17 OFFICE OF SUPERINTENDENT OF DOCUMENTS

18 SALARIES AND EXPENSES

19 For expenses of the Office of Superintendent of Doc-
 20 uments necessary to provide for the cataloging and index-
 21 ing of Government publications and their distribution to
 22 the public, Members of Congress, other Government agen-
 23 cies, and designated depository and international exchange
 24 libraries as authorized by law, \$29,077,000: *Provided*,
 25 That travel expenses, including travel expenses of the De-

1 pository Library Council to the Public Printer, shall not
2 exceed \$150,000: *Provided further*, That amounts of not
3 more than \$2,000,000, from current year appropriations
4 are authorized for producing and disseminating Congres-
5 sional serial sets and other related publications for 1996
6 and 1997 to depository and other designated libraries.

7 GOVERNMENT PRINTING OFFICE REVOLVING FUND

8 The Government Printing Office is hereby authorized
9 to make such expenditures, within the limits of funds
10 available and in accord with the law, and to make such
11 contracts and commitments without regard to fiscal year
12 limitations as provided by section 9104 of title 31, United
13 States Code, as may be necessary in carrying out the pro-
14 grams and purposes set forth in the budget for the current
15 fiscal year for the Government Printing Office revolving
16 fund: *Provided*, That not more than \$2,500 may be ex-
17 pended on the certification of the Public Printer in connec-
18 tion with official representation and reception expenses:
19 *Provided further*, That the revolving fund shall be available
20 for the hire or purchase of not more than twelve passenger
21 motor vehicles: *Provided further*, That expenditures in con-
22 nection with travel expenses of the advisory councils to
23 the Public Printer shall be deemed necessary to carry out
24 the provisions of title 44, United States Code: *Provided*
25 *further*, That the revolving fund shall be available for tem-

1 porary or intermittent services under section 3109(b) of
 2 title 5, United States Code, but at rates for individuals
 3 not more than the daily equivalent of the annual rate of
 4 basic pay for level V of the Executive Schedule under sec-
 5 tion 5316 of such title: *Provided further*, That the revol-
 6 ving fund and the funds provided under the headings “OF-
 7 FICE OF SUPERINTENDENT OF DOCUMENTS” and “SALA-
 8 RIES AND EXPENSES” together may not be available for
 9 the full-time equivalent employment of more than 3,550
 10 workyears by the end of fiscal year 1998: *Provided further*,
 11 That activities financed through the revolving fund may
 12 provide information in any format: *Provided further*, That
 13 the revolving fund shall not be used to administer any
 14 flexible or compressed work schedule which applies to any
 15 manager or supervisor in a position the grade or level of
 16 which is equal to or higher than GS-15: *Provided further*,
 17 That expenses for attendance at meetings shall not exceed
 18 \$75,000: *Provided further*, That, \$1,500,000 may be ex-
 19 pended on the certification of the Public Printer, for reim-
 20 bursement to the General Accounting Office, for a man-
 21 agement audit.

22 GENERAL ACCOUNTING OFFICE

23 SALARIES AND EXPENSES

24 For necessary expenses of the General Accounting
 25 Office, including not more than \$7,000 to be expended on

1 the certification of the Comptroller General of the United
2 States in connection with official representation and recep-
3 tion expenses; temporary or intermittent services under
4 section 3109(b) of title 5, United States Code, but at rates
5 for individuals not more than the daily equivalent of the
6 annual rate of basic pay for level IV of the Executive
7 Schedule under section 5315 of such title; hire of one pas-
8 senger motor vehicle; advance payments in foreign coun-
9 tries in accordance with 31 U.S.C. 3324; benefits com-
10 parable to those payable under sections 901(5), 901(6)
11 and 901(8) of the Foreign Service Act of 1980 (22 U.S.C.
12 4081(5), 4081(6) and 4081(8)); and under regulations
13 prescribed by the Comptroller General of the United
14 States, rental of living quarters in foreign countries;
15 \$346,751,000: *Provided*, That not more than \$1,000,000
16 of reimbursements received incident to the operation of
17 the General Accounting Office Building shall be available
18 for use in fiscal year 1998: *Provided further*, That an addi-
19 tional amount of \$4,404,000 shall be available by transfer
20 from funds previously deposited in the special account es-
21 tablished pursuant to 31 U.S.C. 782: *Provided further*,
22 That notwithstanding 31 U.S.C. 9105 hereafter amounts
23 reimbursed to the Comptroller General pursuant to that
24 section shall be deposited to the appropriation of the Gen-
25 eral Accounting Office then available and remain available

1 until expended, and not more than \$2,000,000 of such
2 funds shall be available for use in fiscal year 1998: *Pro-*
3 *vided further*, That this appropriation and appropriations
4 for administrative expenses of any other department or
5 agency which is a member of the Joint Financial Manage-
6 ment Improvement Program (JFMIP) shall be available
7 to finance an appropriate share of JFMIP costs as deter-
8 mined by the JFMIP, including the salary of the Execu-
9 tive Director and secretarial support: *Provided further*,
10 That this appropriation and appropriations for adminis-
11 trative expenses of any other department or agency which
12 is a member of the National Intergovernmental Audit
13 Forum or a Regional Intergovernmental Audit Forum
14 shall be available to finance an appropriate share of either
15 Forum's costs as determined by the respective Forum, in-
16 cluding necessary travel expenses of non-Federal partici-
17 pants. Payments hereunder to either the Forum or the
18 JFMIP may be credited as reimbursements to any appro-
19 priation from which costs involved are initially financed:
20 *Provided further*, That this appropriation and appropria-
21 tions for administrative expenses of any other department
22 or agency which is a member of the American Consortium
23 on International Public Administration (ACIPA) shall be
24 available to finance an appropriate share of ACIPA costs
25 as determined by the ACIPA, including any expenses at-

1 tributable to membership of ACIPA in the International
2 Institute of Administrative Sciences.

3 TITLE III—GENERAL PROVISIONS

4 SEC. 301. No part of the funds appropriated in this
5 Act shall be used for the maintenance or care of private
6 vehicles, except for emergency assistance and cleaning as
7 may be provided under regulations relating to parking fa-
8 cilities for the House of Representatives issued by the
9 Committee on House Oversight and for the Senate issued
10 by the Committee on Rules and Administration.

11 SEC. 302. No part of the funds appropriated in this
12 Act shall remain available for obligation beyond fiscal year
13 1997 unless expressly so provided in this Act.

14 SEC. 303. Whenever in this Act any office or position
15 not specifically established by the Legislative Pay Act of
16 1929 is appropriated for or the rate of compensation or
17 designation of any office or position appropriated for is
18 different from that specifically established by such Act,
19 the rate of compensation and the designation in this Act
20 shall be the permanent law with respect thereto: *Provided,*
21 That the provisions in this Act for the various items of
22 official expenses of Members, officers, and committees of
23 the Senate and House of Representatives, and clerk hire
24 for Senators and Members of the House of Representa-
25 tives shall be the permanent law with respect thereto.

1 SEC. 304. The expenditure of any appropriation
2 under this Act for any consulting service through procure-
3 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
4 to those contracts where such expenditures are a matter
5 of public record and available for public inspection, except
6 where otherwise provided under existing law, or under ex-
7 isting Executive order issued pursuant to existing law.

8 SEC. 305. Such sums as may be necessary are appro-
9 priated to the account described in subsection (a) of sec-
10 tion 415 of Public Law 104–1 to pay awards and settle-
11 ments as authorized under such subsection.

12 SEC. 306. Section 316 of Public Law 101–302 is
13 amended in the first sentence of subsection (a) by striking
14 “1997” and inserting “1998”.

15 SEC. 307. The Government Printing Office shall be
16 considered an agency for the purposes of the election in
17 section 801(b)(2)(B) of the National Energy Conservation
18 Policy Act and the Public Printer shall be considered the
19 head of the agency for purposes of subsection (b)(2)(C)
20 of such section.

21 SEC. 308. RESIDENCE OF MEMBERS OF CON-
22 GRESS.—Section 113 of title 4, United States Code, is
23 amended—

24 (1) in the section heading by striking “for State
25 income tax laws”; and

1 (2) by striking subsection (b) and inserting the
2 following new subsections:

3 “(b) Notwithstanding any other provision of law, a
4 Member of Congress and the Member’s spouse, depend-
5 ents, and staff shall be treated as permanent residents and
6 domiciliaries of the State or district which the Member
7 represents, notwithstanding that the Member and the
8 Member’s spouse, dependents, and staff may be absent
9 from, or may maintain a place of abode outside of, such
10 State. A Member of Congress and the Member’s spouse,
11 dependents, and staff shall be entitled to the same rights,
12 privileges, immunities, and benefits and shall be subject
13 to the same responsibilities, taxation, and liabilities as
14 other residents and domiciliaries who physically reside in
15 such State, including maintaining a State driver’s license,
16 registering vehicles in such State (without regard to
17 whether such vehicle is physically located in such State),
18 registering to vote in such State, and qualifying for bene-
19 fits, loans, or other programs that such State may make
20 available to other residents and domiciliaries who phys-
21 ically reside in such State.

22 “(c) For the purposes of this section—

23 “(1) the term ‘Member of Congress’ includes
24 the delegates from the District of Columbia, Guam,

1 and the Virgin Islands, and the Resident Commis-
2 sioner from Puerto Rico;

3 “(2) the term ‘State’ includes the District of
4 Columbia; and

5 “(3) the term ‘dependents’ includes any per-
6 son—

7 “(A) who derives his or her support from
8 a Member of Congress; and

9 “(B)(i) is a child of such Member who is
10 age 23 or younger; or

11 “(ii) is a ward of such Member; and

12 “(4) the term ‘staff’ means any person who—

13 “(A) is in the employ of the Member of
14 Congress for the purpose of assisting the Mem-
15 ber in the performance of official duties; and

16 “(B) was resident and domiciliary of the
17 State or district which the Member represents
18 when such person entered the employ of the
19 Member.

20 “(d) This section shall not apply to any spouse, de-
21 pendent, or staff of a Member of Congress who claims
22 residency or a domicile in a State other than the State
23 which the Member represents or in which the Member’s
24 district is located.”.

1 (b) The chapter analysis for chapter 4 of title 4,
2 United States Code, is amended in the item for section
3 113 by striking “for State income tax laws”.

4 SEC. 309. (a) SEVERANCE PAY.—Section 5595 of
5 title 5, United States Code, is amended—

6 (1) in subsection (a)(1)—

7 (A) in subparagraph (D) by striking “and”
8 after the semicolon; and

9 (B) by adding after subparagraph (E) the
10 following new subparagraph:

11 “(F) the Office of the Architect of the
12 Capitol, but only with respect to the United
13 States Senate Restaurants; and”;

14 (2) in subsection (a)(2)—

15 (A) in clause (vii) by striking “or” after
16 the semicolon;

17 (B) by redesignating clause (viii) as clause
18 (ix) and inserting after clause (vii) the follow-
19 ing:

20 “(viii) an employee of the United
21 States Senate Restaurants of the Office of
22 the Architect of the Capitol, who is em-
23 ployed on a temporary when actually em-
24 ployed basis; or”; and

1 (3) in subsection (b) by adding at the end the
2 following: “The Architect of the Capitol may pre-
3 scribe regulations to effect the application and oper-
4 ation of this section to the agency specified in sub-
5 section (a)(1)(F) of this section.”.

6 (b) EARLY RETIREMENT.—(1) This subsection ap-
7 plies to an employee of the United States Senate Res-
8 taurants of the Office of the Architect of the Capitol
9 who—

10 (A) voluntarily separates from service on or
11 after the date of enactment of this Act and before
12 October 1, 1999; and

13 (B) on such date of separation—

14 (i) has completed 25 years of service as de-
15 fined under section 8331(12) or 8401(26) of
16 title 5, United States Code; or

17 (ii) has completed 20 years of such service
18 and is at least 50 years of age.

19 (2) Notwithstanding any provision of chapter 83 or
20 84 of title 5, United States Code, an employee described
21 under paragraph (1) is entitled to an annuity which shall
22 be computed consistent with the provisions of law applica-
23 ble to annuities under section 8336(d) or 8414(b) of title
24 5, United States Code.

1 (c) VOLUNTARY SEPARATION INCENTIVE PAY-
2 MENTS.—(1) In this subsection, the term “employee”
3 means an employee of the United States Senate Res-
4 taurants of the Office of the Architect of the Capitol, serv-
5 ing without limitation, who has been currently employed
6 for a continuous period of at least 12 months, except that
7 such term shall not include—

8 (A) a reemployed annuitant under subchapter
9 III of chapter 83 or chapter 84 of title 5, United
10 States Code, or another retirement system for em-
11 ployees of the Government;

12 (B) an employee having a disability on the basis
13 of which such employee is or would be eligible for
14 disability retirement under any of the retirement
15 systems referred to in subparagraph (A); or

16 (C) an employee who is employed on a tem-
17 porary when actually employed basis.

18 (2) Notwithstanding any other provision of law, in
19 order to avoid or minimize the need for involuntary sepa-
20 rations due to a reduction in force, reorganization, trans-
21 fer of function, or other similar action affecting the agen-
22 cy, the Architect of the Capitol shall establish a program
23 under which voluntary separation incentive payments may
24 be offered to encourage not more than 50 eligible employ-
25 ees to separate from service voluntarily (whether by retire-

1 ment or resignation) during the period beginning on the
2 date of the enactment of this Act through September 30,
3 1999.

4 (3) Such voluntary separation incentive payments
5 shall be paid in accordance with the provisions of section
6 5597(d) of title 5, United States Code. Any such payment
7 shall not be a basis of payment, and shall not be included
8 in the computation, of any other type of Government bene-
9 fit.

10 (4)(A) Subject to subparagraph (B), an employee
11 who has received a voluntary separation incentive payment
12 under this section and accepts employment with the Gov-
13 ernment of the United States within 5 years after the date
14 of the separation on which the payment is based shall be
15 required to repay the entire amount of the incentive pay-
16 ment to the agency that paid the incentive payment.

17 (B)(i) If the employment is with an Executive agency
18 (as defined by section 105 of title 5, United State Code),
19 the Director of the Office of Personnel Management may,
20 at the request of the head of the agency, waive the repay-
21 ment if the individual involved possesses unique abilities
22 and is the only qualified applicant available for the posi-
23 tion.

24 (ii) If the employment is with an entity in the legisla-
25 tive branch, the head of the entity or the appointing offi-

1 cial may waive the repayment if the individual involved
2 possesses unique abilities and is the only qualified appli-
3 cant available for the position.

4 (iii) If the employment is with the judicial branch,
5 the Director of the Administrative Office of the United
6 States Courts may waive the repayment if the individual
7 involved possesses unique abilities and is the only qualified
8 applicant available for the position.

9 (C) For purposes of subparagraph (A) (but not sub-
10 paragraph (B)), the term “employment” includes employ-
11 ment under a personal services contract with the United
12 States.

13 (5) The Architect of the Capitol may prescribe regu-
14 lations to carry out this subsection.

15 (d) COMPETITIVE SERVICE TREATMENT FOR CER-
16 TAIN EMPLOYEES.—(1) This subsection applies to any
17 employee of the United States Senate Restaurants of the
18 Office of the Architect of the Capitol who—

19 (A) is involuntarily separated from service on or
20 after the date of the enactment of this Act and be-
21 fore October 1, 1999 (except by removal for cause
22 on charges of misconduct or delinquency); and

23 (B) has performed any period of service em-
24 ployed in the Office of the Architect of the Capitol
25 (including the United States Senate Restaurants) in

1 a position in the excepted service as defined under
2 section 2103 of title 5, United States Code.

3 (2) For purposes of applying for employment for any
4 position in the executive branch (including for purposes
5 of the administration of chapter 33 of title 5, United
6 States Code, with respect to such employment applica-
7 tion), any period of service described under paragraph
8 (1)(B) of this subsection shall be deemed a period of serv-
9 ice in the competitive service as defined under section
10 2102 of title 5, United States Code.

11 (3) This subsection shall—

12 (A) take effect on the date of enactment of this
13 Act; and

14 (B) apply only to an employment application
15 submitted by an employee during the 2-year period
16 beginning on the date of such employee's separation
17 from service described under paragraph (1)(A).

18 (e) RETRAINING, JOB PLACEMENT, AND COUNSEL-
19 ING SERVICES.—(1) In this subsection, the term “em-
20 ployee”—

21 (A) means an employee of the United States
22 Senate Restaurants of the Office of the Architect of
23 the Capitol; and

24 (B) shall not include—

1 (i) a reemployed annuitant under sub-
2 chapter III of chapter 83 or chapter 84 of title
3 5, United States Code, or another retirement
4 system for employees of the Government; or

5 (ii) an employee who is employed on a tem-
6 porary when actually employed basis.

7 (2) The Architect of the Capitol may establish a pro-
8 gram to provide retraining, job placement, and counseling
9 services to employees and former employees.

10 (3) A former employee may not participate in a pro-
11 gram established under this subsection, if—

12 (A) the former employee was separated from
13 service with the United States Senate Restaurants
14 of the Office of the Architect of the Capitol for more
15 than 1 year; or

16 (B) the separation was by removal for cause on
17 charges of misconduct or delinquency.

18 (4) Retraining costs for the program established
19 under this subsection may not exceed \$5,000 for each em-
20 ployee or former employee.

21 (f) ADMINISTRATIVE PROVISIONS.—(1) The Archi-
22 tect of the Capitol—

23 (A) may use employees of the Office of the Ar-
24 chitect of the Capitol to establish and administer

1 programs and carry out the provisions of this sec-
2 tion; and

3 (B) may procure temporary and intermittent
4 services under section 3109(b) of title 5, United
5 States Code, to carry out such provisions—

6 (i) not subject to the 1 year of service limi-
7 tation under such section 3109(b); and

8 (ii) at rates for individuals which do not
9 exceed the daily equivalent of the annual rate of
10 basic pay prescribed for level V of the Executive
11 Schedule under section 5316 of such title.

12 (2) Funds to carry out subsections (a) and (c) may
13 be expended only from funds available for the basic pay
14 of the employee who is receiving the applicable payment.

15 (3) Funds to carry out subsection (e) may be ex-
16 pended from any funds made available to the Architect
17 of the Capitol.

18 This Act may be cited as the “Legislative Branch Ap-
19 propriations Act, 1998”.

Calendar No. 110

105TH CONGRESS
1ST Session

S. 1019

[Report No. 105-47]

A BILL

Making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes.

JULY 15, 1997

Read twice and placed on the calendar