

Calendar No. 539

105TH CONGRESS
2^D SESSION

S. 2440

[Report No. 105–300]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8 (legislative day, AUGUST 31), 1998

Mr. SPECTER, 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 Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending
2 September 30, 1999, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR

4 EMPLOYMENT AND TRAINING ADMINISTRATION

5 TRAINING AND EMPLOYMENT SERVICES

6 (INCLUDING RESCISSION)

7 For necessary expenses of the Job Training Partner-
8 ship Act, as amended, including the purchase and hire of
9 passenger motor vehicles, the construction, alteration, and
10 repair of buildings and other facilities, and the purchase
11 of real property for training centers as authorized by the
12 Job Training Partnership Act; the Stewart B. McKinney
13 Homeless Assistance Act; the Women in Apprenticeship
14 and Nontraditional Occupations Act; the National Skill
15 Standards Act of 1994; section 166(j) of the Workforce
16 Investment Act of 1998; and the School-to-Work Opportu-
17 nities Act; \$5,159,375,000 plus reimbursements, of which
18 \$3,753,838,000 is available for obligation for the period
19 July 1, 1999 through June 30, 2000; of which
20 \$1,125,965,000 is available for obligation for the period
21 April 1, 1999 through June 30, 2000, including
22 \$125,000,000 for activities authorized by section
23 127(b)(1) of the Workforce Investment Act; of which
24 \$150,572,000 is available for the period July 1, 1999
25 through June 30, 2002 for necessary expenses of construc-
26 tion, rehabilitation, and acquisition of Job Corps centers;

1 and of which \$125,000,000 shall be available from July
 2 1, 1999 through September 30, 2000, for carrying out ac-
 3 tivities of the School-to-Work Opportunities Act: *Provided*,
 4 That funds made available under this heading to carry out
 5 the Job Training Partnership Act may be used for transi-
 6 tion to, and implementation of, the provisions of the Work-
 7 force Investment Act of 1998: *Provided further*, That
 8 \$54,315,000 shall be for carrying out section 401 of the
 9 Job Training Partnership Act, \$71,517,000 shall be for
 10 carrying out section 402 of such Act, \$7,300,000 shall be
 11 for carrying out section 441 of such Act, \$10,000,000
 12 shall be for all activities conducted by and through the
 13 National Occupational Information Coordinating Commit-
 14 tee under such Act, \$950,000,000 shall be for carrying
 15 out title II, part A of such Act, and \$129,965,000 shall
 16 be for carrying out title II, part C of such Act: *Provided*
 17 *further*, That the National Occupational Information Co-
 18 ordinating Committee is authorized, effective upon enact-
 19 ment, to charge fees for publications, training and tech-
 20 nical assistance developed by the National Occupational
 21 Information Coordinating Committee: *Provided further*,
 22 That revenues received from publications and delivery of
 23 technical assistance and training, notwithstanding 31
 24 U.S.C. 3302, shall be credited to the National Occupa-
 25 tional Information Coordinating Committee program ac-

1 count and shall be available to the National Occupational
2 Information Coordinating Committee without further ap-
3 propriations, so long as such revenues are used for author-
4 ized activities of the National Occupational Information
5 Coordinating Committee: *Provided further*, That no funds
6 from any other appropriation shall be used to provide meal
7 services at or for Job Corps centers: *Provided further*,
8 That funds provided for title III of the Job Training Part-
9 nership Act shall not be subject to the limitation contained
10 in subsection (b) of section 315 of such Act; that the waiv-
11 er described in section 315(a)(2) may be granted if a sub-
12 state grantee demonstrates to the Governor that such
13 waiver is appropriate due to the availability of low-cost
14 retraining services, is necessary to facilitate the provision
15 of needs-related payments to accompany long-term train-
16 ing, or is necessary to facilitate the provision of appro-
17 priate basic readjustment services; and that funds pro-
18 vided for discretionary grants under part B of such title
19 III may be used to provide needs-related payments to par-
20 ticipants who, in lieu of meeting the enrollment require-
21 ments under section 314(e) of such Act, are enrolled in
22 training by the end of the sixth week after grant funds
23 have been awarded: *Provided further*, That funds provided
24 to carry out section 324 of such Act may be used for dem-
25 onstration projects that provide assistance to new entrants

1 in the workforce and incumbent workers: *Provided further*,
 2 That service-delivery areas may transfer funding provided
 3 herein under authority of title II, parts B and C of the
 4 Job Training Partnership Act between the programs au-
 5 thorized by those titles of the Act, if the transfer is ap-
 6 proved by the Governor: *Provided further*, That service de-
 7 livery areas and substate areas may transfer up to 20 per-
 8 cent of the funding provided herein under authority of title
 9 II, part A and title III of the Job Training Partnership
 10 Act between the programs authorized by those titles of the
 11 Act, if such transfer is approved by the Governor: *Pro-*
 12 *vided further*, That, notwithstanding any other provision
 13 of law, any proceeds from the sale of Job Corps center
 14 facilities shall be retained by the Secretary of Labor to
 15 carry out the Job Corps program: *Provided further*, That
 16 notwithstanding any other provision of law, the Secretary
 17 of Labor may waive any of the statutory or regulatory re-
 18 quirements of titles I–III of the Job Training Partnership
 19 Act (except for requirements relating to wage and labor
 20 standards, worker rights, participation and protection,
 21 grievance procedures and judicial review, nondiscrimina-
 22 tion, allocation of funds to local areas, eligibility, review
 23 and approval of plans, the establishment and functions of
 24 service delivery areas and private industry councils, and
 25 the basic purposes of the Act), and any of the statutory

1 or regulatory requirements of sections 8–10 of the Wag-
2 ner-Peyser Act (except for requirements relating to the
3 provision of services to unemployment insurance claimants
4 and veterans, and to universal access to basic labor ex-
5 change services without cost to job seekers), only for funds
6 available for expenditure in program year 1999, pursuant
7 to a request submitted by a State which identifies the stat-
8 utory or regulatory requirements that are requested to be
9 waived and the goals which the State or local service deliv-
10 ery areas intend to achieve, describes the actions that the
11 State or local service delivery areas have undertaken to
12 remove State or local statutory or regulatory barriers, de-
13 scribes the goals of the waiver and the expected pro-
14 grammatic outcomes if the request is granted, describes
15 the individuals impacted by the waiver, and describes the
16 process used to monitor the progress in implementing a
17 waiver, and for which notice and an opportunity to com-
18 ment on such request has been provided to the organiza-
19 tions identified in section 105(a)(1) of the Job Training
20 Partnership Act, if and only to the extent that the Sec-
21 retary determines that such requirements impede the abil-
22 ity of the State to implement a plan to improve the work-
23 force development system and the State has executed a
24 Memorandum of Understanding with the Secretary requir-

1 ing such State to meet agreed upon outcomes and imple-
 2 ment other appropriate measures to ensure accountability.

3 For activities authorized by section 127(b)(1) of the
 4 Workforce Investment Act, in addition to amounts other-
 5 wise provided herein, \$250,000,000, to be available for ob-
 6 ligation for the period April 1, 2000 through June 30,
 7 2001.

8 Of the funds made available beginning on October 1,
 9 1998 under this heading in Public Law 105–78 for Oppor-
 10 tunity Areas of Out-of-School Youth, \$250,000,000 are
 11 rescinded.

12 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
 13 AMERICANS

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

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

24 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

25 For payments during the current fiscal year of trade
 26 adjustment benefit payments and allowances under part

I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, \$360,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
SERVICE OPERATIONS

For authorized administrative expenses, \$162,097,000, together with not to exceed \$3,117,476,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, section 461 of the Job Training Partnership Act, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary ad-

1 ministrative expenses for carrying out 5 U.S.C. 8501–
2 8523, shall be available for obligation by the States
3 through December 31, 1999, except that funds used for
4 automation acquisitions shall be available for obligation by
5 the States through September 30, 2001; and of which
6 \$162,097,000, together with not to exceed \$746,138,000
7 of the amount which may be expended from said trust
8 fund, shall be available for obligation for the period July
9 1, 1999 through June 30, 2000, to fund activities under
10 the Act of June 6, 1933, as amended, including the cost
11 of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E)
12 made available to States in lieu of allotments for such pur-
13 pose, and of which \$186,333,000 shall be available only
14 to the extent necessary for additional State allocations to
15 administer unemployment compensation laws to finance
16 increases in the number of unemployment insurance
17 claims filed and claims paid or changes in a State law:
18 *Provided*, That to the extent that the Average Weekly In-
19 sured Unemployment (AWIU) for fiscal year 1999 is pro-
20 jected by the Department of Labor to exceed 2,629,000,
21 an additional \$28,600,000 shall be available for obligation
22 for every 100,000 increase in the AWIU level (including
23 a pro rata amount for any increment less than 100,000)
24 from the Employment Security Administration Account of
25 the Unemployment Trust Fund: *Provided further*, That

1 funds appropriated in this Act which are used to establish
 2 a national one-stop career center network may be obli-
 3 gated in contracts, grants or agreements with non-State
 4 entities: *Provided further*, That funds appropriated under
 5 this Act for activities authorized under the Wagner-Peyser
 6 Act, as amended, and title III of the Social Security Act,
 7 may be used by the States to fund integrated Employment
 8 Service and Unemployment Insurance automation efforts,
 9 notwithstanding cost allocation principles prescribed
 10 under Office of Management and Budget Circular A-87.

11 Of the funds made available on October 1, 1998
 12 under this heading in Public Law 105-78 for assisting
 13 States to convert their automated State employment secu-
 14 rity agency systems to be year 2000 compliant,
 15 \$40,000,000 are rescinded.

16 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
 17 OTHER FUNDS

18 For repayable advances to the Unemployment Trust
 19 Fund as authorized by sections 905(d) and 1203 of the
 20 Social Security Act, as amended, and to the Black Lung
 21 Disability Trust Fund as authorized by section 9501(c)(1)
 22 of the Internal Revenue Code of 1954, as amended; and
 23 for nonrepayable advances to the Unemployment Trust
 24 Fund as authorized by section 8509 of title 5, United
 25 States Code, and to the “Federal unemployment benefits

1 and allowances” account, to remain available until Sep-
 2 tember 30, 2000, \$357,000,000.

3 In addition, for making repayable advances to the
 4 Black Lung Disability Trust Fund in the current fiscal
 5 year after September 15, 1999, for costs incurred by the
 6 Black Lung Disability Trust Fund in the current fiscal
 7 year, such sums as may be necessary.

8 PROGRAM ADMINISTRATION

9 For expenses of administering employment and train-
 10 ing programs, \$93,995,000, including \$6,360,000 to sup-
 11 port up to 75 full-time equivalent staff, the majority of
 12 which will be term Federal appointments lasting no more
 13 than two years, to administer welfare-to-work grants, to-
 14 gether with not to exceed \$43,716,000, which may be ex-
 15 pended from the Employment Security Administration ac-
 16 count in the Unemployment Trust Fund.

17 PENSION AND WELFARE BENEFITS ADMINISTRATION

18 SALARIES AND EXPENSES

19 For necessary expenses for the Pension and Welfare
 20 Benefits Administration, \$88,076,000.

21 PENSION BENEFIT GUARANTY CORPORATION

22 PENSION BENEFIT GUARANTY CORPORATION FUND

23 The Pension Benefit Guaranty Corporation is author-
 24 ized to make such expenditures, including financial assist-
 25 ance authorized by section 104 of Public Law 96–364,
 26 within limits of funds and borrowing authority available

1 to such Corporation, and in accord with law, and to make
 2 such contracts and commitments without regard to fiscal
 3 year limitations as provided by section 104 of the Govern-
 4 ment Corporation Control Act, as amended (31 U.S.C.
 5 9104), as may be necessary in carrying out the program
 6 through September 30, 1999, for such Corporation: *Pro-*
 7 *vided*, That not to exceed \$10,958,000 shall be available
 8 for administrative expenses of the Corporation: *Provided*
 9 *further*, That expenses of such Corporation in connection
 10 with the termination of pension plans, for the acquisition,
 11 protection or management, and investment of trust assets,
 12 and for benefits administration services shall be consid-
 13 ered as non-administrative expenses for the purposes here-
 14 of, and excluded from the above limitation.

15 EMPLOYMENT STANDARDS ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Employment Stand-
 18 ards Administration, including reimbursement to State,
 19 Federal, and local agencies and their employees for inspec-
 20 tion services rendered, \$309,409,000, together with
 21 \$1,924,000 which may be expended from the Special Fund
 22 in accordance with sections 39(c), 44(d) and 44(j) of the
 23 Longshore and Harbor Workers' Compensation Act: *Pro-*
 24 *vided*, That \$500,000 shall be for the development of an
 25 alternative system for the electronic submission of reports

1 as required to be filed under the Labor-Management Re-
 2 porting and Disclosure Act of 1959, as amended, and for
 3 a computer database of the information for each submis-
 4 sion by whatever means, that is indexed and easily search-
 5 able by the public via the Internet: *Provided further*, That
 6 the Secretary of Labor is authorized to accept, retain, and
 7 spend, until expended, in the name of the Department of
 8 Labor, all sums of money ordered to be paid to the Sec-
 9 retary of Labor, in accordance with the terms of the Con-
 10 sent Judgment in Civil Action No. 91–0027 of the United
 11 States District Court for the District of the Northern
 12 Mariana Islands (May 21, 1992): *Provided further*, That
 13 the Secretary of Labor is authorized to establish and, in
 14 accordance with 31 U.S.C. 3302, collect and deposit in
 15 the Treasury fees for processing applications and issuing
 16 certificates under sections 11(d) and 14 of the Fair Labor
 17 Standards Act of 1938, as amended (29 U.S.C. 211(d)
 18 and 214) and for processing applications and issuing reg-
 19 istrations under title I of the Migrant and Seasonal Agri-
 20 cultural Worker Protection Act (29 U.S.C. 1801 et seq.).

21 SPECIAL BENEFITS

22 (INCLUDING TRANSFER OF FUNDS)

23 For the payment of compensation, benefits, and ex-
 24 penses (except administrative expenses) accruing during
 25 the current or any prior fiscal year authorized by title 5,
 26 chapter 81 of the United States Code; continuation of ben-

1 efits as provided for under the head “Civilian War Bene-
2 fits” in the Federal Security Agency Appropriation Act,
3 1947; the Employees’ Compensation Commission Appro-
4 priation Act, 1944; sections 4(c) and 5(f) of the War
5 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
6 cent of the additional compensation and benefits required
7 by section 10(h) of the Longshore and Harbor Workers’
8 Compensation Act, as amended, \$179,000,000 together
9 with such amounts as may be necessary to be charged to
10 the subsequent year appropriation for the payment of
11 compensation and other benefits for any period subse-
12 quent to August 15 of the current year: *Provided*, That
13 amounts appropriated may be used under section 8104 of
14 title 5, United States Code, by the Secretary of Labor to
15 reimburse an employer, who is not the employer at the
16 time of injury, for portions of the salary of a reemployed,
17 disabled beneficiary: *Provided further*, That balances of re-
18 imbursements unobligated on September 30, 1998, shall
19 remain available until expended for the payment of com-
20 pensation, benefits, and expenses: *Provided further*, That
21 in addition there shall be transferred to this appropriation
22 from the Postal Service and from any other corporation
23 or instrumentality required under section 8147(c) of title
24 5, United States Code, to pay an amount for its fair share
25 of the cost of administration, such sums as the Secretary

1 determines to be the cost of administration for employees
 2 of such fair share entities through September 30, 1999:
 3 *Provided further*, That of those funds transferred to this
 4 account from the fair share entities to pay the cost of ad-
 5 ministration, \$20,250,000 shall be made available to the
 6 Secretary as follows: for the operation of and enhancement
 7 to the automated data processing systems in support of
 8 Federal Employees' Compensation Act administration,
 9 \$11,969,000; for expenditures relating to the expansion
 10 of the periodic roll management project, \$6,652,000; for
 11 the financial management improvement project,
 12 \$1,629,000; and the remaining funds shall be paid into
 13 the Treasury as miscellaneous receipts: *Provided further*,
 14 That the Secretary may require that any person filing a
 15 notice of injury or a claim for benefits under chapter 81
 16 of title 5, United States Code, or 33 U.S.C. 901 et seq.,
 17 provide as part of such notice and claim, such identifying
 18 information (including Social Security account number) as
 19 such regulations may prescribe.

20 BLACK LUNG DISABILITY TRUST FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For payments from the Black Lung Disability Trust
 23 Fund, \$1,021,000,000, of which \$969,725,000 shall be
 24 available until September 30, 2000, for payment of all
 25 benefits as authorized by section 9501(d) (1), (2), (4), and
 26 (7) of the Internal Revenue Code of 1954, as amended,

1 and interest on advances as authorized by section
 2 9501(c)(2) of that Act, and of which \$30,191,000 shall
 3 be available for transfer to Employment Standards Ad-
 4 ministration, Salaries and Expenses, \$20,422,000 for
 5 transfer to Departmental Management, Salaries and Ex-
 6 penses, \$306,000 for transfer to Departmental Manage-
 7 ment, Office of Inspector General, and \$356,000 for pay-
 8 ment into miscellaneous receipts for the expenses of the
 9 Department of Treasury, for expenses of operation and
 10 administration of the Black Lung Benefits program as au-
 11 thorized by section 9501(d)(5)(A) of that Act: *Provided,*
 12 That, in addition, such amounts as may be necessary may
 13 be charged to the subsequent year appropriation for the
 14 payment of compensation, interest, or other benefits for
 15 any period subsequent to August 15 of the current year.

16 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 17 SALARIES AND EXPENSES

18 For necessary expenses for the Occupational Safety
 19 and Health Administration, \$348,983,000, including not
 20 to exceed \$80,084,000 which shall be the maximum
 21 amount available for grants to States under section 23(g)
 22 of the Occupational Safety and Health Act, which grants
 23 shall be no less than 50 percent of the costs of State occu-
 24 pational safety and health programs required to be in-
 25 curred under plans approved by the Secretary under sec-

tion 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 1999, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order

1 under the Occupational Safety and Health Act of 1970
2 with respect to any employer of ten or fewer employees
3 who is included within a category having an occupational
4 injury lost workday case rate, at the most precise Stand-
5 ard Industrial Classification Code for which such data are
6 published, less than the national average rate as such
7 rates are most recently published by the Secretary, acting
8 through the Bureau of Labor Statistics, in accordance
9 with section 24 of that Act (29 U.S.C. 673), except—

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

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

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

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

23 (5) to take any action authorized by such Act
24 with respect to a report of an employment accident
25 which is fatal to one or more employees or which re-

1 sults in hospitalization of two or more employees,
 2 and to take any action pursuant to such investiga-
 3 tion authorized by such Act; and

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

11 MINE SAFETY AND HEALTH ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses for the Mine Safety and
 14 Health Administration, \$211,165,000, including purchase
 15 and bestowal of certificates and trophies in connection
 16 with mine rescue and first-aid work, and the hire of pas-
 17 senger motor vehicles; and, in addition, not to exceed
 18 \$750,000 may be collected by the National Mine Health
 19 and Safety Academy for room, board, tuition, and the sale
 20 of training materials, otherwise authorized by law to be
 21 collected, to be available for mine safety and health edu-
 22 cation and training activities, notwithstanding 31 U.S.C.
 23 3302; the Secretary is authorized to accept lands, build-
 24 ings, equipment, and other contributions from public and
 25 private sources and to prosecute projects in cooperation

1 with other agencies, Federal, State, or private; the Mine
 2 Safety and Health Administration is authorized to pro-
 3 mote health and safety education and training in the min-
 4 ing community through cooperative programs with States,
 5 industry, and safety associations; and any funds available
 6 to the Department may be used, with the approval of the
 7 Secretary, to provide for the costs of mine rescue and sur-
 8 vival operations in the event of a major disaster: *Provided,*
 9 That none of the funds appropriated under this paragraph
 10 shall be obligated or expended to carry out section 115
 11 of the Federal Mine Safety and Health Act of 1977 or
 12 to carry out that portion of section 104(g)(1) of such Act
 13 relating to the enforcement of any training requirements,
 14 with respect to shell dredging, or with respect to any sand,
 15 gravel, surface stone, surface clay, colloidal phosphate, or
 16 surface limestone 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, \$337,171,000, of which \$11,159,000 shall
 23 be for expenses of revising the Consumer Price Index and
 24 shall remain available until September 30, 2000, together
 25 with not to exceed \$53,718,000, which may be expended

1 from the Employment Security Administration account in
 2 the Unemployment Trust Fund.

3 DEPARTMENTAL MANAGEMENT

4 SALARIES AND EXPENSES

5 For necessary expenses for Departmental Manage-
 6 ment, including the hire of three sedans, and including
 7 up to \$4,750,000 for the President's Committee on Em-
 8 ployment of People With Disabilities, \$188,463,000; to-
 9 gether with not to exceed \$299,000, which may be ex-
 10 pended from the Employment Security Administration ac-
 11 count in the Unemployment Trust Fund: *Provided*, That
 12 no funds made available by this Act may be used by the
 13 Solicitor of Labor to participate in a review in any United
 14 States court of appeals of any decision made by the Bene-
 15 fits Review Board under section 21 of the Longshore and
 16 Harbor Workers' Compensation Act (33 U.S.C. 921)
 17 where such participation is precluded by the decision of
 18 the United States Supreme Court in *Director, Office of*
 19 *Workers' Compensation Programs v. Newport News Ship-*
 20 *building*, 115 S. Ct. 1278 (1995), notwithstanding any
 21 provisions to the contrary contained in Rule 15 of the Fed-
 22 eral Rules of Appellate Procedure: *Provided further*, That
 23 no funds made available by this Act may be used by the
 24 Secretary of Labor to review a decision under the
 25 Longshore and Harbor Workers' Compensation Act (33

1 U.S.C. 901 et seq.) that has been appealed and that has
 2 been pending before the Benefits Review Board for more
 3 than 12 months: *Provided further*, That any such decision
 4 pending a review by the Benefits Review Board for more
 5 than one year shall be considered affirmed by the Benefits
 6 Review Board on the one-year anniversary of the filing
 7 of the appeal, and shall be considered the final order of
 8 the Board for purposes of obtaining a review in the United
 9 States courts of appeals: *Provided further*, That these pro-
 10 visions shall not be applicable to the review or appeal of
 11 any decision issued under the Black Lung Benefits Act
 12 (30 U.S.C. 901 et seq.).

13 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT
 14 AND TRAINING

15 Not to exceed \$182,719,000 may be derived from the
 16 Employment Security Administration account in the Un-
 17 employment Trust Fund to carry out the provisions of 38
 18 U.S.C. 4100–4110A, 4212, 4214 and 4321–4327, and
 19 Public Law 103–353, and which shall be available for obli-
 20 gation by the States through December 31, 1999.

21 OFFICE OF INSPECTOR GENERAL

22 For salaries and expenses of the Office of Inspector
 23 General in carrying out the provisions of the Inspector
 24 General Act of 1978, as amended, \$44,775,000, together
 25 with not to exceed \$3,725,000, which may be expended

1 from the Employment Security Administration account in
 2 the Unemployment Trust Fund.

3 GENERAL PROVISIONS

4 SEC. 101. REVERSION OF UNALLOTTED FORMULA
 5 FUNDS UNDER WELFARE-TO-WORK. Section
 6 403(a)(5)(A) of the Social Security Act is amended by
 7 adding the following clause:

8 “(ix) REVERSION OF UNALLOTTED
 9 FORMULA FUNDS.—If at the end of any
 10 fiscal year any funds available under this
 11 subparagraph have not been allotted due to
 12 a determination by the Secretary that any
 13 State has not met the requirements of
 14 clause (ii), such funds shall be transferred
 15 to the General Fund of the Treasury of the
 16 United States.”.

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 This title may be cited as the “Department of Labor
 9 Appropriations Act, 1999”.

10 TITLE II—DEPARTMENT OF HEALTH AND
 11 HUMAN SERVICES

12 HEALTH RESOURCES AND SERVICES ADMINISTRATION

13 HEALTH RESOURCES AND SERVICES

14 For carrying out titles II, III, VII, VIII, X, XII, XIX,
 15 and XXVI of the Public Health Service Act, section
 16 427(a) of the Federal Coal Mine Health and Safety Act,
 17 title V of the Social Security Act, the Health Care Quality
 18 Improvement Act of 1986, as amended, and the Native
 19 Hawaiian Health Care Act of 1988, as amended,
 20 \$3,885,900,000, of which \$150,000 shall remain available
 21 until expended for interest subsidies on loan guarantees
 22 made prior to fiscal year 1981 under part B of title VII
 23 of the Public Health Service Act, and of which
 24 \$30,000,000 shall be available for the construction and
 25 renovation of health care and other facilities: *Provided,*

1 That the Division of Federal Occupational Health may
2 utilize personal services contracting to employ professional
3 management/administrative and occupational health pro-
4 fessionals: *Provided further*, That of the funds made avail-
5 able under this heading, \$250,000 shall be available until
6 expended for facilities renovations at the Gillis W. Long
7 Hansen's Disease Center: *Provided further*, That in addi-
8 tion to fees authorized by section 427(b) of the Health
9 Care Quality Improvement Act of 1986, fees shall be col-
10 lected for the full disclosure of information under the Act
11 sufficient to recover the full costs of operating the Na-
12 tional Practitioner Data Bank, and shall remain available
13 until expended to carry out that Act: *Provided further*,
14 That no more than \$5,000,000 is available for carrying
15 out the provisions of Public Law 104-73: *Provided further*,
16 That of the funds made available under this heading,
17 \$215,000,000 shall be for the program under title X of
18 the Public Health Service Act to provide for voluntary
19 family planning projects: *Provided further*, That amounts
20 provided to said projects under such title shall not be ex-
21 pended for abortions, that all pregnancy counseling shall
22 be nondirective, and that such amounts shall not be ex-
23 pended for any activity (including the publication or dis-
24 tribution of literature) that in any way tends to promote
25 public support or opposition to any legislative proposal or

1 candidate for public office: *Provided further*, That
 2 \$461,000,000 shall be for State AIDS Drug Assistance
 3 Programs authorized by section 2616 of the Public Health
 4 Service Act, of which \$150,000,000 shall become available
 5 on October 1, 1999, and remain available until September
 6 30, 2000: *Provided further*, That notwithstanding any
 7 other provision of law, funds made available under this
 8 heading may be used to continue operating the Council
 9 on Graduate Medical Education established by section 301
 10 of Public Law 102–408: *Provided further*, That, notwith-
 11 standing section 502(a)(1) of the Social Security Act, not
 12 to exceed \$105,863,000 is available for carrying out spe-
 13 cial projects of regional and national significance pursuant
 14 to section 501(a)(2) of such Act.

15 MEDICAL FACILITIES GUARANTEE AND LOAN FUND

16 FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

17 For carrying out subsections (d) and (e) of section
 18 1602 of the Public Health Service Act, \$1,000,000, to-
 19 gether with any amounts received by the Secretary in con-
 20 nection with loans and loan guarantees under title VI of
 21 the Public Health Service Act, to be available without fis-
 22 cal year limitation for the payment of interest subsidies.
 23 During the fiscal year, no commitments for direct loans
 24 or loan guarantees shall be made.

1 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

2 Such sums as may be necessary to carry out the pur-
 3 pose of the program, as authorized by Title VII of the
 4 Public Health Service Act, as amended. For administra-
 5 tive expenses to carry out the guaranteed loan program,
 6 including section 709 of the Public Health Service Act,
 7 \$3,688,000.

8 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

18 VACCINE INJURY COMPENSATION

19 For payment of claims resolved by the United States
 20 Court of Federal Claims related to the administration of
 21 vaccines before October 1, 1988, \$100,000,000, to re-
 22 main available until expended.

23 CENTERS FOR DISEASE CONTROL AND PREVENTION

24 DISEASE CONTROL, RESEARCH, AND TRAINING

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

1 103, 201, 202, 203, 301, and 501 of the Federal Mine
2 Safety and Health Act of 1977, sections 20, 21 and 22
3 of the Occupational Safety and Health Act of 1970, title
4 IV of the Immigration and Nationality Act and section
5 501 of the Refugee Education Assistance Act of 1980; in-
6 cluding insurance of official motor vehicles in foreign
7 countries; and hire, maintenance, and operation of air-
8 craft, \$2,323,644,000, of which \$6,800,000 shall remain
9 available until expended for equipment and construction
10 and renovation of facilities, and in addition, such sums
11 as may be derived from authorized user fees, which shall
12 be credited to this account: *Provided*, That in addition to
13 amounts provided herein, up to \$84,573,000 shall be
14 available from amounts available under section 241 of the
15 Public Health Service Act, to carry out the National Cen-
16 ter for Health Statistics surveys: *Provided further*, That
17 none of the funds made available for injury prevention and
18 control at the Centers for Disease Control and Prevention
19 may be used to advocate or promote gun control: *Provided*
20 *further*, That the Director may redirect the total amount
21 made available under authority of Public Law 101-502,
22 section 3, dated November 3, 1990, to activities the Direc-
23 tor may so designate: *Provided further*, That the Congress
24 is to be notified promptly of any such transfer.

NATIONAL CANCER INSTITUTE

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
RESEARCH

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
KIDNEY DISEASES

S 2440 PCS

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
7 DISEASES

11 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

15 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
16 DEVELOPMENT

20 NATIONAL EYE INSTITUTE

S 2440 PCS

6 NATIONAL INSTITUTE ON AGING

10 NATIONAL INSTITUTE OF ARTHRITIS AND
11 MUSCULOSKELETAL AND SKIN DISEASES

15 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
16 COMMUNICATION DISORDERS

20 NATIONAL INSTITUTE OF NURSING RESEARCH

S 2440 PCS

1 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
 2 ALCOHOLISM

3 For carrying out section 301 and title IV of the Pub-
 4 lic Health Service Act with respect to alcohol abuse and
 5 alcoholism, \$259,747,000.

6 NATIONAL INSTITUTE ON DRUG ABUSE

7 For carrying out section 301 and title IV of the Pub-
 8 lic Health Service Act with respect to drug abuse,
 9 \$603,274,000.

10 NATIONAL INSTITUTE OF MENTAL HEALTH

11 For carrying out section 301 and title IV of the Pub-
 12 lic Health Service Act with respect to mental health,
 13 \$861,208,000.

14 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

15 For carrying out section 301 and title IV of the Pub-
 16 lic Health Service Act with respect to human genome re-
 17 search, \$249,891,000.

18 NATIONAL CENTER FOR RESEARCH RESOURCES

19 For carrying out section 301 and title IV of the Pub-
 20 lic Health Service Act with respect to research resources
 21 and general research support grants, \$554,819,000: *Pro-*
 22 *vided*, That none of these funds shall be used to pay recipi-
 23 ents of the general research support grants program any
 24 amount for indirect expenses in connection with such
 25 grants: *Provided further*, That \$30,000,000 shall be for
 26 extramural facilities construction grants.

1 JOHN E. FOGARTY INTERNATIONAL CENTER

2 For carrying out the activities at the John E.
3 Fogarty International Center, \$35,426,000.

4 NATIONAL LIBRARY OF MEDICINE

5 For carrying out section 301 and title IV of the Pub-
6 lic Health Service Act with respect to health information
7 communications, \$181,309,000, of which \$4,000,000 shall
8 be available until expended for improvement of informa-
9 tion systems: *Provided*, That in fiscal year 1999, the Li-
10 brary may enter into personal services contracts for the
11 provision of services in facilities owned, operated, or con-
12 structed under the jurisdiction of the National Institutes
13 of Health.

14 OFFICE OF THE DIRECTOR

15 (INCLUDING TRANSFER OF FUNDS)

16 For carrying out the responsibilities of the Office of
17 the Director, National Institutes of Health, \$302,947,000,
18 of which \$43,493,000 shall be for the Office of AIDS Re-
19 search: *Provided*, That funding shall be available for the
20 purchase of not to exceed twenty-nine passenger motor ve-
21 hicles for replacement only: *Provided further*, That the Di-
22 rector may direct up to 1 percent of the total amount
23 made available in this or any other Act to all National
24 Institutes of Health appropriations to activities the Direc-
25 tor may so designate: *Provided further*, That no such ap-
26 propriation shall be decreased by more than 1 percent by

1 any such transfers and that the Congress is promptly noti-
 2 fied of the transfer: *Provided further*, That NIH is author-
 3 ized to collect third party payments for the cost of clinical
 4 services that are incurred in National Institutes of Health
 5 research facilities and that such payments shall be cred-
 6 ited to the National Institutes of Health Management
 7 Fund: *Provided further*, That all funds credited to the
 8 NIH Management Fund shall remain available for one fis-
 9 cal year after the fiscal year in which they are deposited:
 10 *Provided further*, That up to \$500,000 shall be available
 11 to carry out section 499 of the Public Health Service Act:
 12 *Provided further*, That, notwithstanding section
 13 499(k)(10) of the Public Health Service Act, funds from
 14 the National Foundation for Biomedical Research may be
 15 transferred to the National Institutes of Health: *Provided*
 16 *further*, That \$50,000,000 shall be available to carry out
 17 section 404E of the Public Health Service Act: *Provided*
 18 *further*, That of the funds available to carry out section
 19 404E of the Public Health Service Act, not less than
 20 \$20,000,000 shall be for peer reviewed complementary
 21 and alternative medicine research grants and contracts
 22 that respond to program announcements and requests for
 23 proposals issued by the Office of Alternative Medicine.

24 BUILDINGS AND FACILITIES

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

1 tutes of Health, including the acquisition of real property,
 2 \$263,822,000, to remain available until expended, of
 3 which \$90,000,000 of the fiscal year 1999 funds shall be
 4 for the clinical research center and \$40,000,000 shall be-
 5 come available on October 1, 1999 and \$9,143,000 shall
 6 be for the Vaccine Facility: *Provided*, That notwithstand-
 7 ing any other provision of law, a single contract or related
 8 contracts for the development and construction of the clin-
 9 ical research center may be employed which collectively in-
 10 clude the full scope of the project: *Provided further*, That
 11 the solicitation and contract shall contain the clause
 12 “availability of funds” found at 48 CFR 52.232–18.

13 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

14 ADMINISTRATION

15 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

16 For carrying out titles V and XIX of the Public
 17 Health Service Act with respect to substance abuse and
 18 mental health services, the Protection and Advocacy for
 19 Mentally Ill Individuals Act of 1986, and section 301 of
 20 the Public Health Service Act with respect to program
 21 management, \$2,151,643,000: *Provided*, That, notwith-
 22 standing any other provision of law, each State’s allotment
 23 for fiscal year 1999 for each of the programs under sub-
 24 parts I and II of part B of title XIX of the Public Health

1 Service Act shall be determined using the statutory for-
 2 mulas for distribution as applied in fiscal year 1997.

3 RETIREMENT PAY AND MEDICAL BENEFITS FOR
 4 COMMISSIONED OFFICERS

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

14 AGENCY FOR HEALTH CARE POLICY AND RESEARCH
 15 HEALTH CARE POLICY AND RESEARCH

16 For carrying out titles III and IX of the Public
 17 Health Service Act, and part A of title XI of the Social
 18 Security Act, \$50,000,000; in addition, amounts received
 19 from Freedom of Information Act fees, reimbursable and
 20 interagency agreements, and the sale of data tapes shall
 21 be credited to this appropriation and shall remain avail-
 22 able until expended: *Provided*, That the amount made
 23 available pursuant to section 926(b) of the Public Health
 24 Service Act shall not exceed \$121,055,000.

1 HEALTH CARE FINANCING ADMINISTRATION

2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, \$74,593,733,000,
5 to remain available until expended.

6 For making, after May 31, 1999, payments to States
7 under title XIX of the Social Security Act for the last
8 quarter of fiscal year 1999 for unanticipated costs, in-
9 curred for the current fiscal year, such sums as may be
10 necessary.

11 For making payments to States under title XIX of
12 the Social Security Act for the first quarter of fiscal year
13 2000, \$28,733,605,000, to remain available until ex-
14 pended.

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

19 PAYMENTS TO HEALTH CARE TRUST FUNDS

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

1 pursuant to section 201(g) of the Social Security Act,
 2 \$62,953,000,000.

3 PROGRAM MANAGEMENT

4 For carrying out, except as otherwise provided, titles
 5 XI, XVIII, XIX and XXI of the Social Security Act, titles
 6 XIII and XXVII of the Public Health Service Act, and
 7 the Clinical Laboratory Improvement Amendments of
 8 1988, not to exceed \$1,685,550,000 to be transferred
 9 from the Federal Hospital Insurance and the Federal Sup-
 10 plementary Medical Insurance Trust Funds, as authorized
 11 by section 201(g) of the Social Security Act; together with
 12 all funds collected in accordance with section 353 of the
 13 Public Health Service Act and such sums as may be col-
 14 lected from authorized user fees and the sale of data,
 15 which shall remain available until expended, and together
 16 with administrative fees collected relative to Medicare
 17 overpayment recovery activities, which shall remain avail-
 18 able until expended: *Provided*, That all funds derived in
 19 accordance with 31 U.S.C. 9701 from organizations estab-
 20 lished under title XIII of the Public Health Service Act
 21 shall be credited to and available for carrying out the pur-
 22 poses of this appropriation: *Provided further*, That
 23 \$600,000 shall be for carrying out section 4021 of Public
 24 Law 105–33: *Provided further*, That in carrying out its
 25 legislative mandate, the National Bipartisan Commission
 26 on the Future of Medicare shall examine the impact of

1 increased investments in health research on future Medi-
2 care costs, and the potential for coordinating Medicare
3 with cost-effective long-term care services: *Provided fur-*
4 *ther*, That \$25,000,000 appropriated under this heading
5 for the transition to a single Part A and Part B processing
6 system shall remain available until expended: *Provided*
7 *further*, That \$2,000,000 of the amount available for re-
8 search, demonstration, and evaluation activities shall be
9 available to continue carrying out demonstration projects
10 on Medicaid coverage of community-based attendant care
11 services for people with disabilities which ensures maxi-
12 mum control by the consumer to select and manage their
13 attendant care services: *Provided further*, That funds ap-
14 propriated under this heading may be obligated to increase
15 Medicare provider audits and implement the Department's
16 corrective action plan to the Chief Financial Officer's
17 audit of the Health Care Financing Administration's over-
18 sight of Medicare: *Provided further*, That the Secretary of
19 Health and Human Services is directed to collect, in ag-
20 gregate, \$95,000,000 in fees in fiscal year 1999 from
21 Medicare + Choice organizations pursuant to section
22 1857(e)(2) of the Social Security Act and from eligible
23 organizations with risk-sharing contracts under section
24 1876 of that Act pursuant to section 1876(k)(4)(D) of
25 that Act.

1 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
 2 GUARANTEE FUND

3 For carrying out subsections (d) and (e) of section
 4 1308 of the Public Health Service Act, any amounts re-
 5 ceived by the Secretary in connection with loans and loan
 6 guarantees under title XIII of the Public Health Service
 7 Act, to be available without fiscal year limitation for the
 8 payment of outstanding obligations. During fiscal year
 9 1999, no commitments for direct loans or loan guarantees
 10 shall be made.

11 ADMINISTRATION FOR CHILDREN AND FAMILIES
 12 FAMILY SUPPORT PAYMENTS TO STATES

13 For making payments to States or other non-Federal
 14 entities under titles I, IV–D, X, XI, XIV, and XVI of the
 15 Social Security Act and the Act of July 5, 1960 (24
 16 U.S.C. ch. 9), to remain available until expended,
 17 \$1,989,000,000; and for such purposes for the first quar-
 18 ter of fiscal year 2000, \$750,000,000.

19 For making payments to each State for carrying out
 20 the program of Aid to Families with Dependent Children
 21 under title IV–A of the Social Security Act before the ef-
 22 fective date of the program of Temporary Assistance to
 23 Needy Families (TANF) with respect to such State, such
 24 sums as may be necessary: *Provided*, That the sum of the
 25 amounts available to a State with respect to expenditures

1 under such title IV–A in fiscal year 1997 under this ap-
 2 propriation and under such title IV–A as amended by the
 3 Personal Responsibility and Work Opportunity Reconcili-
 4 ation Act of 1996 shall not exceed the limitations under
 5 section 116(b) of such Act.

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

13 LOW INCOME HOME ENERGY ASSISTANCE

14 For making payments under title XXVI of the Omni-
 15 bus Budget Reconciliation Act of 1981, \$1,100,000,000,
 16 to be available for obligation in the period October 1, 1999
 17 through September 30, 2000.

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

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

3 REFUGEE AND ENTRANT ASSISTANCE

4 For making payments for refugee and entrant assist-
 5 ance activities authorized by title IV of the Immigration
 6 and Nationality Act and section 501 of the Refugee Edu-
 7 cation Assistance Act of 1980 (Public Law 96-422),
 8 \$415,000,000: *Provided*, That funds appropriated pursu-
 9 ant to section 414(a) of the Immigration and Nationality
 10 Act under Public Law 104-208 for fiscal year 1997 shall
 11 be available for the costs of assistance provided and other
 12 activities conducted in such year and in fiscal years 1998
 13 and 1999.

14 CHILD CARE AND DEVELOPMENT BLOCK GRANT

15 For carrying out sections 658A through 658R of the
 16 Omnibus Budget Reconciliation Act of 1981 (The Child
 17 Care and Development Block Grant Act of 1990), to be-
 18 come available on October 1, 1999 and remain available
 19 through September 30, 2000, \$1,182,672,000: *Provided*,
 20 That \$19,120,000 shall be available for child care resource
 21 and referral and school-aged child care activities: *Provided*
 22 *further*, That of the funds provided, \$50,000,000 shall be
 23 reserved for each of fiscal years 1999 and 2000 by the
 24 States for activities authorized under section 658G of the
 25 Omnibus Budget Reconciliation Act of 1981 (The Child
 26 Care and Development Block Grant Act of 1990), such

1 funds to be in addition to the amounts required to be re-
 2 served by States under section 658G.

3 SOCIAL SERVICES BLOCK GRANT

4 For making grants to States pursuant to section
 5 2002 of the Social Security Act, \$1,909,000,000: *Pro-*
 6 *vided*, That (1) notwithstanding section 2003(c) of such
 7 Act, as amended, the amount specified for allocation under
 8 such section for fiscal year 1999 shall be \$1,909,000,000
 9 and (2) notwithstanding subparagraph (B) of section
 10 404(d)(2) of such Act, the applicable percent specified
 11 under such subparagraph for a State for fiscal year 1999
 12 shall be the percent of the State grant under section
 13 403(a) of such Act for fiscal year 1998 transferred in fis-
 14 cal year 1998 to the State program under title XX of such
 15 Act.

16 CHILDREN AND FAMILIES SERVICES PROGRAMS

17 (INCLUDING RESCISSIONS)

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 (including section 105(a)(2) of the Child Abuse Prevention
 23 and Treatment Act), the Native American Programs Act
 24 of 1974, title II of Public Law 95–266 (adoption opportu-
 25 nities), the Adoption and Safe Families Act of 1997 (Pub-
 26 lic Law 105–89), the Abandoned Infants Assistance Act

1 of 1988, part B(1) of title IV and sections 413, 429A,
 2 1110, and 1115 of the Social Security Act; for making
 3 payments under the Community Services Block Grant Act;
 4 and for necessary administrative expenses to carry out
 5 said Acts and titles I, IV, X, XI, XIV, XVI, and XX of
 6 the Social Security Act, the Act of July 5, 1960 (24
 7 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of
 8 1981, title IV of the Immigration and Nationality Act, sec-
 9 tion 501 of the Refugee Education Assistance Act of 1980,
 10 sections 40155, 40211 and 40241 of Public Law 103–322
 11 and section 126 and titles IV and V of Public Law 100–
 12 485, \$6,008,784,000, of which \$10,000,000 shall be used
 13 to establish Individual Development Accounts, for the pur-
 14 pose of encouraging low-income families and individuals
 15 to acquire productive assets, contingent upon enactment
 16 of authorizing legislation, and of which \$20,000,000, to
 17 remain available until September 30, 2000, shall be for
 18 grants to States for adoption incentive payments, as au-
 19 thorized by section 473A of title IV of the Social Security
 20 Act (42 U.S.C. 670–679); of which \$544,165,000 shall be
 21 for making payments under the Community Services
 22 Block Grant Act; and of which \$4,660,000,000 shall be
 23 for making payments under the Head Start Act, of which
 24 \$1,365,000,000 shall become available on October 1, 1999
 25 and remain available through September 30, 2000: *Pro-*

1 *vided*, That, notwithstanding section 640(a)(6), of the
 2 funds made available for the Head Start Act,
 3 \$337,500,000 shall be set aside for the Head Start Pro-
 4 gram for Families with Infants and Toddlers (Early Head
 5 Start): *Provided further*, That to the extent Community
 6 Services Block Grant funds are distributed as grant funds
 7 by a State to an eligible entity as provided under the Act,
 8 and have not been expended by such entity, they shall re-
 9 main with such entity for carryover into the next fiscal
 10 year for expenditure by such entity consistent with pro-
 11 gram purposes.

12 In addition, \$101,000,000, to be derived from the
 13 Violent Crime Reduction Trust Fund, and \$4,000,000 to
 14 be derived from the general fund, for carrying out sections
 15 40155, 40211 and 40241 of Public Law 103-322.

16 Funds appropriated for fiscal year 1999 under sec-
 17 tion 429A(e), part B of title IV of the Social Security Act
 18 shall be reduced by \$6,000,000.

19 Funds appropriated for fiscal year 1999 under sec-
 20 tion 413(h)(1) of the Social Security Act shall be reduced
 21 by \$15,000,000.

22 FAMILY PRESERVATION AND SUPPORT

23 For carrying out section 430 of the Social Security
 24 Act, \$275,000,000.

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 \$3,964,000,000, of which \$200,000,000 shall be placed in
 6 reserve for use only in such amounts and such times as
 7 may be necessary to make payments to States.

8 For making payments to States or other non-Federal
 9 entities under title IV–E of the Social Security Act, for
 10 the first quarter of fiscal year 2000, \$1,355,000,000.

11 ADMINISTRATION ON AGING

12 AGING SERVICES PROGRAMS

13 For carrying out, to the extent not otherwise pro-
 14 vided, the Older Americans Act of 1965, as amended,
 15 \$876,050,000: *Provided*, That notwithstanding section
 16 308(b)(1) of such Act, the amounts available to each State
 17 for administration of the State plan under title III of such
 18 Act shall be reduced not more than 5 percent below the
 19 amount that was available to such State for such purpose
 20 for fiscal year 1995: *Provided further*, That in considering
 21 grant applications for nutrition services for elder Indian
 22 recipients, the Assistant Secretary shall provide maximum
 23 flexibility to applicants who seek to take into account sub-
 24 sistence, local customs, and other characteristics that are
 25 appropriate to the unique cultural, regional, and geo-

1 graphic needs of the American Indian, Alaska and Hawai-
 2 ian Native communities to be served.

3 OFFICE OF THE SECRETARY

4 GENERAL DEPARTMENTAL MANAGEMENT

5 For necessary expenses, not otherwise provided, for
 6 general departmental management, including hire of six
 7 sedans, and for carrying out titles III, XVII, and XX of
 8 the Public Health Service Act, and the United States-Mex-
 9 ico Border Health Commission Act, \$168,309,000, to-
 10 gether with \$5,851,000, to be transferred and expended
 11 as authorized by section 201(g)(1) of the Social Security
 12 Act from the Hospital Insurance Trust Fund and the Sup-
 13 plemental Medical Insurance Trust Fund.

14 OFFICE OF INSPECTOR GENERAL

15 For expenses necessary for the Office of Inspector
 16 General in carrying out the provisions of the Inspector
 17 General Act of 1978, as amended, \$29,000,000.

18 OFFICE FOR CIVIL RIGHTS

19 For expenses necessary for the Office for Civil
 20 Rights, \$17,345,000, together with not to exceed
 21 \$3,314,000, to be transferred and expended as authorized
 22 by section 201(g)(1) of the Social Security Act from the
 23 Hospital Insurance Trust Fund and the Supplemental
 24 Medical Insurance Trust Fund.

1 POLICY RESEARCH

2 For carrying out, to the extent not otherwise pro-
3 vided, research studies under section 1110 of the Social
4 Security Act, \$14,000,000.

5 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
6 FUND

7 For expenses necessary to support activities related
8 to countering potential biological and chemical threats to
9 civilian populations, \$300,000,000, to remain available
10 until expended: *Provided*, That these funds are hereby des-
11 ignated by Congress to be emergency requirements pursu-
12 ant to section 251(b)(2)(A) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985, as amended: *Pro-*
14 *vided further*, That these funds shall be made available
15 only after submission to Congress of a formal budget re-
16 quest by the President that includes designation of the en-
17 tire amount of the request as an emergency requirement
18 as defined in the Balanced Budget and Emergency Deficit
19 Control Act.

20 GENERAL PROVISIONS

21 SEC. 201. Funds appropriated in this title shall be
22 available for not to exceed \$37,000 for official reception
23 and representation expenses when specifically approved by
24 the Secretary.

25 SEC. 202. The Secretary shall make available through
26 assignment not more than 60 employees of the Public

1 Health Service to assist in child survival activities and to
2 work in AIDS programs through and with funds provided
3 by the Agency for International Development, the United
4 Nations International Children's Emergency Fund or the
5 World Health Organization.

6 SEC. 203. None of the funds appropriated under this
7 Act may be used to implement section 399L(b) of the Pub-
8 lic Health Service Act or section 1503 of the National In-
9 stitutes of Health Revitalization Act of 1993, Public Law
10 103-43.

11 SEC. 204. None of the funds appropriated in this Act
12 for the National Institutes of Health and the Substance
13 Abuse and Mental Health Services Administration shall
14 be used to pay the salary of an individual, through a grant
15 or other extramural mechanism, at a rate in excess of
16 \$125,000 per year.

17 SEC. 205. None of the funds appropriated in this Act
18 may be expended pursuant to section 241 of the Public
19 Health Service Act, except for funds specifically provided
20 for in this Act, or for other taps and assessments made
21 by any office located in the Department of Health and
22 Human Services, prior to the Secretary's preparation and
23 submission of a report to the Committee on Appropria-
24 tions of the Senate and of the House detailing the planned
25 uses of such funds.

7 SEC. 207. Not to exceed 1 percent of any discre-
8 tionary funds (pursuant to the Balanced Budget and
9 Emergency Deficit Control Act, as amended) which are
10 appropriated for the current fiscal year for the Depart-
11 ment of Health and Human Services in this Act may be
12 transferred between appropriations, but no such appro-
13 priation shall be increased by more than 3 percent by any
14 such transfer: *Provided*, That the Appropriations Commit-
15 tees of both Houses of Congress are notified at least fif-
16 teen days in advance of any transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as

1 jointly determined by the Director of NIH and the Direc-
 2 tor of the Office of AIDS Research, shall be made avail-
 3 able to the “Office of AIDS Research” account. The Di-
 4 rector of the Office of AIDS Research shall transfer from
 5 such account amounts necessary to carry out section
 6 2353(d)(3) of the Public Health Service Act.

7 SEC. 210. Funds appropriated in this Act for the Na-
 8 tional Institutes of Health may be used to provide transit
 9 subsidies in amounts consistent with the transportation
 10 subsidy programs authorized under section 629 of Public
 11 Law 101–509 to non-FTE bearing positions including
 12 trainees, visiting fellows and volunteers.

13 SEC. 211. Subsection (b)(1)(H) of section 401 of the
 14 Public Health Service Act (42 U.S.C. 281 (b)(1)(H)) is
 15 amended by striking “National Institute of Dental Re-
 16 search” and inserting “National Institute of Dental and
 17 Craniofacial Research”.

18 SEC. 212. (a) Section 2003(c) of the Social Security
 19 Act (42 U.S.C. 1397b(c)) is amended by striking para-
 20 graph (8) and inserting the following:

21 “(8) \$2,299,000,000 for the fiscal year 1998;”.

22 (b) The amendment made by this section takes effect
 23 immediately after the amendments made by section 8401
 24 of the Transportation Equity Act for the 21st Century
 25 take effect.

1 SEC. 213. None of the funds appropriated by this Act
2 (including funds appropriated to any trust fund) may be
3 used to carry out the Medicare+Choice program if the
4 Secretary denies participation in such program to an oth-
5 erwise eligible entity (including a Provider Sponsored Or-
6 ganization) because the entity informs the Secretary that
7 it will not provide, pay for, provide coverage of, or provide
8 referrals for abortions: *Provided*, That the Secretary shall
9 make appropriate prospective adjustments to the capita-
10 tion payment to such an entity (based on an actuarially
11 sound estimate of the expected costs of providing the serv-
12 ice to such entity's enrollees): *Provided further*, That noth-
13 ing in this section shall be construed to change the Medi-
14 care program's coverage for such services and a Medi-
15 care+Choice organization described in this section shall
16 be responsible for informing enrollees where to obtain in-
17 formation about all Medicare covered services.

18 SEC. 214. The Vaccine Research Facility (Building
19 40) at the National Institutes of Health is hereby named
20 the Dale and Betty Bumpers Vaccine Research Facility.

21 SEC. 215. Notwithstanding any other provision of
22 this Act, funds made available for prostate cancer re-
23 search, within the amounts provided under the National
24 Institutes of Health, shall be increased to \$175,000,000.

4 EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3132, 3136, and 3141 and parts B, C, and D of title III of the Elementary and Secondary Education Act of 1965, \$1,244,500,000, of which \$464,500,000 for the Goals 2000: Educate America Act and \$125,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1999 and remain available through September 30, 2000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act, except that no more than \$1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: *Provided further*, That section 315(a)(2) of the Goals 2000 Act shall not apply: *Provided further*, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State edu-

1 cational agency does not apply for a grant under section
 2 3132, that State's allotment under section 3131 shall be
 3 reserved by the Secretary for grants to local educational
 4 agencies in that State that apply directly to the Secretary
 5 according to the terms and conditions published by the
 6 Secretary in the Federal Register.

7 EDUCATION FOR THE DISADVANTAGED

8 For carrying out title I of the Elementary and Sec-
 9 ondary Education Act of 1965, and section 418A of the
 10 Higher Education Act, \$8,334,781,000, of which
 11 \$5,812,304,000 shall become available on July 1, 1999,
 12 and shall remain available through September 30, 2000,
 13 and of which \$2,500,000,000 shall become available on
 14 October 1, 1999 and shall remain available through Sep-
 15 tember 30, 2000, for academic year 1999–2000: *Provided*,
 16 That \$6,574,000,000 shall be available for basic grants
 17 under section 1124: *Provided further*, That up to
 18 \$3,500,000 of these funds shall be available to the Sec-
 19 retary on October 1, 1998, to obtain updated local-edu-
 20 cational-agency-level census poverty data from the Bureau
 21 of the Census: *Provided further*, That \$1,102,020,000
 22 shall be available for concentration grants under section
 23 1124A, \$6,977,000 shall be available for evaluations
 24 under section 1501 and not more than \$8,500,000 shall
 25 be reserved for section 1308, of which not more than
 26 \$3,000,000 shall be reserved for section 1308(d): *Provided*

1 *further*, That grant awards under section 1124 and 1124A
 2 of title I of the Elementary and Secondary Education Act
 3 shall be made to each State or local educational agency
 4 at no less than 100 percent of the amount such State or
 5 local educational agency received under this authority for
 6 fiscal year 1998: *Provided further*, That \$120,000,000
 7 shall be available under section 1002(g)(2) to demonstrate
 8 effective approaches to comprehensive school reform to be
 9 allocated and expended in accordance with the instructions
 10 relating to this activity in the statement of the managers
 11 on the conference report accompanying Public Law 105–
 12 78: *Provided further*, That in carrying out this initiative,
 13 the Secretary and the States shall support only ap-
 14 proaches that show the most promise of enabling children
 15 served by title I to meet challenging State content stand-
 16 ards and challenging State student performance standards
 17 based on reliable research and effective practices, and in-
 18 clude an emphasis on basic academics and parental in-
 19 volvement: *Provided further*, That no funds appropriated
 20 under section 1002(g)(2) shall be available for section
 21 1503.

22 IMPACT AID

23 For carrying out programs of financial assistance to
 24 Federally affected schools authorized by title VIII of the
 25 Elementary and Secondary Education Act of 1965,
 26 \$810,000,000, of which \$662,000,000 shall be for basic

1 support payments under section 8003(b), \$50,000,000
 2 shall be for payments for children with disabilities under
 3 section 8003(d), \$62,000,000, to remain available until
 4 expended, shall be for payments under section 8003(f),
 5 \$7,000,000 shall be for construction under section 8007,
 6 and \$24,000,000 shall be for Federal property payments
 7 under section 8002 of which such sums as may be nec-
 8 essary shall be for section 8002(j) and \$5,000,000 to re-
 9 main available until expended shall be for facilities mainte-
 10 nance under section 8008.

11 SCHOOL IMPROVEMENT PROGRAMS

12 For carrying out school improvement activities au-
 13 thorized by titles II, IV, V–A and B, VI, IX, X, XII and
 14 XIII of the Elementary and Secondary Education Act of
 15 1965; the Stewart B. McKinney Homeless Assistance Act;
 16 and the Civil Rights Act of 1964 and part G of title XV
 17 of Public Law 102–325; \$1,655,188,000, of which
 18 \$1,096,300,000 shall become available on July 1, 1999,
 19 and remain available through September 30, 2000: *Pro-*
 20 *vided*, That of the amount appropriated, \$335,000,000
 21 shall be for Eisenhower professional development State
 22 grants under title II–B of the Elementary and Secondary
 23 Education Act of 1965, \$350,000,000 shall be for innova-
 24 tive education program strategies State grants under title
 25 VI–A, and \$6,000,000 shall be for innovative programs
 26 under section 5111 of said Act.

1 INDIAN EDUCATION

2 For expenses necessary to carry out, to the extent
3 not otherwise provided, title IX, part A of the Elementary
4 and Secondary Education Act of 1965, as amended,
5 \$66,000,000.

6 BILINGUAL AND IMMIGRANT EDUCATION

7 For carrying out, to the extent not otherwise pro-
8 vided, bilingual, foreign language and immigrant edu-
9 cation activities authorized by parts A and C and section
10 7203 of title VII of the Elementary and Secondary Edu-
11 cation Act of 1965, without regard to section 7103(b),
12 \$354,000,000: *Provided*, That State educational agencies
13 may use all, or any part of, their part C allocation for
14 competitive grants to local educational agencies.

15 SPECIAL EDUCATION

16 For carrying out the Individuals with Disabilities
17 Education Act, \$5,112,946,000, of which \$4,869,185,000
18 shall become available for obligation on July 1, 1999, and
19 shall remain available through September 30, 2000.

20 REHABILITATION SERVICES AND DISABILITY RESEARCH

21 For carrying out, to the extent not otherwise pro-
22 vided, the Rehabilitation Act of 1973, the Technology-Re-
23 lated Assistance for Individuals with Disabilities Act, and
24 the Helen Keller National Center Act, as amended,
25 \$2,645,266,000.

4 For carrying out the Act of March 3, 1879, as
5 amended (20 U.S.C. 101 et seq.), \$8,661,000.

7 For the National Technical Institute for the Deaf
8 under titles I and II of the Education of the Deaf Act
9 of 1986 (20 U.S.C. 4301 et seq.), \$45,500,000: *Provided,*
10 That from the amount available, the Institute may at its
11 discretion use funds for the endowment program as au-
12 thorized under section 207.

14 For the Kendall Demonstration Elementary School,
15 the Model Secondary School for the Deaf, and the partial
16 support of Gallaudet University under titles I and II of
17 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
18 et seq.), \$83,480,000: *Provided*, That from the amount
19 available, the University may at its discretion use funds
20 for the endowment program as authorized under section
21 207.

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act and the Adult Education and Family Literacy Act, \$1,502,478,000, of which

1 \$1,498,378,000 shall become available on July 1, 1999
 2 and shall remain available through September 30, 2000:
 3 *Provided*, That of the amounts made available for title II
 4 of the Carl D. Perkins Vocational and Applied Technology
 5 Education Act, \$12,000,000 shall be used by the Sec-
 6 retary for national programs under title IV, without re-
 7 gard to section 451: *Provided further*, That, of the
 8 amounts made available for the Adult Education and
 9 Family Literacy Act, \$4,998,000 shall be for national
 10 leadership activities under section 243 and \$5,491,000
 11 shall be for the National Institute for Literacy under sec-
 12 tion 242: *Provided further*, That no funds shall be awarded
 13 to a State Council under section 112(f) of the Carl D.
 14 Perkins Vocational and Applied Technology Education
 15 Act, and no State shall be required to operate such a
 16 Council.

17 STUDENT FINANCIAL ASSISTANCE

18 For carrying out subparts 1, 3 and 4 of part A, part
 19 C and part E of title IV of the Higher Education Act of
 20 1965, as amended, \$10,172,551,000, which shall remain
 21 available through September 30, 2000.

22 The maximum Pell Grant for which a student shall
 23 be eligible during award year 1999–2000 shall be \$3,100:
 24 *Provided*, That notwithstanding section 401(g) of the Act,
 25 if the Secretary determines, prior to publication of the
 26 payment schedule for such award year, that the amount

1 included within this appropriation for Pell Grant awards
2 in such award year, and any funds available from the fis-
3 cal year 1998 appropriation for Pell Grant awards, are
4 insufficient to satisfy fully all such awards for which stu-
5 dents are eligible, as calculated under section 401(b) of
6 the Act, the amount paid for each such award shall be
7 reduced by either a fixed or variable percentage, or by a
8 fixed dollar amount, as determined in accordance with a
9 schedule of reductions established by the Secretary for this
10 purpose: *Provided further*, That if the Secretary deter-
11 mines that the funds available to fund Pell Grants for
12 award year 1999–2000 exceed the amount needed to fund
13 Pell Grants at a maximum award of \$3,100 for that award
14 year, the Secretary may increase the income protection al-
15 lowances in sections 475(g)(2)(D), and
16 476(b)(1)(A)(iv)(I), (II) and (III) up to the amounts at
17 which Pell Grant awards calculated using the increased
18 income protection allowances equal the funds available to
19 make Pell Grants in award year 1999–2000 with a \$3,100
20 maximum award, except that the income protection allow-
21 ance in section 475(g)(2)(D) may not exceed \$2,200, the
22 income protection allowance in sections
23 476(b)(1)(A)(iv)(I) and (II) may not exceed \$4,250, and
24 the income protection allowance in section
25 476(b)(1)(A)(iv)(III) may not exceed \$7,250.

1 FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

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

5 HIGHER EDUCATION

6 For carrying out, to the extent not otherwise pro-
7 vided, parts A and B of title III, without regard to section
8 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX and part
9 A and subpart 1 of part B, and part E of title X, and
10 title XI of the Higher Education Act of 1965, as amended,
11 and the Mutual Educational and Cultural Exchange Act
12 of 1961 and Public Law 102-73; \$1,138,944,000, of
13 which \$13,000,000 for interest subsidies under title VII
14 of the Higher Education Act shall remain available until
15 expended: *Provided*, That \$75,000,000 shall be for the
16 Connections program, contingent upon enactment of au-
17 thorizing legislation: *Provided further*, That \$10,000,000
18 shall be for Learning Anytime Anywhere Partnerships,
19 contingent upon enactment of authorizing legislation: *Pro-*
20 *vided further*, That \$37,500,000 shall be for Teacher
21 Quality Enhancement Grants and \$37,500,000 shall be
22 for Teacher Training Partnership Grants, both contingent
23 upon enactment of authorizing legislation: *Provided fur-*
24 *ther*, That \$16,723,000 shall be for Youth Offender
25 Grants, of which \$4,723,000, which shall become available
26 on July 1, 1999, and remain available until September 30,

1 2000, shall be used in accordance with section 601 of Pub-
 2 lic Law 102–73 as that section was in effect prior to en-
 3 actment of Public Law 105–220.

4 HOWARD UNIVERSITY

5 For partial support of Howard University (20 U.S.C.
 6 121 et seq.), \$210,000,000, of which not less than
 7 \$3,530,000 shall be for a matching endowment grant pur-
 8 suant to the Howard University Endowment Act (Public
 9 Law 98–480), of which \$3,530,000 shall remain available
 10 until expended.

11 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

12 PROGRAM

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

17 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

18 CAPITAL FINANCING, PROGRAM ACCOUNT

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

24 For administrative expenses to carry out the Histori-
 25 cally Black College and University Capital Financing Pro-

1 gram entered into pursuant to title VII, part B of the
2 Higher Education Act, as amended, \$96,000.

3 EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

4 For carrying out activities authorized by the Edu-
5 cational Research, Development, Dissemination, and Im-
6 provement Act of 1994, including part E; the National
7 Education Statistics Act of 1994; section 2102 of title II,
8 and parts A, B, I, and K and section 10601 of title X,
9 and part C of title XIII of the Elementary and Secondary
10 Education Act of 1965, as amended, and title VI of Public
11 Law 103–227, \$479,338,000: *Provided*, That \$25,000,000
12 shall be available to demonstrate effective approaches to
13 comprehensive school reform to be allocated and expended
14 in accordance with the instructions relating to this activity
15 in the statement of managers on the conference report ac-
16 companying Public Law 105–78: *Provided further*, That
17 the funds made available for comprehensive school reform
18 shall become available on July 1, 1999, and remain avail-
19 able through September 30, 2000, and in carrying out this
20 initiative, the Secretary and the States shall support only
21 approaches that show the most promise of enabling chil-
22 dren to meet challenging State content standards and
23 challenging State student performance standards based on
24 reliable research and effective practices, and include an
25 emphasis on basic academics and parental involvement.

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act, in-
5 cluding rental of conference rooms in the District of Co-
6 lumbia and hire of two passenger motor vehicles,
7 \$362,000,000.

8 OFFICE FOR CIVIL RIGHTS

9 For expenses necessary for the Office for Civil
10 Rights, as authorized by section 203 of the Department
11 of Education Organization Act, \$63,500,000.

12 OFFICE OF INSPECTOR GENERAL

13 For expenses necessary for the Office of Inspector
14 General, as authorized by section 212 of the Department
15 of Education Organization Act, \$31,242,000.

16 GENERAL PROVISIONS

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

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

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

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

16 (TRANSFER OF FUNDS)

17 SEC. 304. Not to exceed 1 percent of any discre-
18 tionary funds (pursuant to the Balanced Budget and
19 Emergency Deficit Control Act, as amended) which are
20 appropriated for the Department of Education in this Act
21 may be transferred between appropriations, but no such
22 appropriation shall be increased by more than 3 percent
23 by any such transfer: *Provided*, That the Appropriations
24 Committees of both Houses of Congress are notified at
25 least fifteen days in advance of any transfer.

1 SEC. 305. Notwithstanding any other provision of
2 Federal law, funds provided to the Department of Edu-
3 cation or to an applicable program, may not be used to
4 field test, implement or administer any federally sponsored
5 national test in reading, mathematics, or any other sub-
6 ject: *Provided*, That the National Assessment Governing
7 Board shall retain the exclusive authority over the develop-
8 ment of voluntary national tests as described in section
9 307 of the Department of Education Appropriations Act,
10 1998.

11 This section shall not apply to the Third Inter-
12 national Mathematics and Science Study, the National As-
13 sessment of Education Progress or other international
14 comparative assessments developed under the authority of
15 section 404(a)(6) of the National Education Statistics Act
16 of 1994 (20 U.S.C. 9003(a)(6) et seq.), and administered
17 to only a representative sample of pupils in the United
18 States and in foreign nations.

19 SEC. 306. Notwithstanding any other provision of
20 law, any institution of higher education which receives
21 funds under title III of the Higher Education Act, except
22 for grants made under section 326, may use up to 20 per-
23 cent of its award under part A or part B of the Act for
24 endowment building purposes authorized under section
25 331. Any institution seeking to use part A or part B funds

1 for endowment building purposes shall indicate such inten-
 2 tion in its application to the Secretary and shall abide by
 3 departmental regulations governing the endowment chal-
 4 lenge grant program.

5 SEC. 307. None of the funds made available in this
 6 Act may be used to enforce the requirements of section
 7 428(b)(1)(U)(iii) of the Higher Education Act of 1965
 8 with respect to any lender when it is made known to the
 9 Federal official having authority to obligate or expend
 10 such funds that the lender has a loan portfolio under part
 11 B of title IV of such Act that is equal to or less than
 12 \$5,000,000.

13 This title may be cited as the “Department of Edu-
 14 cation Appropriations Act, 1999”.

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, \$70,745,000, of
 22 which \$15,717,000 shall remain available until expended
 23 for construction and renovation of the physical plants at
 24 the United States Soldiers’ and Airmen’s Home and the
 25 United States Naval Home: *Provided*, That, notwithstand-

1 ing any other provision of law, a single contract or related
 2 contracts for the development and construction at the
 3 United States Soldiers' and Airmen's Home, to include
 4 construction of a long-term care facility at the United
 5 States Naval Home and conversion of space in the Scott
 6 building at the United States Soldiers' and Airmen's
 7 Home, may be employed which collectively include the full
 8 scope of the project: *Provided further*, That the solicitation
 9 and contract shall contain the clause "availability of
 10 funds" found at 48 CFR 52.232-18 and 252.232-7007,
 11 Limitation of Government Obligations.

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

15 For expenses necessary for the Corporation for Na-
 16 tional and Community Service to carry out the provisions
 17 of the Domestic Volunteer Service Act of 1973, as amend-
 18 ed, \$275,039,000.

19 CORPORATION FOR PUBLIC BROADCASTING

20 For payment to the Corporation for Public Broad-
 21 casting, as authorized by the Communications Act of
 22 1934, an amount which shall be available within limita-
 23 tions specified by that Act, for the fiscal year 2001,
 24 \$340,000,000: *Provided*, That no funds made available to
 25 the Corporation for Public Broadcasting by this Act shall

1 be used to pay for receptions, parties, or similar forms
 2 of entertainment for Government officials or employees:
 3 *Provided further*, That none of the funds contained in this
 4 paragraph shall be available or used to aid or support any
 5 program or activity from which any person is excluded,
 6 or is denied benefits, or is discriminated against, on the
 7 basis of race, color, national origin, religion, or sex: *Pro-*
 8 *vided further*, That in addition to the amounts provided
 9 above, \$15,000,000 shall be for digitalization, only if spe-
 10 cifically authorized by subsequent legislation enacted by
 11 April 1, 1999.

12 FEDERAL MEDIATION AND CONCILIATION SERVICE

13 SALARIES AND EXPENSES

14 For expenses necessary for the Federal Mediation
 15 and Conciliation Service to carry out the functions vested
 16 in it by the Labor Management Relations Act, 1947 (29
 17 U.S.C. 171–180, 182–183), including hire of passenger
 18 motor vehicles; for expenses necessary for the Labor-Man-
 19 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
 20 for expenses necessary for the Service to carry out the
 21 functions vested in it by the Civil Service Reform Act,
 22 Public Law 95–454 (5 U.S.C. ch. 71), \$34,620,000, in-
 23 cluding \$1,500,000, to remain available through Septem-
 24 ber 30, 2000, for activities authorized by the Labor-Man-
 25 agement Cooperation Act of 1978 (29 U.S.C. 175a): *Pro-*

1 *vided*, That notwithstanding 31 U.S.C. 3302, fees
 2 charged, up to full-cost recovery, for special training ac-
 3 tivities and for arbitration services shall be credited to and
 4 merged with this account, and shall remain available until
 5 expended: *Provided further*, That fees for arbitration serv-
 6 ices shall be available only for education, training, and
 7 professional development of the agency workforce: *Pro-*
 8 *vided further*, That the Director of the Service is author-
 9 ized to accept and use on behalf of the United States gifts
 10 of services and real, personal, or other property in the aid
 11 of any projects or functions within the Director's jurisdic-
 12 tion.

13 FEDERAL MINE SAFETY AND HEALTH REVIEW

14 COMMISSION

15 SALARIES AND EXPENSES

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

19 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

20 For carrying out subtitle B of the Museum and Li-
 21 brary Services Act, \$156,340,000, of which \$15,000,000
 22 shall be for national leadership projects, notwithstanding
 23 section 221(a)(1)(B).

1 MEDICARE PAYMENT ADVISORY COMMISSION

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out section 1805 of
4 the Social Security Act, \$7,015,000, to be transferred to
5 this appropriation from the Federal Hospital Insurance
6 and the Federal Supplementary Medical Insurance Trust
7 Funds.

8 NATIONAL COMMISSION ON LIBRARIES AND

9 INFORMATION SCIENCE

10 SALARIES AND EXPENSES

11 For necessary expenses for the National Commission
12 on Libraries and Information Science, established by the
13 Act of July 20, 1970 (Public Law 91–345, as amended
14 by Public Law 102–95), \$1,000,000.

15 NATIONAL COUNCIL ON DISABILITY

16 SALARIES AND EXPENSES

17 For expenses necessary for the National Council on
18 Disability as authorized by title IV of the Rehabilitation
19 Act of 1973, as amended, \$2,344,000.

20 NATIONAL EDUCATION GOALS PANEL

21 For expenses necessary for the National Education
22 Goals Panel, as authorized by title II, part A of the Goals
23 2000: Educate America Act, \$2,100,000.

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, \$184,451,000: *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 percent of the water stored or supplied thereby
20 is used for farming purposes: *Provided further*, That none
21 of the funds made available by this Act shall be used in
22 any way to promulgate a final rule (altering 29 CFR part
23 103) regarding single location bargaining units in rep-
24 resentation 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, \$8,400,000: *Provided*, That unobligated balances at
7 the end of fiscal year 1999 not needed for emergency
8 boards shall remain available for other statutory purposes
9 through September 30, 2000.

10 OCCUPATIONAL SAFETY AND HEALTH REVIEW

11 COMMISSION

12 SALARIES AND EXPENSES

13 For expenses necessary for the Occupational Safety
14 and Health Review Commission (29 U.S.C. 661),
15 \$8,100,000.

16 RAILROAD RETIREMENT BOARD

17 DUAL BENEFITS PAYMENTS ACCOUNT

18 For payment to the Dual Benefits Payments Ac-
19 count, authorized under section 15(d) of the Railroad Re-
20 tirement Act of 1974, \$189,000,000, which shall include
21 amounts becoming available in fiscal year 1999 pursuant
22 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
23 tion, an amount, not to exceed 2 percent of the amount
24 provided herein, shall be available proportional to the
25 amount by which the product of recipients and the average

1 benefit received exceeds \$189,000,000: *Provided*, That the
2 total amount provided herein shall be credited in 12 ap-
3 proximately equal amounts on the first day of each month
4 in the fiscal year.

5 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT
6 ACCOUNTS

7 For payment to the accounts established in the
8 Treasury for the payment of benefits under the Railroad
9 Retirement Act for interest earned on unnegotiated
10 checks, \$150,000, to remain available through September
11 30, 2000, which shall be the maximum amount available
12 for payment pursuant to section 417 of Public Law 98–
13 76.

14 LIMITATION ON ADMINISTRATION

15 For necessary expenses for the Railroad Retirement
16 Board for administration of the Railroad Retirement Act
17 and the Railroad Unemployment Insurance Act,
18 \$90,000,000, to be derived in such amounts as determined
19 by the Board from the railroad retirement accounts and
20 from moneys credited to the railroad unemployment insur-
21 ance administration fund.

22 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

23 For expenses necessary for the Office of Inspector
24 General for audit, investigatory and review activities, as
25 authorized by the Inspector General Act of 1978, as
26 amended, not more than \$5,600,000, to be derived from

1 the railroad retirement accounts and railroad unemploy-
 2 ment insurance account: *Provided*, That none of the funds
 3 made available in any other paragraph of this Act may
 4 be transferred to the Office; used to carry out any such
 5 transfer; used to provide any office space, equipment, of-
 6 fice supplies, communications facilities or services, mainte-
 7 nance services, or administrative services for the Office;
 8 used to pay any salary, benefit, or award for any personnel
 9 of the Office; used to pay any other operating expense of
 10 the Office; or used to reimburse the Office for any service
 11 provided, or expense incurred, by the Office.

12 SOCIAL SECURITY ADMINISTRATION

13 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

14 For payment to the Federal Old-Age and Survivors
 15 Insurance and the Federal Disability Insurance trust
 16 funds, as provided under sections 201(m), 228(g), and
 17 1131(b)(2) of the Social Security Act, \$19,689,000.

18 SPECIAL BENEFITS FOR DISABLED COAL MINERS

19 For carrying out title IV of the Federal Mine Safety
 20 and Health Act of 1977, \$382,803,000, to remain avail-
 21 able until expended.

22 For making, after July 31 of the current fiscal year,
 23 benefit payments to individuals under title IV of the Fed-
 24 eral Mine Safety and Health Act of 1977, for costs in-
 25 curred in the current fiscal year, such amounts as may
 26 be necessary.

1 For making benefit payments under title IV of the
2 Federal Mine Safety and Health Act of 1977 for the first
3 quarter of fiscal year 2000, \$141,000,000, to remain
4 available until expended.

5 SUPPLEMENTAL SECURITY INCOME PROGRAM

6 For carrying out titles XI and XVI of the Social Se-
7 curity Act, section 401 of Public Law 92–603, section 212
8 of Public Law 93–66, as amended, and section 405 of
9 Public Law 95–216, including payment to the Social Secu-
10 rity trust funds for administrative expenses incurred pur-
11 suant to section 201(g)(1) of the Social Security Act,
12 \$21,538,000,000, to remain available until expended: *Pro-*
13 *vided*, That any portion of the funds provided to a State
14 in the current fiscal year and not obligated by the State
15 during that year shall be returned to the Treasury.

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

20 In addition, \$227,000,000, to remain available until
21 September 30, 2000, for payment to the Social Security
22 trust funds for administrative expenses for continuing dis-
23 ability reviews as authorized by section 103 of Public Law
24 104–121 and section 10203 of Public Law 105–33. The
25 term “continuing disability reviews” means reviews and

1 redeterminations as defined under section 201(g)(1)(A) of
 2 the Social Security Act, as amended.

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

7 For making benefit payments under title XVI of the
 8 Social Security Act for the first quarter of fiscal year
 9 2000, \$9,550,000,000, to remain available until expended.

10 LIMITATION ON ADMINISTRATIVE EXPENSES

11 For necessary expenses, including the hire of two pas-
 12 senger motor vehicles, and not to exceed \$10,000 for offi-
 13 cial reception and representation expenses, not more than
 14 \$5,982,000,000 may be expended, as authorized by sec-
 15 tion 201(g)(1) of the Social Security Act, from any one
 16 or all of the trust funds referred to therein: *Provided*, That
 17 not less than \$1,600,000 shall be for the Social Security
 18 Advisory Board: *Provided further*, That unobligated bal-
 19 ances at the end of fiscal year 1999 not needed for fiscal
 20 year 1999 shall remain available until expended to invest
 21 in the Social Security Administration computing network,
 22 including related equipment and non-payroll administra-
 23 tive expenses associated solely with this network: *Provided*
 24 *further*, That reimbursement to the trust funds under this
 25 heading for expenditures for official time for employees
 26 of the Social Security Administration pursuant to section

1 7131 of title 5, United States Code, and for facilities or
2 support services for labor organizations pursuant to poli-
3 cies, regulations, or procedures referred to in section
4 7135(b) of such title shall be made by the Secretary of
5 the Treasury, with interest, from amounts in the general
6 fund not otherwise appropriated, as soon as possible after
7 such expenditures are made.

8 From funds provided under the previous paragraph,
9 notwithstanding the provision under this heading in Public
10 Law 105–78 regarding unobligated balances at the end
11 of fiscal year 1998 not needed for such fiscal year, an
12 amount not to exceed \$50,000,000 from such unobligated
13 balances shall, in addition to funding already available
14 under this heading for fiscal year 1999, be available for
15 necessary expenses.

16 From funds provided under the first paragraph, not
17 less than \$200,000,000 shall be available for conducting
18 continuing disability reviews.

19 In addition to funding already available under this
20 heading, and subject to the same terms and conditions,
21 \$405,000,000, to remain available until September 30,
22 2000, for continuing disability reviews as authorized by
23 section 103 of Public Law 104–121 and section 10203 of
24 Public Law 105–33. The term “continuing disability re-
25 views” means reviews and redeterminations as defined

1 under section 201(g)(1)(A) of the Social Security Act as
2 amended.

3 In addition, \$75,000,000 to be derived from adminis-
4 tration fees in excess of \$5.00 per supplementary payment
5 collected pursuant to section 1616(d) of the Social Secu-
6 rity Act or section 212(b)(3) of Public Law 93-66, which
7 shall remain available until expended. To the extent that
8 the amounts collected pursuant to such section 1616(d)
9 or 212(b)(3) in fiscal year 1999 exceed \$75,000,000, the
10 amounts shall be available in fiscal year 2000 only to the
11 extent provided in advance in appropriations Acts.

12 OFFICE OF INSPECTOR GENERAL

13 (INCLUDING TRANSFER OF FUNDS)

14 For expenses necessary for the Office of Inspector
15 General in carrying out the provisions of the Inspector
16 General Act of 1978, as amended, \$11,082,000, together
17 with not to exceed \$39,130,000, to be transferred and ex-
18 pended as authorized by section 201(g)(1) of the Social
19 Security Act from the Federal Old-Age and Survivors In-
20 surance Trust Fund and the Federal Disability Insurance
21 Trust Fund.

22 In addition, an amount not to exceed 3 percent of
23 the total provided in this appropriation may be transferred
24 from the "Limitation on Administrative Expenses", Social
25 Security Administration, to be merged with this account,
26 to be available for the time and purposes for which this

1 account is available: *Provided*, That notice of such trans-
2 fers shall be transmitted promptly to the Committees on
3 Appropriations of the House and Senate.

4 UNITED STATES INSTITUTE OF PEACE

5 OPERATING EXPENSES

6 For necessary expenses of the United States Institute
7 of Peace as authorized in the United States Institute of
8 Peace Act, \$11,495,000.

9 TITLE V—GENERAL PROVISIONS

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

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

20 SEC. 503. (a) No part of any appropriation contained
21 in this Act shall be used, other than for normal and recog-
22 nized executive-legislative relationships, for publicity or
23 propaganda purposes, for the preparation, distribution, or
24 use of any kit, pamphlet, booklet, publication, radio, tele-
25 vision, or video presentation designed to support or defeat

1 legislation pending before the Congress or any State legis-
2 lature, except in presentation to the Congress or any State
3 legislature itself.

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

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

24 SEC. 505. Notwithstanding any other provision of
25 this Act, no funds appropriated under this Act shall be

1 used to carry out any program of distributing sterile
2 dles or syringes for the hypodermic injection of any illegal
3 drug: *Provided*, That this section is subject to the condi-
4 tion that a program for exchanging such needles and sy-
5 ringes for used hypodermic needles and syringes (referred
6 to in this section as an “exchange project”) may be carried
7 out in a community if—

8 (1) the Secretary of Health and Human Serv-
9 ices determines that exchange projects are effective
10 in preventing the spread of HIV and do not encour-
11 age the use of illegal drugs; and

12 (2) the project is operated in accordance with
13 criteria established by such Secretary for preventing
14 the spread of HIV and for ensuring that the project
15 does not encourage the use of illegal drugs.

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

21 (b) NOTICE REQUIREMENT.—In providing financial
22 assistance to, or entering into any contract with, any en-
23 tity using funds made available in this Act, the head of
24 each Federal agency, to the greatest extent practicable,

1 shall provide to such entity a notice describing the state-
2 ment made in subsection (a) by the Congress.

3 (c) PROHIBITION OF CONTRACTS WITH PERSONS
4 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—
5 If it has been finally determined by a court or Federal
6 agency that any person intentionally affixed a label bear-
7 ing a “Made in America” inscription, or any inscription
8 with the same meaning, to any product sold in or shipped
9 to the United States that is not made in the United
10 States, the person shall be ineligible to receive any con-
11 tract or subcontract made with funds made available in
12 this Act, pursuant to the debarment, suspension, and ineli-
13 gibility procedures described in sections 9.400 through
14 9.409 of title 48, Code of Federal Regulations.

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

1 dollar amount of the total costs of the project or program
2 that will be financed by nongovernmental sources.

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

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

8 (c) The term “health benefits coverage” means the
9 package of services covered by a managed care provider
10 or organization pursuant to a contract or other arrange-
11 ment.

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

14 (1) if the pregnancy is the result of an act of
15 rape or incest; or

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

22 (b) Nothing in the preceding section shall be con-
23 strued as prohibiting the expenditure by a State, locality,
24 entity, or private person of State, local, or private funds

1 (other than a State's or locality's contribution of Medicaid
2 matching funds).

3 (c) Nothing in the preceding section shall be con-
4 strued as restricting the ability of any managed care pro-
5 vider from offering abortion coverage or the ability of a
6 State or locality to contract separately with such a pro-
7 vider for such coverage with State funds (other than a
8 State's or locality's contribution of Medicaid matching
9 funds).

10 SEC. 510. Notwithstanding any other provision of
11 law—

12 (1) no amount may be transferred from an ap-
13 propriation account for the Departments of Labor,
14 Health and Human Services, and Education except
15 as authorized in this or any subsequent appropria-
16 tion Act, or in the Act establishing the program or
17 activity for which funds are contained in this Act;

18 (2) no department, agency, or other entity,
19 other than the one responsible for administering the
20 program or activity for which an appropriation is
21 made in this Act, may exercise authority for the tim-
22 ing of the obligation and expenditure of such appro-
23 priation, or for the purpose for which it is obligated
24 and expended, except to the extent and in the man-

1 ner otherwise provided in sections 1512 and 1513 of
2 title 31, United States Code; and

3 (3) no funds provided under this Act shall be
4 available for the salary (or any part thereof) of an
5 employee who is reassigned on a temporary detail
6 basis to another position in the employing agency or
7 department or in any other agency or department,
8 unless the detail is independently approved by the
9 head of the employing department or agency.

10 SEC. 511. (a) None of the funds made available in
11 this Act may be used for—

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

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

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

1 SEC. 512. (a) LIMITATION ON USE OF FUNDS FOR
2 PROMOTION OF LEGALIZATION OF CONTROLLED SUB-
3 STANCES.—None of the funds made available in this Act
4 may be used for any activity when it is made known to
5 the Federal official having authority to obligate or expend
6 such funds that the activity promotes the legalization of
7 any drug or other substance included in schedule I of the
8 schedules of controlled substances established by section
9 202 of the Controlled Substances Act (21 U.S.C. 812).

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

17 SEC. 513. None of the funds made available in this
18 Act may be obligated or expended to enter into or renew
19 a contract with an entity when it is made known to the
20 Federal official having authority to obligate or expend
21 such funds that—

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

1 retary of Labor concerning employment of certain
2 veterans; and

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

7 SEC. 514. The Secretary of the Department of
8 Health and Human Services may not promulgate or adopt
9 a final standard under section 1173(b) of the Social Secu-
10 rity Act (42 U.S.C. 1320d–2(b)), providing for a unique
11 health identifier for an individual (except in an individ-
12 ual’s capacity as an employer or a health care provider),
13 until legislation is enacted specifically approving the
14 standard or containing provisions consistent with the
15 standard.

16 SEC. 515. Of the budgetary resources available to the
17 Departments of Labor, Health and Human Resources,
18 and Education in this Act for salaries and expenses during
19 fiscal year 1999, \$33,000,000, to be allocated by the Of-
20 fice of Management and Budget, are permanently can-
21 celed.

1 TITLE VI—NATIONAL CENTER FOR COM-
 2 PLEMENTARY AND ALTERNATIVE MEDI-
 3 CINE

4 **SEC. 601. ESTABLISHMENT OF NATIONAL CENTER FOR**
 5 **COMPLEMENTARY AND ALTERNATIVE MEDI-**
 6 **CINE.**

7 IN GENERAL.—Title IV of the Public Health Service
 8 Act (42 U.S.C. 281 et seq.) is amended—

9 (1) by striking section 404E; and

10 (2) in part E, by adding at the end the follow-
 11 ing:

12 “Subpart 5—National Center for Complementary and
 13 Alternative Medicine

14 **“SEC. 485D. PURPOSE OF CENTER.**

15 “(a) IN GENERAL.—The general purposes of the Na-
 16 tional Center for Complementary and Alternative Medicine
 17 (in this subpart referred to as the ‘Center’) are the con-
 18 duct and support of basic and applied research (including
 19 both intramural and extramural research), research train-
 20 ing, the dissemination of health information, and other
 21 programs with respect to identifying, investigating, and
 22 validating complementary and alternative treatment, diag-
 23 nostic and prevention modalities, disciplines and systems.
 24 The Center shall be headed by a director, who shall be

1 appointed by the Secretary. The Director of the Center
2 shall report directly to the Director of NIH.

3 “(b) ADVISORY COUNCIL.—The Secretary shall es-
4 tablish an advisory council for the Center in accordance
5 with section 406, except that at least half of the members
6 of the advisory council who are not ex officio members
7 shall include practitioners licensed in one or more of the
8 major systems with which the Center is concerned, and
9 at least 3 individuals representing the interests of individ-
10 ual consumers of complementary and alternative medicine.

11 “(c) COMPLEMENT TO CONVENTIONAL MEDICINE.—
12 In carrying out subsection (a), the Director of the Center
13 shall, as appropriate, study the integration of alternative
14 treatment, diagnostic and prevention systems, modalities,
15 and disciplines with the practice of conventional medicine
16 as a complement to such medicine and into health care
17 delivery systems in the United States.

18 “(d) APPROPRIATE SCIENTIFIC EXPERTISE AND CO-
19 ORDINATION WITH INSTITUTES AND FEDERAL AGEN-
20 CIES.—The Director of the Center, after consultation with
21 the advisory council for the Center and the division of re-
22 search grants, shall ensure that scientists with appropriate
23 expertise in research on complementary and alternative
24 medicine are incorporated into the review, oversight, and
25 management processes of all research projects and other

1 activities funded by the Center. In carrying out this sub-
 2 section, the Director of the Center, as necessary, may es-
 3 tablish review groups with appropriate scientific expertise.
 4 The Director of the Center shall coordinate efforts with
 5 other Institutes and Federal agencies to ensure appro-
 6 priate scientific input and management.

7 “(e) EVALUATION OF VARIOUS DISCIPLINES AND
 8 SYSTEMS.—In carrying out subsection (a), the Director
 9 of the Center shall identify and evaluate alternative and
 10 complementary medical treatment, diagnostic and preven-
 11 tion modalities in each of the disciplines and systems with
 12 which the Center is concerned, including each discipline
 13 and system in which accreditation, national certification,
 14 or a State license is available.

15 “(f) ENSURING HIGH QUALITY, RIGOROUS SCI-
 16 ENTIFIC REVIEW.—In order to ensure high quality, rigor-
 17 ous scientific review of complementary and alternative, di-
 18 agnostic and prevention modalities, disciplines and sys-
 19 tems, the Director of the Center shall conduct or support
 20 the following activities:

21 “(1) Outcomes research and investigations.

22 “(2) Epidemiological studies.

23 “(3) Health services research.

24 “(4) Basic science research.

25 “(5) Clinical trials.

1 “(6) Other appropriate research and investiga-
2 tional activities.

3 The Director of NIH, in coordination with the Director
4 of the Center, shall designate specific personnel in each
5 Institute to serve as full-time liaisons with the Center in
6 facilitating appropriate coordination and scientific input.

7 “(g) DATA SYSTEM; INFORMATION CLEARING-
8 HOUSE.—

9 “(1) DATA SYSTEM.—The Director of the Cen-
10 ter shall establish a bibliographic system for the col-
11 lection, storage, and retrieval of worldwide research
12 relating to complementary and alternative treatment,
13 diagnostic and prevention modalities, disciplines and
14 systems. Such a system shall be regularly updated
15 and publicly accessible.

16 “(2) CLEARINGHOUSE.—The Director of the
17 Center shall establish an information clearinghouse
18 to facilitate and enhance, through the effective dis-
19 semination of information, knowledge and under-
20 standing of alternative medical treatment, diagnostic
21 and prevention practices by health professionals, pa-
22 tients, industry, and the public.

23 “(h) RESEARCH CENTERS.—The Director of the
24 Center, after consultation with the advisory council for the
25 Center, shall provide support for the development and op-

1 eration of multipurpose centers to conduct research and
2 other activities described in subsection (a) with respect to
3 complementary and alternative treatment, diagnostic and
4 prevention modalities, disciplines and systems. The provi-
5 sion of support for the development and operation of such
6 centers shall include accredited complementary and alter-
7 native medicine research and education facilities.

8 “(i) AVAILABILITY OF RESOURCES.—After consulta-
9 tion with the Director of the Center, the Director of NIH
10 shall ensure that resources of the National Institutes of
11 Health, including laboratory and clinical facilities, fellow-
12 ships (including research training fellowship and junior
13 and senior clinical fellowships), and other resources are
14 sufficiently available to enable the Center to appropriately
15 and effectively carry out its duties as described in sub-
16 section (a). The Director of NIH, in coordination with the
17 Director of the Center, shall designate specific personnel
18 in each Institute to serve as full-time liaisons with the
19 Center in facilitating appropriate coordination and sci-
20 entific input.

21 “(j) AVAILABILITY OF APPROPRIATIONS.—Amounts
22 appropriated to carry out this section for fiscal year 1999
23 are available for obligation through September 30, 2001.
24 Amounts appropriated to carry out this section for fiscal

1 year 2000 are available for obligation through September
2 30, 2001.”.

3 This Act may be cited as the “Departments of Labor,
4 Health and Human Services, and Education, and Related
5 Agencies Appropriations Act, 1999”.

Calendar No. 539

105TH CONGRESS
2D Session

S. 2440

[Report No. 105-300]

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

SEPTEMBER 8 (legislative day, AUGUST 31), 1998

Read twice and placed on the calendar