

Calendar No. 197

108TH CONGRESS
1ST SESSION

H. R. 2660

IN THE SENATE OF THE UNITED STATES

JULY 11, 2003

Received; read twice and placed on the calendar

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Departments of Labor, Health and Human Services, and
4 Education, and related agencies for the fiscal year ending
5 September 30, 2004, and for other purposes, namely:

6 TITLE I—DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For necessary expenses of the Workforce Investment
10 Act of 1998, including the purchase and hire of passenger
11 motor vehicles, the construction, alteration, and repair of
12 buildings and other facilities, and the purchase of real
13 property for training centers as authorized by such Act;
14 \$2,614,039,000 plus reimbursements, of which
15 \$1,582,858,000 is available for obligation for the period
16 July 1, 2004 through June 30, 2005, except that amounts
17 determined by the Secretary of Labor to be necessary pur-
18 suant to sections 173(a)(4)(A) and 174(c) of such Act
19 shall be available from October 1, 2003 until expended;
20 of which \$1,000,965,000 is available for obligation for the
21 period April 1, 2004 through June 30, 2005; and of which
22 \$30,216,000 is available for the period July 1, 2004
23 through June 30, 2007 for necessary expenses of construc-
24 tion, rehabilitation, and acquisition of Job Corps centers:
25 *Provided*, That notwithstanding any other provision of

1 law, of the funds provided herein under section 137(c) of
2 such Act, \$305,993,000 shall be for activities described
3 in section 132(a)(2)(A) of such Act and \$1,155,152,000
4 shall be for activities described in section 132(a)(2)(B) of
5 such Act: *Provided further*, That, notwithstanding any
6 other provision of law or related regulation, \$60,000,000
7 shall be for carrying out section 167 of such Act, including
8 \$56,000,000 for formula grants and \$3,600,000 for mi-
9 grant and seasonal housing, including permanent housing,
10 and \$400,000 for other discretionary purposes: *Provided*
11 *further*, That funds appropriated under this heading in
12 Public Law 108–7 for migrant and seasonal farmworkers
13 housing shall be made available only under the terms and
14 conditions in effect June 30, 2002, and shall include fund-
15 ing for permanent housing: *Provided further*, That not-
16 withstanding the transfer limitation under section
17 133(b)(4) of such Act, up to 30 percent of such funds
18 may be transferred by a local board if approved by the
19 Governor: *Provided further*, That funds provided to carry
20 out section 171(d) of such Act may be used for demonstra-
21 tion projects that provide assistance to new entrants in
22 the workforce and incumbent workers: *Provided further*,
23 That no funds from any other appropriation shall be used
24 to provide meal services at or for Job Corps centers: *Pro-*
25 *vided further*, That notwithstanding any other provision of

1 law, funds awarded under a grant issued by the Depart-
2 ment of Labor pursuant to section 173 of such Act on
3 June 30, 2001, to the San Diego Workforce Partnership
4 may be used to provide services to spouses of military per-
5 sonnel.

6 For necessary expenses of the Workforce Investment
7 Act of 1998, including the purchase and hire of passenger
8 motor vehicles, the construction, alteration, and repair of
9 buildings and other facilities, and the purchase of real
10 property for training centers as authorized by such Act;
11 \$2,463,000,000 plus reimbursements, of which
12 \$2,363,000,000 is available for obligation for the period
13 October 1, 2004 through June 30, 2005, and of which
14 \$100,000,000 is available for the period October 1, 2004
15 through June 30, 2007, for necessary expenses of con-
16 struction, rehabilitation, and acquisition of Job Corps cen-
17 ters.

18 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

19 AMERICANS

20 To carry out title V of the Older Americans Act of
21 1965, as amended, \$440,200,000.

22 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

23 For payments during the current fiscal year of trade
24 adjustment benefit payments and allowances under part
25 I; and for training, allowances for job search and reloca-
26 tion, and related State administrative expenses under part

1 II, subchapters B and D, chapter 2, title II of the Trade
2 Act of 1974 as amended (including the benefits and serv-
3 ices described under sections 123(c)(2) and 151 (b) and
4 (c) of the Trade Adjustment Assistance Reform Act of
5 2002, Public Law 107–210) \$1,338,200,000, together
6 with such amounts as may be necessary to be charged to
7 the subsequent appropriation for payments for any period
8 subsequent to September 15 of the current year.

9 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

10 SERVICE OPERATIONS

11 For authorized administrative expenses,
12 \$142,520,000, together with not to exceed
13 \$3,472,861,000 (including not to exceed \$1,228,000
14 which may be used for amortization payments to States
15 which had independent retirement plans in their State em-
16 ployment service agencies prior to 1980), which may be
17 expended from the Employment Security Administration
18 Account in the Unemployment Trust Fund including the
19 cost of administering section 51 of the Internal Revenue
20 Code of 1986, as amended, section 7(d) of the Wagner-
21 Peyser Act, as amended, the Trade Act of 1974, as
22 amended, the Immigration Act of 1990, and the Immigra-
23 tion and Nationality Act, as amended, and of which the
24 sums available in the allocation for activities authorized
25 by title III of the Social Security Act, as amended (42
26 U.S.C. 502–504), and the sums available in the allocation

1 for necessary administrative expenses for carrying out 5
2 U.S.C. 8501–8523, shall be available for obligation by the
3 States through December 31, 2004, except that funds
4 used for automation acquisitions shall be available for obli-
5 gation by the States through September 30, 2006; of
6 which \$142,520,000, together with not to exceed
7 \$768,257,000 of the amount which may be expended from
8 said trust fund, shall be available for obligation for the
9 period July 1, 2004 through June 30, 2005, to fund ac-
10 tivities under the Act of June 6, 1933, as amended, in-
11 cluding the cost of penalty mail authorized under 39
12 U.S.C. 3202(a)(1)(E) made available to States in lieu of
13 allotments for such purpose: *Provided*, That to the extent
14 that the Average Weekly Insured Unemployment (AWIU)
15 for fiscal year 2004 is projected by the Department of
16 Labor to exceed 3,227,000, an additional \$28,600,000
17 shall be available for obligation for every 100,000 increase
18 in the AWIU level (including a pro rata amount for any
19 increment less than 100,000) from the Employment Secu-
20 rity Administration Account of the Unemployment Trust
21 Fund: *Provided further*, That funds appropriated in this
22 Act which are used to establish a national one-stop career
23 center system, or which are used to support the national
24 activities of the Federal-State unemployment insurance
25 programs, may be obligated in contracts, grants or agree-

1 PROGRAM ADMINISTRATION

2 For expenses of administering employment and train-
3 ing programs, \$115,824,000, including \$2,393,000 to ad-
4 minister welfare-to-work grants, together with not to ex-
5 ceed \$56,503,000, which may be expended from the Em-
6 ployment Security Administration Account in the Unem-
7 ployment Trust Fund.

8 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

9 SALARIES AND EXPENSES

10 For necessary expenses for the Employee Benefits
11 Security Administration \$128,605,000.

12 PENSION BENEFIT GUARANTY CORPORATION

13 PENSION BENEFIT GUARANTY CORPORATION FUND

14 The Pension Benefit Guaranty Corporation is author-
15 ized to make such expenditures, including financial assist-
16 ance authorized by section 104 of Public Law 96-364,
17 within limits of funds and borrowing authority available
18 to such Corporation, and in accord with law, and to make
19 such contracts and commitments without regard to fiscal
20 year limitations as provided by section 104 of the Govern-
21 ment Corporation Control Act, as amended (31 U.S.C.
22 9104), as may be necessary in carrying out the program
23 through September 30, 2004, for such Corporation: *Pro-*
24 *vided*, That none of the funds available to the Corporation
25 for fiscal year 2004 shall be available for obligations for

1 administrative expenses in excess of \$228,772,000: *Pro-*
2 *vided further*, That obligations in excess of such amount
3 may be incurred after approval by the Office of Manage-
4 ment and Budget and the Committees on Appropriations
5 of the House and the Senate.

6 EMPLOYMENT STANDARDS ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses for the Employment Stand-
9 ards Administration, including reimbursement to State,
10 Federal, and local agencies and their employees for inspec-
11 tion services rendered, \$395,697,000, together with
12 \$2,056,000 which may be expended from the Special Fund
13 in accordance with sections 39(c), 44(d) and 44(j) of the
14 Longshore and Harbor Workers' Compensation Act: *Pro-*
15 *vided*, That \$1,250,000 shall be for the development of
16 an alternative system for the electronic submission of re-
17 ports required to be filed under the Labor-Management
18 Reporting and Disclosure Act of 1959, as amended, and
19 for a computer database of the information for each sub-
20 mission by whatever means, that is indexed and easily
21 searchable by the public via the Internet: *Provided further*,
22 That the Secretary of Labor is authorized to accept, re-
23 tain, and spend, until expended, in the name of the De-
24 partment of Labor, all sums of money ordered to be paid
25 to the Secretary of Labor, in accordance with the terms

1 of the Consent Judgment in Civil Action No. 91–0027 of
2 the United States District Court for the District of the
3 Northern Mariana Islands (May 21, 1992): *Provided fur-*
4 *ther*, That the Secretary of Labor is authorized to estab-
5 lish and, in accordance with 31 U.S.C. 3302, collect and
6 deposit in the Treasury fees for processing applications
7 and issuing certificates under sections 11(d) and 14 of the
8 Fair Labor Standards Act of 1938, as amended (29
9 U.S.C. 211(d) and 214) and for processing applications
10 and issuing registrations under title I of the Migrant and
11 Seasonal Agricultural Worker Protection Act (29 U.S.C.
12 1801 et seq.).

13 SPECIAL BENEFITS

14 (INCLUDING TRANSFER OF FUNDS)

15 For the payment of compensation, benefits, and ex-
16 penses (except administrative expenses) accruing during
17 the current or any prior fiscal year authorized by title 5,
18 chapter 81 of the United States Code; continuation of ben-
19 efits as provided for under the heading “Civilian War Ben-
20 efits” in the Federal Security Agency Appropriation Act,
21 1947; the Employees’ Compensation Commission Appro-
22 priation Act, 1944; sections 4(c) and 5(f) of the War
23 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
24 cent of the additional compensation and benefits required
25 by section 10(h) of the Longshore and Harbor Workers’
26 Compensation Act, as amended, \$163,000,000, together

1 with such amounts as may be necessary to be charged to
2 the subsequent year appropriation for the payment of
3 compensation and other benefits for any period subse-
4 quent to August 15 of the current year: *Provided*, That
5 amounts appropriated may be used under section 8104 of
6 title 5, United States Code, by the Secretary of Labor to
7 reimburse an employer, who is not the employer at the
8 time of injury, for portions of the salary of a reemployed,
9 disabled beneficiary: *Provided further*, That balances of re-
10 imbursements unobligated on September 30, 2002, shall
11 remain available until expended for the payment of com-
12 pensation, benefits, and expenses: *Provided further*, That
13 in addition there shall be transferred to this appropriation
14 from the Postal Service and from any other corporation
15 or instrumentality required under section 8147(c) of title
16 5, United States Code, to pay an amount for its fair share
17 of the cost of administration, such sums as the Secretary
18 determines to be the cost of administration for employees
19 of such fair share entities through September 30, 2004:
20 *Provided further*, That of those funds transferred to this
21 account from the fair share entities to pay the cost of ad-
22 ministration of the Federal Employees' Compensation Act,
23 \$39,315,000 shall be made available to the Secretary as
24 follows: (1) for enhancement and maintenance of auto-
25 mated data processing systems and telecommunications

1 systems, \$11,618,000; (2) for automated workload proc-
2 essing operations including document imaging, centralized
3 mail intake and medical bill processing, \$14,496,000; (3)
4 for periodic roll management and medical review,
5 \$13,210,000; and (4) the remaining funds shall be paid
6 into the Treasury as miscellaneous receipts: *Provided fur-*
7 *ther*, That the Secretary may require that any person fil-
8 ing a notice of injury or a claim for benefits under chapter
9 81 of title 5, United States Code, or 33 U.S.C. 901 et
10 seq., provide as part of such notice and claim, such identi-
11 fying information (including Social Security account num-
12 ber) as such regulations may prescribe.

13 SPECIAL BENEFITS FOR DISABLED COAL MINERS

14 For carrying out title IV of the Federal Mine Safety
15 and Health Act of 1977, as amended by Public Law 107–
16 275 (the “Act”), \$300,000,000, to remain available until
17 expended.

18 For making, after July 31 of the current fiscal year,
19 benefit payments to individuals under title IV of the Act,
20 for costs incurred in the current fiscal year, such amounts
21 as may be necessary.

22 For making benefit payments under title IV of the
23 first quarter of fiscal year 2005, \$88,000,000, to remain
24 available until expended.

1 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES
2 OCCUPATIONAL ILLNESS COMPENSATION FUND
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to administer the Energy
5 Employees Occupational Illness Compensation Act,
6 \$55,074,000 to remain available until expended: *Provided*,
7 That the Secretary of Labor is authorized to transfer to
8 any executive agency with authority under the Energy
9 Employees Occupational Illness Compensation Act, includ-
10 ing within the Department of Labor, such sums as may
11 be necessary in fiscal year 2004 to carry out those authori-
12 ties: *Provided further*, That the Secretary may require that
13 any person filing a claim for benefits under the Act pro-
14 vide as part of such claim, such identifying information
15 (including Social Security account number) as may be pre-
16 scribed.

17 BLACK LUNG DISABILITY TRUST FUND
18 (INCLUDING TRANSFER OF FUNDS)

19 Beginning in fiscal year 2004 and thereafter, such
20 sums as may be necessary from the Black Lung Disability
21 Trust Fund, to remain available until expended, for pay-
22 ment of all benefits authorized by section 9501(d)(1), (2),
23 (4), and (7) of the Internal Revenue Code of 1954, as
24 amended; and interest on advances, as authorized by sec-
25 tion 9501(c)(2) of that Act. In addition, the following
26 amounts shall be available from the Fund for fiscal year

1 2004 for expenses of operation and administration of the
2 Black Lung Benefits program, as authorized by section
3 9501(d)(5): \$32,004,000 for transfer to the Employment
4 Standards Administration, “Salaries and Expenses”;
5 \$23,401,000 for transfer to Departmental Management,
6 “Salaries and Expenses”; \$338,000 for transfer to De-
7 partmental Management, “Office of Inspector General”;
8 and \$356,000 for payments into miscellaneous receipts for
9 the expenses of the Department of the Treasury.

10 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

11 SALARIES AND EXPENSES

12 For necessary expenses for the Occupational Safety
13 and Health Administration, \$450,008,000, including not
14 to exceed \$91,747,000 which shall be the maximum
15 amount available for grants to States under section 23(g)
16 of the Occupational Safety and Health Act (the “Act”),
17 which grants shall be no less than 50 percent of the costs
18 of State occupational safety and health programs required
19 to be incurred under plans approved by the Secretary
20 under section 18 of the Act; and, in addition, notwith-
21 standing 31 U.S.C. 3302, the Occupational Safety and
22 Health Administration may retain up to \$750,000 per fis-
23 cal year of training institute course tuition fees, otherwise
24 authorized by law to be collected, and may utilize such
25 sums for occupational safety and health training and edu-

1 cation grants: *Provided*, That, notwithstanding 31 U.S.C.
2 3302, the Secretary of Labor is authorized, during the fis-
3 cal year ending September 30, 2004, to collect and retain
4 fees for services provided to Nationally Recognized Test-
5 ing Laboratories, and may utilize such sums, in accord-
6 ance with the provisions of 29 U.S.C. 9a, to administer
7 national and international laboratory recognition pro-
8 grams that ensure the safety of equipment and products
9 used by workers in the workplace: *Provided further*, That
10 none of the funds appropriated under this paragraph shall
11 be obligated or expended to prescribe, issue, administer,
12 or enforce any standard, rule, regulation, or order under
13 the Act which is applicable to any person who is engaged
14 in a farming operation which does not maintain a tem-
15 porary labor camp and employs 10 or fewer employees:
16 *Provided further*, That no funds appropriated under this
17 paragraph shall be obligated or expended to administer or
18 enforce any standard, rule, regulation, or order under the
19 Act with respect to any employer of 10 or fewer employees
20 who is included within a category having an occupational
21 injury lost workday case rate, at the most precise Stand-
22 ard Industrial Classification Code for which such data are
23 published, less than the national average rate as such
24 rates are most recently published by the Secretary, acting

1 through the Bureau of Labor Statistics, in accordance
2 with section 24 of that Act (29 U.S.C. 673), except—

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

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

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

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

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

22 (6) to take any action authorized by such Act
23 with respect to complaints of discrimination against
24 employees for exercising rights under such Act: *Pro-*
25 *vided further,* That the foregoing proviso shall not

1 apply to any person who is engaged in a farming op-
2 eration which does not maintain a temporary labor
3 camp and employs 10 or fewer employees.

4 MINE SAFETY AND HEALTH ADMINISTRATION
5 SALARIES AND EXPENSES

6 For necessary expenses for the Mine Safety and
7 Health Administration, \$266,767,000, including purchase
8 and bestowal of certificates and trophies in connection
9 with mine rescue and first-aid work, and the hire of pas-
10 senger motor vehicles; including up to \$1,000,000 for
11 mine rescue and recovery activities, which shall be avail-
12 able only to the extent that fiscal year 2004 obligations
13 for these activities exceed \$1,000,000; in addition, not to
14 exceed \$750,000 may be collected by the National Mine
15 Health and Safety Academy for room, board, tuition, and
16 the sale of training materials, otherwise authorized by law
17 to be collected, to be available for mine safety and health
18 education and training activities, notwithstanding 31
19 U.S.C. 3302; and, in addition, the Mine Safety and Health
20 Administration may retain up to \$1,000,000 from fees col-
21 lected for the approval and certification of equipment, ma-
22 terials, and explosives for use in mines, and may utilize
23 such sums for such activities; the Secretary is authorized
24 to accept lands, buildings, equipment, and other contribu-
25 tions from public and private sources and to prosecute

1 projects in cooperation with other agencies, Federal,
2 State, or private; the Mine Safety and Health Administra-
3 tion is authorized to promote health and safety education
4 and training in the mining community through cooperative
5 programs with States, industry, and safety associations;
6 and any funds available to the department may be used,
7 with the approval of the Secretary, to provide for the costs
8 of mine rescue and survival operations in the event of a
9 major disaster.

10 BUREAU OF LABOR STATISTICS

11 SALARIES AND EXPENSES

12 For necessary expenses for the Bureau of Labor Sta-
13 tistics, including advances or reimbursements to State,
14 Federal, and local agencies and their employees for serv-
15 ices rendered, \$437,152,000, together with not to exceed
16 \$75,110,000, which may be expended from the Employ-
17 ment Security Administration Account in the Unemploy-
18 ment Trust Fund.

19 OFFICE OF DISABILITY EMPLOYMENT POLICY

20 SALARIES AND EXPENSES

21 For necessary expenses for the Office of Disability
22 Employment Policy to provide leadership, develop policy
23 and initiatives, and award grants furthering the objective
24 of eliminating barriers to the training and employment of
25 people with disabilities, \$47,333,000.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 For necessary expenses for Departmental Manage-
4 ment, including the hire of three sedans; \$48,565,000 for
5 the acquisition of Departmental information technology,
6 architecture, infrastructure, equipment, software and re-
7 lated needs which will be allocated by the Department's
8 Chief Information Officer in accordance with the Depart-
9 ment's capital investment management process to assure
10 a sound investment management process to assure a
11 sound investment strategy; \$252,701,000; together with
12 not to exceed \$317,000, which may be expended from the
13 Employment Security Administration Account in the Un-
14 employment Trust Fund: *Provided*, That no funds made
15 available by this Act may be used by the Solicitor of Labor
16 to participate in a review in any United States court of
17 appeals of any decision made by the Benefits Review
18 Board under section 21 of the Longshore and Harbor
19 Workers' Compensation Act (33 U.S.C. 921) where such
20 participation is precluded by the decision of the United
21 States Supreme Court in *Director, Office of Workers'*
22 *Compensation Programs v. Newport News Shipbuilding,*
23 *115 S. Ct. 1278 (1995)*, notwithstanding any provisions
24 to the contrary contained in Rule 15 of the Federal Rules
25 of Appellate Procedure: *Provided further*, That no funds

1 made available by this Act may be used by the Secretary
2 of Labor to review a decision under the Longshore and
3 Harbor Workers' Compensation Act (33 U.S.C. 901 et
4 seq.) that has been appealed and that has been pending
5 before the Benefits Review Board for more than 12
6 months: *Provided further*, That any such decision pending
7 a review by the Benefits Review Board for more than 1
8 year shall be considered affirmed by the Benefits Review
9 Board on the 1-year anniversary of the filing of the ap-
10 peal, and shall be considered the final order of the Board
11 for purposes of obtaining a review in the United States
12 courts of appeals: *Provided further*, That these provisions
13 shall not be applicable to the review or appeal of any deci-
14 sion issued under the Black Lung Benefits Act (30 U.S.C.
15 901 et seq.).

16 VETERANS EMPLOYMENT AND TRAINING

17 Not to exceed \$193,443,000 may be derived from the
18 Employment Security Administration Account in the Un-
19 employment Trust Fund to carry out the provisions of 38
20 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and
21 Public Law 103–353, and which shall be available for obli-
22 gation by the States through December 31, 2004, of which
23 \$2,000,000 is for the National Veterans' Employment and
24 Training Services Institute. To carry out the Homeless
25 Veterans Reintegration Programs (38 U.S.C. 2021) and
26 the Veterans Workforce Investment Programs (29 U.S.C.

1 2913), \$26,550,000 of which \$7,550,000 shall be available
2 for obligation for the period July 1, 2004 through June
3 30, 2005.

4 OFFICE OF INSPECTOR GENERAL

5 For salaries and expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, \$60,896,000, together
8 with not to exceed \$5,899,000, which may be expended
9 from the Employment Security Administration Account in
10 the Unemployment Trust Fund.

11 WORKING CAPITAL FUND

12 For the acquisition of a new core accounting system
13 for the Department of Labor, including hardware and
14 software infrastructure and the costs associated with im-
15 plementation thereof, \$18,000,000.

16 GENERAL PROVISIONS

17 SEC. 101. None of the funds appropriated in this title
18 for the Job Corps shall be used to pay the compensation
19 of an individual, either as direct costs or any proration
20 as an indirect cost, at a rate in excess of Executive Level
21 II.

22 (TRANSFER OF FUNDS)

23 SEC. 102. Not to exceed 1 percent of any discre-
24 tionary funds (pursuant to the Balanced Budget and
25 Emergency Deficit Control Act of 1985, as amended)
26 which are appropriated for the current fiscal year for the

1 Department of Labor in this Act may be transferred be-
2 tween appropriations, but no such appropriation shall be
3 increased by more than 3 percent by any such transfer:
4 *Provided*, That the Appropriations Committees of both
5 Houses of Congress are notified at least 15 days in ad-
6 vance of any transfer.

7 This title may be cited as the “Department of Labor
8 Appropriations Act, 2004”.

9 TITLE II—DEPARTMENT OF HEALTH AND
10 HUMAN SERVICES

11 HEALTH RESOURCES AND SERVICES ADMINISTRATION

12 HEALTH RESOURCES AND SERVICES

13 For carrying out titles II, III, IV, VII, VIII, X, XII,
14 XIX, and XXVI of the Public Health Service Act, section
15 427(a) of the Federal Coal Mine Health and Safety Act,
16 title V, and sections 1128E, 711 and 1820 of the Social
17 Security Act, the Health Care Quality Improvement Act
18 of 1986, as amended, the Native Hawaiian Health Care
19 Act of 1988, as amended, the Cardiac Arrest Survival Act
20 of 2000, and the Poison Control Center Enhancement and
21 Awareness Act, \$6,252,256,000, of which \$39,740,000
22 from general revenues, notwithstanding section 1820(j) of
23 the Social Security Act, shall be available for carrying out
24 the Medicare rural hospital flexibility grants program
25 under section 1820 of such Act: *Provided*, That of the

1 funds made available under this heading, \$248,000 shall
2 be available until expended for facilities renovations at the
3 Gillis W. Long Hansen’s Disease Center: *Provided further*,
4 That in addition to fees authorized by section 427(b) of
5 the Health Care Quality Improvement Act of 1986, fees
6 shall be collected for the full disclosure of information
7 under the Act sufficient to recover the full costs of oper-
8 ating the National Practitioner Data Bank, and shall re-
9 main available until expended to carry out that Act: *Pro-*
10 *vided further*, That fees collected for the full disclosure of
11 information under the “Health Care Fraud and Abuse
12 Data Collection Program”, authorized by section
13 1128E(d)(2) of the Social Security Act, shall be sufficient
14 to recover the full costs of operating the program, and
15 shall remain available until expended to carry out that
16 Act: *Provided further*, That no more than \$45,000,000 is
17 available for carrying out the provisions of Public Law
18 104–73: *Provided further*, That of the funds made avail-
19 able under this heading, \$273,350,000 shall be for the
20 program under title X of the Public Health Service Act
21 to provide for voluntary family planning projects: *Provided*
22 *further*, That amounts provided to said projects under
23 such title shall not be expended for abortions, that all
24 pregnancy counseling shall be nondirective, and that such
25 amounts shall not be expended for any activity (including

1 the publication or distribution of literature) that in any
2 way tends to promote public support or opposition to any
3 legislative proposal or candidate for public office: *Provided*
4 *further*, That \$753,317,000 shall be for State AIDS Drug
5 Assistance Programs authorized by section 2616 of the
6 Public Health Service Act: *Provided further*, That notwith-
7 standing section 502(a)(1) of the Social Security Act, not
8 to exceed \$117,831,000 is for carrying out special projects
9 of regional and national significance pursuant to section
10 501(l)(2): *Provided further*, That \$65,000,000 is available
11 for special projects of regional and national significance
12 under section 501(a)(2) of the Social Security Act, which
13 shall not be counted toward compliance with the allocation
14 required in section 502(a)(1) of such Act, and which shall
15 be used only for making competitive grants to provide ab-
16 stinence education (as defined in section 510(b)(2) of such
17 Act) to adolescents and for evaluations (including longitu-
18 dinal evaluations) of activities under the grants and for
19 Federal costs of administering the grants: *Provided fur-*
20 *ther*, That grants under the immediately preceding proviso
21 shall be made only to public and private entities which
22 agree that, with respect to an adolescent to whom the enti-
23 ties provide abstinence education under such grant, the
24 entities will not provide to that adolescent any other edu-
25 cation regarding sexual conduct, except that, in the case

1 of an entity expressly required by law to provide health
2 information or services the adolescent shall not be pre-
3 cluded from seeking health information or services from
4 the entity in a different setting than the setting in which
5 the abstinence education was provided: *Provided further,*
6 That the funds expended for such evaluations may not ex-
7 ceed 3.5 percent of such amount.

8 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

9 ACCOUNT

10 Such sums as may be necessary to carry out the pur-
11 pose of the program, as authorized by title VII of the Pub-
12 lic Health Service Act, as amended. For administrative ex-
13 penses to carry out the guaranteed loan program, includ-
14 ing section 709 of the Public Health Service Act,
15 \$3,389,000.

16 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

17 For payments from the Vaccine Injury Compensation
18 Program Trust Fund, such sums as may be necessary for
19 claims associated with vaccine-related injury or death with
20 respect to vaccines administered after September 30,
21 1988, pursuant to subtitle 2 of title XXI of the Public
22 Health Service Act, to remain available until expended:
23 *Provided,* That for necessary administrative expenses, not
24 to exceed \$3,472,000 shall be available from the Trust
25 Fund to the Secretary of Health and Human Services.

1 CENTERS FOR DISEASE CONTROL AND PREVENTION

2 DISEASE CONTROL, RESEARCH, AND TRAINING

3 To carry out titles II, III, VII, XI, XV, XVII, XIX,
4 XXI, and XXVI of the Public Health Service Act, sections
5 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal
6 Mine Safety and Health Act of 1977, sections 20, 21, and
7 22 of the Occupational Safety and Health Act of 1970,
8 title IV of the Immigration and Nationality Act, and sec-
9 tion 501 of the Refugee Education Assistance Act of 1980;
10 including (purchase and) insurance of official motor vehi-
11 cles in foreign countries; and hire, maintenance, and oper-
12 ation of aircraft, \$4,588,671,000, of which \$206,000,000
13 shall remain available until expended for equipment, and
14 construction and renovation of facilities, and of which
15 \$242,569,000 for international HIV/AIDS shall remain
16 available until September 30, 2005, including not less
17 than \$100,000,000, to remain available until expended,
18 for the “International Mother and Child HIV Prevention
19 Initiative”, and in addition, such sums as may be derived
20 from authorized user fees, which shall be credited to this
21 account: *Provided*, That in addition to amounts provided
22 herein, \$13,226,000 shall be available from amounts avail-
23 able under section 241 of the Public Health Service Act
24 to carry out the National Center for Health Statistics sur-
25 veys: *Provided further*, That none of the funds made avail-

1 able for injury prevention and control at the Centers for
2 Disease Control and Prevention may be used, in whole or
3 in part, to advocate or promote gun control: *Provided fur-*
4 *ther*, That the Director may redirect the total amount
5 made available under authority of Public Law 101–502,
6 section 3, dated November 3, 1990, to activities the Direc-
7 tor may so designate: *Provided further*, That the Congress
8 is to be notified promptly of any such transfer: *Provided*
9 *further*, That not to exceed \$12,500,000 may be available
10 for making grants under section 1509 of the Public
11 Health Service Act to not more than 15 States: *Provided*
12 *further*, That without regard to existing statute, funds ap-
13 propriated may be used to proceed, at the discretion of
14 the Centers for Disease Control and Prevention, with
15 property acquisition, including a long-term ground lease
16 for construction on non-Federal land, to support the con-
17 struction of a replacement laboratory in the Fort Collins,
18 Colorado area: *Provided further*, That notwithstanding any
19 other provision of law, a single contract or related con-
20 tracts for development and construction of facilities may
21 be employed which collectively include the full scope of the
22 project: *Provided further*, That the solicitation and con-
23 tract shall contain the clause “availability of funds” found
24 at 48 CFR 52.232–18.

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL CANCER INSTITUTE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to cancer,
5 \$4,770,519,000.

6 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to cardiovascular, lung,
9 and blood diseases, and blood and blood products,
10 \$2,867,995,000.

11 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

12 RESEARCH

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to dental disease,
15 \$382,396,000.

16 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE

17 AND KIDNEY DISEASES

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to diabetes and diges-
20 tive and kidney disease, \$1,670,007,000.

21 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS

22 AND STROKE

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to neurological dis-
25 orders and stroke, \$1,468,926,000.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
2 DISEASES
3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out section 301 and title IV of the Pub-
5 lic Health Service Act with respect to allergy and infec-
6 tious diseases, \$4,335,255,000: *Provided*, That
7 \$100,000,000 may be made available to International As-
8 sistance Programs, “Global Fund to Fight HIV/AIDS,
9 Malaria, and Tuberculosis”, to remain available until ex-
10 pended.

11 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to general medical
14 sciences, \$1,923,133,000.

15 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
16 DEVELOPMENT

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to child health and
19 human development, \$1,245,371,000.

20 NATIONAL EYE INSTITUTE

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to eye diseases and
23 visual disorders, \$648,299,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
2 SCIENCES

3 For carrying out sections 301 and 311 and title IV
4 of the Public Health Service Act with respect to environ-
5 mental health sciences, \$630,774,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to aging,
9 \$994,411,000.

10 NATIONAL INSTITUTE OF ARTHRITIS AND
11 MUSCULOSKELETAL AND SKIN DISEASES

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to arthritis and mus-
14 culoskeletal and skin diseases, \$502,778,000.

15 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
16 COMMUNICATION DISORDERS

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to deafness and other
19 communication disorders, \$380,377,000.

20 NATIONAL INSTITUTE OF NURSING RESEARCH

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to nursing research,
23 \$134,579,000.

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, \$430,121,000.

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 \$995,614,000.

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 \$1,382,114,000.

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, \$478,072,000.

18 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
19 BIOENGINEERING

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to biomedical imaging
22 and bioengineering research, \$282,109,000.

23 NATIONAL CENTER FOR RESEARCH RESOURCES

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

1 and general research support grants, \$1,053,926,000:
2 *Provided*, That none of these funds shall be used to pay
3 recipients of the general research support grants program
4 any amount for indirect expenses in connection with such
5 grants.

6 NATIONAL CENTER FOR COMPLEMENTARY AND
7 ALTERNATIVE MEDICINE

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to complementary and
10 alternative medicine, \$116,202,000.

11 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
12 DISPARITIES

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to minority health and
15 health disparities research, \$192,724,000.

16 JOHN E. FOGARTY INTERNATIONAL CENTER

17 For carrying out the activities at the John E.
18 Fogarty International Center, \$64,266,000.

19 NATIONAL LIBRARY OF MEDICINE

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to health information
22 communications, \$316,040,000, of which \$4,000,000 shall
23 be available until expended for improvement of informa-
24 tion systems: *Provided*, That in fiscal year 2004, the Li-
25 brary may enter into personal services contracts for the

1 provision of services in facilities owned, operated, or con-
2 structed under the jurisdiction of the National Institutes
3 of Health.

4 OFFICE OF THE DIRECTOR

5 (INCLUDING TRANSFER OF FUNDS)

6 For carrying out the responsibilities of the Office of
7 the Director, National Institutes of Health, \$317,983,000:
8 *Provided*, That funding shall be available for the purchase
9 of not to exceed 29 passenger motor vehicles for replace-
10 ment only: *Provided further*, That the Director may direct
11 up to 1 percent of the total amount made available in this
12 or any other Act to all National Institutes of Health ap-
13 propriations to activities the Director may so designate:
14 *Provided further*, That no such appropriation shall be de-
15 creased by more than 1 percent by any such transfers and
16 that the Congress is promptly notified of the transfer: *Pro-*
17 *vided further*, That the National Institutes of Health is
18 authorized to collect third party payments for the cost of
19 clinical services that are incurred in National Institutes
20 of Health research facilities and that such payments shall
21 be credited to the National Institutes of Health Manage-
22 ment Fund: *Provided further*, That all funds credited to
23 the National Institutes of Health Management Fund shall
24 remain available for 1 fiscal year after the fiscal year in
25 which they are deposited: *Provided further*, That up to

1 \$500,000 shall be available to carry out section 499 of
2 the Public Health Service Act.

3 BUILDINGS AND FACILITIES

4 For the study of, construction of, renovation of, and
5 acquisition of equipment for, facilities of or used by the
6 National Institutes of Health, including the acquisition of
7 real property, \$80,000,000, to remain available until ex-
8 pended.

9 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

10 ADMINISTRATION

11 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

12 For carrying out titles V and XIX of the Public
13 Health Service Act with respect to substance abuse and
14 mental health services, the Protection and Advocacy for
15 Mentally Ill Individuals Act of 1986, and section 301 of
16 the Public Health Service Act with respect to program
17 management, \$3,329,000,000: *Provided further*, That in
18 addition to amounts provided herein, \$16,000,000 shall be
19 made available from amounts available under section 241
20 of the Public Health Service Act to carry out national sur-
21 veys on drug abuse.

22 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

23 HEALTHCARE RESEARCH AND QUALITY

24 For carrying out titles III and IX of the Public
25 Health Service Act, and part A of title XI of the Social
26 Security Act, amounts received from Freedom of Informa-

1 tion Act fees, reimbursable and interagency agreements,
2 and the sale of data shall be credited to this appropriation
3 and shall remain available until expended: *Provided*, That
4 the amount made available pursuant to section 927(c) of
5 the Public Health Service Act shall not exceed
6 \$303,695,000: *Provided*, That, of the funds made avail-
7 able under this heading, \$12,000,000 shall be for the con-
8 duct of research on the comparative effectiveness, cost-ef-
9 fectiveness, and safety of drugs, biological products, and
10 devices under subparagraph (B) of section 912(b)(2) of
11 the Public Health Service Act (42 U.S.C. 299b-1(b)(2)).

12 CENTERS FOR MEDICARE AND MEDICAID SERVICES

13 GRANTS TO STATES FOR MEDICAID

14 For carrying out, except as otherwise provided, titles
15 XI and XIX of the Social Security Act, \$130,892,197,000,
16 to remain available until expended.

17 For making, after May 31, 2004, payments to States
18 under title XIX of the Social Security Act for the last
19 quarter of fiscal year 2004 for unanticipated costs, in-
20 curred for the current fiscal year, such sums as may be
21 necessary.

22 For making payments to States or in the case of sec-
23 tion 1928 on behalf of States under title XIX of the Social
24 Security Act for the first quarter of fiscal year 2005,
25 \$58,416,275,000, to remain available until expended.

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

5 PAYMENTS TO HEALTH CARE TRUST FUNDS

6 For payment to the Federal Hospital Insurance and
7 the Federal Supplementary Medical Insurance Trust
8 Funds, as provided under section 1844 of the Social Secu-
9 rity Act, sections 103(c) and 111(d) of the Social Security
10 Amendments of 1965, section 278(d) of Public Law 97-
11 248, and for administrative expenses incurred pursuant
12 to section 201(g) of the Social Security Act,
13 \$95,084,100,000.

14 PROGRAM MANAGEMENT

15 For carrying out, except as otherwise provided, titles
16 XI, XVIII, XIX, and XXI of the Social Security Act, titles
17 XIII and XXVII of the Public Health Service Act, and
18 the Clinical Laboratory Improvement Amendments of
19 1988, not to exceed \$2,698,025,000, to be transferred
20 from the Federal Hospital Insurance and the Federal Sup-
21 plementary Medical Insurance Trust Funds, as authorized
22 by section 201(g) of the Social Security Act; together with
23 all funds collected in accordance with section 353 of the
24 Public Health Service Act and section 1857(e)(2) of the
25 Social Security Act, and such sums as may be collected
26 from authorized user fees and the sale of data, which shall

1 remain available until expended, and together with admin-
2 istrative fees collected relative to Medicare overpayment
3 recovery activities, which shall remain available until ex-
4 pended: *Provided*, That all funds derived in accordance
5 with 31 U.S.C. 9701 from organizations established under
6 title XIII of the Public Health Service Act shall be cred-
7 ited to and available for carrying out the purposes of this
8 appropriation: *Provided further*, That \$65,000,000, to re-
9 main available until September 30, 2005, is for contract
10 costs for CMS' Systems Revitalization Plan: *Provided fur-*
11 *ther*, That \$56,991,000, to remain available until Sep-
12 tember 30, 2005, is for contract costs for the Healthcare
13 Integrated General Ledger Accounting System: *Provided*
14 *further*, That \$129,000,000 shall be for processing Medi-
15 care appeals: *Provided further*, That the Secretary of
16 Health and Human Services is directed to collect fees in
17 fiscal year 2004 from Medicare+Choice organizations
18 pursuant to section 1857(e)(2) of the Social Security Act
19 and from eligible organizations with risk-sharing contracts
20 under section 1876 of that Act pursuant to section
21 1876(k)(4)(D) of that Act.

22 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
23 GUARANTEE FUND

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

1 guarantees under title XIII of the Public Health Service
2 Act, to be available without fiscal year limitation for the
3 payment of outstanding obligations. During fiscal year
4 2004, no commitments for direct loans or loan guarantees
5 shall be made.

6 ADMINISTRATION FOR CHILDREN AND FAMILIES

7 PAYMENTS TO STATES FOR CHILD SUPPORT

8 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

9 For making payments to States or other non-Federal
10 entities under titles I, IV–D, X, XI, XIV, and XVI of the
11 Social Security Act and the Act of July 5, 1960 (24
12 U.S.C. ch. 9), \$3,292,970,000, to remain available until
13 expended; and for such purposes for the first quarter of
14 fiscal year 2005, \$1,200,000,000, to remain available until
15 expended.

16 For making payments to each State for carrying out
17 the program of Aid to Families with Dependent Children
18 under title IV–A of the Social Security Act before the ef-
19 fective date of the program of Temporary Assistance for
20 Needy Families (TANF) with respect to such State, such
21 sums as may be necessary: *Provided*, That the sum of the
22 amounts available to a State with respect to expenditures
23 under such title IV–A in fiscal year 1997 under this ap-
24 propriation and under such title IV–A as amended by the
25 Personal Responsibility and Work Opportunity Reconcili-

1 ation Act of 1996 shall not exceed the limitations under
2 section 116(b) of such Act.

3 For making, after May 31 of the current fiscal year,
4 payments to States or other non-Federal entities under
5 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
6 Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for
7 the last 3 months of the current fiscal year for unantici-
8 pated costs, incurred for the current fiscal year, such sums
9 as may be necessary.

10 LOW-INCOME HOME ENERGY ASSISTANCE

11 For making payments under title XXVI of the Omni-
12 bus Budget Reconciliation Act of 1981, \$1,700,000,000.

13 For making payments under title XXVI of the Omni-
14 bus Budget Reconciliation Act of 1981, \$100,000,000:
15 *Provided*, That these funds are for the unanticipated home
16 energy assistance needs of one or more States, as author-
17 ized by section 2604(e) of the Act, and notwithstanding
18 the designation requirement of section 2602(e).

19 REFUGEE AND ENTRANT ASSISTANCE

20 For necessary expenses for refugee and entrant as-
21 sistance activities authorized by title IV of the Immigra-
22 tion and Nationality Act and section 501 of the Refugee
23 Education Assistance Act of 1980 (Public Law 96–422),
24 for carrying out section 462 of the Homeland Security Act
25 of 2002 (Public Law 107–296), and for carrying out sec-
26 tion 5 of the Torture Victims Relief Act of 1998 (Public

1 Law 105–320), \$461,853,000, of which up to
2 \$10,000,000 shall be available to carry out the Trafficking
3 Victims Protection Act of 2000 (Public Law 106–386; di-
4 vision A): *Provided*, That funds appropriated under this
5 heading pursuant to section 414(a) of the Immigration
6 and Nationality Act for fiscal year 2004 shall be available
7 for the costs of assistance provided and other activities,
8 to remain available through September 30, 2006.

9 PAYMENTS TO STATES FOR THE CHILD CARE AND

10 DEVELOPMENT BLOCK GRANT

11 For carrying out sections 658A through 658R of the
12 Omnibus Budget Reconciliation Act of 1981 (The Child
13 Care and Development Block Grant Act of 1990),
14 \$2,099,729,000 shall be used to supplement, not supplant
15 state general revenue funds for child care assistance for
16 low-income families: *Provided*, That \$19,120,000 shall be
17 available for child care resource and referral and school-
18 aged child care activities, of which \$1,000,000 shall be for
19 the Child Care Aware toll free hotline: *Provided further*,
20 That, in addition to the amounts required to be reserved
21 by the States under section 658G, \$272,672,000 shall be
22 reserved by the States for activities authorized under sec-
23 tion 658G, of which \$100,000,000 shall be for activities
24 that improve the quality of infant and toddler care: *Pro-*
25 *vided further*, That \$9,864,000 shall be for use by the Sec-

1 retary for child care research, demonstration, and evalua-
2 tion activities.

3 SOCIAL SERVICES BLOCK GRANT

4 For making grants to States pursuant to section
5 2002 of the Social Security Act, \$1,700,000,000: *Pro-*
6 *vided*, That notwithstanding subparagraph (B) of section
7 404(d)(2) of such Act, the applicable percent specified
8 under such subparagraph for a State to carry out State
9 programs pursuant to title XX of such Act shall be 5.5
10 percent.

11 DISABLED VOTER SERVICES

12 For necessary expenses to carry out programs as au-
13 thorized by the Help America Vote Act of 2002,
14 \$15,000,000, of which \$13,000,000 shall be for payments
15 to States to promote disabled voter access, and of which,
16 \$2,000,000 shall be for payments to States for disabled
17 voters protection and advocacy systems.

18 CHILDREN AND FAMILIES SERVICES PROGRAMS

19 For carrying out, except as otherwise provided, the
20 Runaway and Homeless Youth Act, the Developmental
21 Disabilities Assistance and Bill of Rights Act, the Head
22 Start Act, the Child Abuse Prevention and Treatment Act,
23 sections 310 and 316 of the Family Violence Prevention
24 and Services Act, as amended, the Native American Pro-
25 grams Act of 1974, title II of Public Law 95–266 (adop-
26 tion opportunities), the Adoption and Safe Families Act

1 of 1997 (Public Law 105–89), sections 1201 and 1211
2 of the Children’s Health Act of 2000, the Abandoned In-
3 fants Assistance Act of 1988, part B(1) of title IV and
4 sections 413, 429A, 1110, and 1115 of the Social Security
5 Act, and sections 40155, 40211, and 40241 of Public Law
6 103–322; for making payments under the Community
7 Services Block Grant Act, sections 439(h), 473A, and
8 477(i) of the Social Security Act, and title IV of Public
9 Law 105–285, and for necessary administrative expenses
10 to carry out said Acts and titles I, IV, X, XI, XIV, XVI,
11 and XX of the Social Security Act, the Act of July 5, 1960
12 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act
13 of 1981, title IV of the Immigration and Nationality Act,
14 section 501 of the Refugee Education Assistance Act of
15 1980, section 5 of the Torture Victims Relief Act of 1998
16 (Public Law 105–320), sections 40155, 40211, and 40241
17 of Public Law 103–322, and section 126 and titles IV and
18 V of Public Law 100–485, \$8,599,670,000, of which
19 \$43,000,000, to remain available until September 30,
20 2005, shall be for grants to States for adoption incentive
21 payments, as authorized by section 473A of title IV of the
22 Social Security Act (42 U.S.C. 670–679) and may be
23 made for adoptions completed before September 30, 2004;
24 of which \$6,815,570,000 shall be for making payments
25 under the Head Start Act, of which \$1,400,000,000 shall

1 become available October 1, 2004 and remain available
2 through September 30, 2005; and of which \$577,562,000
3 shall be for making payments under the Community Serv-
4 ices Block Grant Act: *Provided*, That not less than
5 \$7,250,000 shall be for section 680(3)(B) of the Commu-
6 nity Services Block Grant Act, as amended: *Provided fur-*
7 *ther*, That to the extent Community Services Block Grant
8 funds are distributed as grant funds by a State to an eligi-
9 ble entity as provided under the Act, and have not been
10 expended by such entity, they shall remain with such enti-
11 ty for carryover into the next fiscal year for expenditure
12 by such entity consistent with program purposes: *Provided*
13 *further*, That the Secretary shall establish procedures re-
14 garding the disposition of intangible property which per-
15 mits grant funds, or intangible assets acquired with funds
16 authorized under section 680 of the Community Services
17 Block Grant Act, as amended, to become the sole property
18 of such grantees after a period of not more than 12 years
19 after the end of the grant for purposes and uses consistent
20 with the original grant: *Provided further*, That funds ap-
21 propriated for section 680(a)(2) of the Community Serv-
22 ices Block Grant Act, as amended, shall be available for
23 financing construction and rehabilitation and loans or in-
24 vestments in private business enterprises owned by com-
25 munity development corporations: *Provided further*, That

1 \$88,043,000 shall be for activities authorized by the Run-
2 away and Homeless Youth Act, notwithstanding the allo-
3 cation requirements of section 388(a) of such Act, of
4 which \$26,413,000 is for the transitional living program:
5 *Provided further*, That \$50,000,000 is for a compassion
6 capital fund to provide grants to charitable organizations
7 to emulate model social service programs and to encourage
8 research on the best practices of social service organiza-
9 tions.

10 PROMOTING SAFE AND STABLE FAMILIES

11 For carrying out section 436 of the Social Security
12 Act, \$305,000,000 and for section 437, \$100,000,000.

13 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION
14 ASSISTANCE

15 For making payments to States or other non-Federal
16 entities under title IV–E of the Social Security Act,
17 \$5,068,300,000.

18 For making payments to States or other non-Federal
19 entities under title IV–E of the Act, for the first quarter
20 of fiscal year 2005, \$1,767,700,000.

21 For making, after May 31 of the current fiscal year,
22 payments to States or other non-Federal entities under
23 section 474 of title IV–E, for the last 3 months of the
24 current fiscal year for unanticipated costs, incurred for the
25 current fiscal year, such sums as may be necessary.

1 ADMINISTRATION ON AGING
2 AGING SERVICES PROGRAMS

3 For carrying out, to the extent not otherwise pro-
4 vided, the Older Americans Act of 1965, as amended, and
5 section 398 of the Public Health Service Act,
6 \$1,377,421,000, of which \$5,000,000 shall be available for
7 activities regarding medication management, screening,
8 and education to prevent incorrect medication and adverse
9 drug reactions; and of which \$2,842,000 shall remain
10 available until September 30, 2006 for the White House
11 Conference on Aging.

12 OFFICE OF THE SECRETARY
13 GENERAL DEPARTMENTAL MANAGEMENT

14 For necessary expenses, not otherwise provided, for
15 general departmental management, including hire of six
16 sedans, and for carrying out titles III, XVII, and XX of
17 the Public Health Service Act, and the United States-Mex-
18 ico Border Health Commission Act, \$343,284,000, to-
19 gether with \$5,813,000 to be transferred and expended
20 as authorized by section 201(g)(1) of the Social Security
21 Act from the Hospital Insurance Trust Fund and the Sup-
22 plemental Medical Insurance Trust Fund: *Provided*, That
23 of the funds made available under this heading for car-
24 rying out title XX of the Public Health Service Act,
25 \$11,185,000 shall be for activities specified under section

1 2003(b)(2), of which \$10,157,000 shall be for prevention
2 service demonstration grants under section 510(b)(2) of
3 title V of the Social Security Act, as amended, without
4 application of the limitation of section 2010(c) of said title
5 XX: *Provided further*, That of this amount, \$49,675,000
6 is for minority AIDS prevention and treatment activities;
7 \$18,400,000 is for an Information Technology Security
8 and Innovation Fund for Department-wide activities in-
9 volving cybersecurity, information technology security, and
10 related innovation projects, and \$5,000,000 is to assist Af-
11 ghanistan in the development of maternal and child health
12 clinics, consistent with section 103(a)(4)(H) of the Af-
13 ghanistan Freedom Support Act of 2002.

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, \$39,497,000: *Provided*,
18 That, of such amount, necessary sums are available for
19 providing protective services to the Secretary and inves-
20 tigating non-payment of child support cases for which non-
21 payment is a Federal offense under 18 U.S.C. 228.

22 OFFICE FOR CIVIL RIGHTS

23 For expenses necessary for the Office for Civil
24 Rights, \$30,936,000, together with not to exceed
25 \$3,314,000 to be transferred and expended as authorized
26 by section 201(g)(1) of the Social Security Act from the

1 Hospital Insurance Trust Fund and the Supplemental
2 Medical Insurance Trust Fund.

3 POLICY RESEARCH

4 For carrying out, to the extent not otherwise pro-
5 vided, research studies under section 1110 of the Social
6 Security Act and title III of the Public Health Service Act,
7 \$2,483,000: *Provided*, That in addition to amounts pro-
8 vided herein, \$18,000,000 shall be available from amounts
9 available under section 241 of the Public Health Service
10 Act to carry out national health or human services re-
11 search and evaluation activities: *Provided further*, That the
12 expenditure of any funds available under section 241 of
13 the Public Health Service Act are subject to the require-
14 ments of section 205 of this Act.

15 RETIREMENT PAY AND MEDICAL BENEFITS FOR

16 COMMISSIONED OFFICERS

17 For retirement pay and medical benefits of Public
18 Health Service Commissioned Officers as authorized by
19 law, for payments under the Retired Serviceman's Family
20 Protection Plan and Survivor Benefit Plan, for medical
21 care of dependents and retired personnel under the De-
22 pendants' Medical Care Act (10 U.S.C. ch. 55 and 56),
23 and for payments pursuant to section 229(b) of the Social
24 Security Act (42 U.S.C. 429(b)), such amounts as may
25 be required during the current fiscal year. The following
26 are definitions for the medical benefits of the Public

1 Health Service Commissioned Officers that apply to 10
2 U.S.C. chapter 56, section 1116(c). The source of funds
3 for the monthly accrual payments into the Department of
4 Defense Medicare-Eligible Retiree Health Care Fund shall
5 be the Retirement Pay and Medical Benefits for Commis-
6 sioned Officers account. For purposes of this Act, the term
7 “pay of members” shall be construed to be synonymous
8 with retirement payments to United States Public Health
9 Service officers who are retired for age, disability, or
10 length of service; payments to survivors of deceased offi-
11 cers; medical care to active duty and retired members and
12 dependents and beneficiaries; and for payments to the So-
13 cial Security Administration for military service credits;
14 all of which payments are provided for by the Retirement
15 Pay and Medical Benefits for Commissioned Officers ac-
16 count.

17 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
18 FUND

19 For expenses necessary to support activities related
20 to countering potential biological, disease and chemical
21 threats to civilian populations, \$1,726,846,000: *Provided,*
22 That this amount is distributed as follows: Centers for
23 Disease Control and Prevention, \$1,116,156,000; Office
24 of the Secretary, \$64,820,000; and Health Resources and
25 Services Administration; \$545,870,000: *Provided further,*
26 That at the discretion of the Secretary of Health and

1 Human Services, these amounts may be transferred be-
2 tween categories subject to normal reprogramming proce-
3 dures: *Provided further*, That employees of the Centers for
4 Disease Control and Prevention or the Public Health Serv-
5 ice, both civilian and Commissioned Officers, detailed to
6 States, municipalities, or other organizations under au-
7 thority of section 214 of the Public Health Service Act
8 for purposes related to homeland security, shall be treated
9 as non-Federal employees for reporting purposes only and
10 shall not be included within any personnel ceiling applica-
11 ble to the Agency, Service, or the Department of Health
12 and Human Services during the period of detail or assign-
13 ment.

14 In addition, for activities to ensure a year-round in-
15 fluenza vaccine production capacity and the development
16 and implementation of rapidly expandable influenza vac-
17 cine production technologies, \$50,000,000, to remain
18 available until expended.

19 GENERAL PROVISIONS

20 SEC. 201. Funds appropriated in this title shall be
21 available for not to exceed \$50,000 for official reception
22 and representation expenses when specifically approved by
23 the Secretary.

24 SEC. 202. The Secretary shall make available through
25 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 399F(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, the Agency for
13 Healthcare Research and Quality, and the Substance
14 Abuse and Mental Health Services Administration shall
15 be used to pay the salary of an individual, through a grant
16 or other extramural mechanism, at a rate in excess of Ex-
17 ecutive Level I.

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

1 tions of the Senate and of the House detailing the planned
2 uses of such funds.

3 SEC. 206. Notwithstanding section 241(a) of the
4 Public Health Service Act, such portion as the Secretary
5 shall determine, but not more than 1.25 percent, of any
6 amounts appropriated for programs authorized under said
7 Act shall be made available for the evaluation (directly,
8 or by grants or contracts) of the implementation and effec-
9 tiveness of such programs.

10 (TRANSFER OF FUNDS)

11 SEC. 207. Not to exceed 1 percent of any discre-
12 tionary funds (pursuant to the Balanced Budget and
13 Emergency Deficit Control Act of 1985, as amended)
14 which are appropriated for the current fiscal year for the
15 Department of Health and Human Services in this Act
16 may be transferred between appropriations, but no such
17 appropriation shall be increased by more than 3 percent
18 by any such transfer: *Provided*, That an appropriation
19 may be increased by up to an additional 2 percent subject
20 to approval by the House and Senate Committees on Ap-
21 propriations: *Provided further*, That the Appropriations
22 Committees of both Houses of Congress are notified at
23 least 15 days in advance of any transfer.

24 SEC. 208. The Director of the National Institutes of
25 Health, jointly with the Director of the Office of AIDS
26 Research, may transfer up to 3 percent among institutes,

1 centers, and divisions from the total amounts identified
2 by these two Directors as funding for research pertaining
3 to the human immunodeficiency virus: *Provided*, That the
4 Congress is promptly notified of the transfer.

5 SEC. 209. Of the amounts made available in this Act
6 for the National Institutes of Health, the amount for re-
7 search related to the human immunodeficiency virus, as
8 jointly determined by the Director of the National Insti-
9 tutes of Health and the Director of the Office of AIDS
10 Research, shall be made available to the “Office of AIDS
11 Research” account. The Director of the Office of AIDS
12 Research shall transfer from such account amounts nec-
13 essary to carry out section 2353(d)(3) of the Public
14 Health Service Act.

15 SEC. 210. None of the funds appropriated in this Act
16 may be made available to any entity under title X of the
17 Public Health Service Act unless the applicant for the
18 award certifies to the Secretary that it encourages family
19 participation in the decision of minors to seek family plan-
20 ning services and that it provides counseling to minors on
21 how to resist attempts to coerce minors into engaging in
22 sexual activities.

23 SEC. 211. None of the funds appropriated by this Act
24 (including funds appropriated to any trust fund) may be
25 used to carry out the Medicare+Choice program if the

1 Secretary denies participation in such program to an oth-
2 erwise eligible entity (including a Provider Sponsored Or-
3 ganization) because the entity informs the Secretary that
4 it will not provide, pay for, provide coverage of, or provide
5 referrals for abortions: *Provided*, That the Secretary shall
6 make appropriate prospective adjustments to the capita-
7 tion payment to such an entity (based on an actuarially
8 sound estimate of the expected costs of providing the serv-
9 ice to such entity's enrollees): *Provided further*, That noth-
10 ing in this section shall be construed to change the Medi-
11 care program's coverage for such services and a
12 Medicare+Choice organization described in this section
13 shall be responsible for informing enrollees where to obtain
14 information about all Medicare covered services.

15 SEC. 212. Notwithstanding any other provision of
16 law, no provider of services under title X of the Public
17 Health Service Act shall be exempt from any State law
18 requiring notification or the reporting of child abuse, child
19 molestation, sexual abuse, rape, or incest.

20 SEC. 213. (a) Except as provided by subsection (e)
21 none of the funds appropriated by this Act may be used
22 to withhold substance abuse funding from a State pursu-
23 ant to section 1926 of the Public Health Service Act (42
24 U.S.C. 300x-26) if such State certifies to the Secretary
25 of Health and Human Services by May 1, 2004 that the

1 State will commit additional State funds, in accordance
2 with subsection (b), to ensure compliance with State laws
3 prohibiting the sale of tobacco products to individuals
4 under 18 years of age.

5 (b) The amount of funds to be committed by a State
6 under subsection (a) shall be equal to 1 percent of such
7 State's substance abuse block grant allocation for each
8 percentage point by which the State misses the retailer
9 compliance rate goal established by the Secretary of
10 Health and Human Services under section 1926 of such
11 Act.

12 (c) The State is to maintain State expenditures in
13 fiscal year 2004 for tobacco prevention programs and for
14 compliance activities at a level that is not less than the
15 level of such expenditures maintained by the State for fis-
16 cal year 2002, and adding to that level the additional
17 funds for tobacco compliance activities required under
18 subsection (a). The State is to submit a report to the Sec-
19 retary on all fiscal year 2003 State expenditures and all
20 fiscal year 2004 obligations for tobacco prevention and
21 compliance activities by program activity by July 31,
22 2004.

23 (d) The Secretary shall exercise discretion in enforce-
24 ing the timing of the State obligation of the additional

1 funds required by the certification described in subsection
2 (a) as late as July 31, 2004.

3 (e) None of the funds appropriated by this Act may
4 be used to withhold substance abuse funding pursuant to
5 section 1926 from a territory that receives less than
6 \$1,000,000.

7 SEC. 214. In order for the Centers for Disease Con-
8 trol and Prevention to carry out international health ac-
9 tivities, including HIV/AIDS and other infectious disease,
10 chronic and environmental disease, and other health ac-
11 tivities abroad during fiscal year 2004, the Secretary of
12 Health and Human Services is authorized to provide such
13 funds by advance or reimbursement to the Secretary of
14 State as may be necessary to pay the costs of acquisition,
15 lease, alteration, renovation, and management of facilities
16 outside of the United States for the use of the Department
17 of Health and Human Services. The Department of State
18 shall cooperate fully with the Secretary of Health and
19 Human Services to ensure that the Department of Health
20 and Human Services has secure, safe, functional facilities
21 that comply with applicable regulation governing location,
22 setback, and other facilities requirements and serve the
23 purposes established by this Act. The Secretary of Health
24 and Human Services is authorized, in consultation with
25 the Secretary of State, through grant or cooperative agree-

1 ment, to make available to public or nonprofit private in-
2 stitutions or agencies in participating foreign countries,
3 funds to acquire, lease, alter, or renovate facilities in those
4 countries as necessary to conduct programs of assistance
5 for international health activities, including activities re-
6 lating to HIV/AIDS and other infectious diseases, chronic
7 and environmental diseases, and other health activities
8 abroad.

9 SEC. 215. (a) In addition to the authority provided
10 in section 214, in order for the Centers for Disease Con-
11 trol and Prevention to carry out international health ac-
12 tivities, including HIV/AIDS and other infectious disease,
13 chronic and environmental disease, and other health ac-
14 tivities abroad during fiscal year 2004, the Secretary of
15 Health and Human Services may exercise authority equiv-
16 alent to that available to the Secretary of State in section
17 2(c) of the State Department Basic Authorities Act of
18 1956 (22 U.S.C. 2669(c)).

19 (b) The Secretary of Health and Human Services
20 shall consult with the Secretary of State and relevant
21 Chief of Mission to ensure that the authority provided in
22 this section is exercised in a manner consistent with sec-
23 tion 207 of the Foreign Service Act of 1980 (22 U.S.C.
24 3927) and other applicable statutes administered by the
25 Department of State.

1 SEC. 216. The Division of Federal Occupational
2 Health may utilize personal services contracting to employ
3 professional management/administrative and occupational
4 health professionals.

5 SEC. 217. CMS PROGRAM MANAGEMENT AC-
6 COUNT.—The amount otherwise provided by this Act for
7 “Centers for Medicare and Medicaid Services—Program
8 Management” is hereby reduced by \$98,000,000.

9 SEC. 218. The amount appropriated in this Act for
10 “Centers for Disease Control and Prevention—Disease
11 Control, Research, and Training” is hereby reduced by
12 \$49,982,000, to be derived from the amounts made avail-
13 able for administrative and related information technology
14 expenses: *Provided*, That the Director of the Centers for
15 Disease Control and Prevention shall determine the alloca-
16 tion of the reduction among Agency activities, and shall
17 submit to the Committees on Appropriations a report
18 specifying the proposed allocation.

19 TITLE III—DEPARTMENT OF EDUCATION

20 EDUCATION FOR THE DISADVANTAGED

21 For carrying out title I of the Elementary and Sec-
22 ondary Education Act of 1965 (“ESEA”) and section
23 418A of the Higher Education Act of 1965,
24 \$14,507,000,000, of which \$6,943,199,000 shall become
25 available on July 1, 2004, and shall remain available

1 through September 30, 2005, and of which
2 \$7,383,301,000 shall become available on October 1,
3 2004, and shall remain available through September 30,
4 2005, for academic year 2004–2005: *Provided*, That
5 \$7,172,971,000 shall be available for basic grants under
6 section 1124: *Provided further*, That up to \$3,500,000 of
7 these funds shall be available to the Secretary of Edu-
8 cation on October 1, 2003, to obtain updated educational-
9 agency-level census poverty data from the Bureau of the
10 Census: *Provided further*, That \$1,365,031,000 shall be
11 available for concentration grants under section 1124A:
12 *Provided further*, That \$3,018,499,000 shall be available
13 for targeted grants under section 1125: *Provided further*,
14 That \$793,499,000 shall be available for education fi-
15 nance incentive grants under section 1125A: *Provided fur-*
16 *ther*, That \$235,000,000 shall be available for comprehen-
17 sive school reform grants under part F of the ESEA: *Pro-*
18 *vided further*, That from the \$9,500,000 available to carry
19 out part E of title I, up to \$1,000,000 shall be available
20 to the Secretary of Education to provide technical assist-
21 ance to state and local educational agencies concerning
22 part A of title I.

23 IMPACT AID

24 For carrying out programs of financial assistance to
25 federally affected schools authorized by title VIII of the

1 Elementary and Secondary Education Act of 1965,
2 \$1,238,324,000, of which \$1,073,000,000 shall be for
3 basic support payments under section 8003(b),
4 \$50,668,000 shall be for payments for children with dis-
5 abilities under section 8003(d), \$44,708,000 shall be for
6 construction under section 8007 and shall remain avail-
7 able through September 30, 2005, \$62,000,000 shall be
8 for Federal property payments under section 8002, and
9 \$7,948,000, to remain available until expended, shall be
10 for facilities maintenance under section 8008.

11 SCHOOL IMPROVEMENT PROGRAMS

12 For carrying out school improvement activities au-
13 thorized by titles II, part B of title IV, part A and subpart
14 6 of part D of title V, parts A and B of title VI, and
15 parts B and C of title VII of the Elementary and Sec-
16 ondary Education Act of 1965 (“ESEA”); the McKinney-
17 Vento Homeless Assistance Act; and the Civil Rights Act
18 of 1964, \$5,797,637,000, of which \$4,296,772,000 shall
19 become available on July 1, 2004, and remain available
20 through September 30, 2005, and of which
21 \$1,435,000,000 shall become available on October 1,
22 2004, and shall remain available through September 30,
23 2005, for academic year 2004–2005: *Provided*, That
24 \$390,000,000 shall be for subpart 1 of part A of title VI
25 of the ESEA: *Provided further*, That no funds appro-

1 priated under this heading may be used to carry out sec-
2 tion 5494 under the Elementary and Secondary Education
3 Act.

4 INDIAN EDUCATION

5 For expenses necessary to carry out, to the extent
6 not otherwise provided, title VII, part A of the Elementary
7 and Secondary Education Act of 1965, \$121,573,000.

8 INNOVATION AND IMPROVEMENT

9 For carrying out activities authorized by part G of
10 title I, parts A, C, and D of title II, parts B, C, and D
11 of title V, and section 1504 of the Elementary and Sec-
12 ondary Education Act of 1965, \$807,959,000: *Provided*,
13 That \$74,513,000 for continuing and new grants to dem-
14 onstrate effective approaches to comprehensive school re-
15 form shall become available on July 1, 2004, and remain
16 available through September 30, 2005, and shall be allo-
17 cated and expended in the same manner as the funds pro-
18 vided under the Fund for the Improvement of Education
19 for this purpose were allocated and expended in fiscal year
20 2003: *Provided further*, That up to \$1,500,000 of the
21 funds provided under the Advanced Credentialling pro-
22 gram may be reserved by the Secretary to conduct an eval-
23 uation of the program.

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For carrying out activities authorized by subpart 3
3 of part C of title II, part A of title IV, and subparts 2,
4 3, and 10 of part D of title V of the Elementary and Sec-
5 ondary Education Act of 1965, \$820,068,000 (increased
6 by \$5,000,000), of which \$138,949,000 shall become
7 available on July 1, 2004 and remain available through
8 September 30, 2005, and of which \$330,000,000 shall be-
9 come available on October 1, 2004 and shall remain avail-
10 able through September 30, 2005 for academic year
11 2004–2005: *Provided*, That of the funds available to carry
12 out subpart 3 of part C of title II, up to \$12,000,000
13 may be used to carry out section 2345: *Provided further*,
14 That of the funds available for subpart 2 of part A of
15 title IV, \$4,968,000 (increased by \$5,000,000), to remain
16 available until expended, shall be for the Project School
17 Emergency Response to Violence program to provide edu-
18 cation-related services to local educational agencies in
19 which the learning environment has been disrupted due
20 to a violent or traumatic crisis.

21 ENGLISH LANGUAGE ACQUISITION

22 For carrying out title III, part A of the ESEA,
23 \$685,515,000, of which \$560,543,000 shall become avail-
24 able on July 1, 2004, and shall remain available through
25 September 30, 2005.

1 SPECIAL EDUCATION

2 For carrying out the Individuals with Disabilities
3 Education Act, \$11,049,790,000, of which
4 \$5,690,762,000 shall become available for obligation on
5 July 1, 2004, and shall remain available through Sep-
6 tember 30, 2005, and of which \$5,072,000,000 shall be-
7 come available on October 1, 2004, and shall remain avail-
8 able through September 30, 2005, for academic year
9 2004–2005: *Provided*, That \$11,400,000 shall be for Re-
10 cording for the Blind and Dyslexic to support the develop-
11 ment, production, and circulation of recorded educational
12 materials: *Provided further*, That the amount for section
13 611(c) of the Act shall be equal to the amount available
14 for that section during fiscal year 2003 increased by the
15 amount of inflation as specified in section 611(f)(1)(B)(ii)
16 of the Act.

17 REHABILITATION SERVICES AND DISABILITY RESEARCH

18 For carrying out, to the extent not otherwise pro-
19 vided, the Rehabilitation Act of 1973, the Assistive Tech-
20 nology Act of 1998, and the Helen Keller National Center
21 Act, \$2,999,165,000.

1 SPECIAL INSTITUTIONS FOR PERSONS WITH
2 DISABILITIES
3 AMERICAN PRINTING HOUSE FOR THE BLIND

4 For carrying out the Act of March 3, 1879, as
5 amended (20 U.S.C. 101 et seq.), \$16,500,000.

6 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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.), \$53,867,000, of which
10 \$367,000 shall be for construction and shall remain avail-
11 able until expended: *Provided*, That from the total amount
12 available, the Institute may at its discretion use funds for
13 the endowment program as authorized under section 207.

14 GALLAUDET UNIVERSITY

15 For the Kendall Demonstration Elementary School,
16 the Model Secondary School for the Deaf, and the partial
17 support of Gallaudet University under titles I and II of
18 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
19 et seq.), \$100,600,000: *Provided*, That from the total
20 amount available, the University may at its discretion use
21 funds for the endowment program as authorized under
22 section 207.

23 VOCATIONAL AND ADULT EDUCATION

24 For carrying out, to the extent not otherwise pro-
25 vided, the Carl D. Perkins Vocational and Applied Tech-
26 nology Education Act, and the Adult Education and Fam-

1 ily Literacy Act, and subpart 4 of part D of title V of
2 the Elementary and Secondary Education Act of 1965, as
3 amended, \$2,094,475,000, of which \$1,294,725,000 shall
4 become available on July 1, 2004 and shall remain avail-
5 able through September 30, 2005 and of which
6 \$791,000,000 shall become available on October 1, 2004
7 and shall remain available through September 30, 2005:
8 *Provided*, That of the amount provided for Adult Edu-
9 cation State Grants, \$70,000,000 shall be made available
10 for integrated English literacy and civics education serv-
11 ices to immigrants and other limited English proficient
12 populations: *Provided further*, That of the amount re-
13 served for integrated English literacy and civics education,
14 notwithstanding section 211 of the Adult Education and
15 Family Literacy Act, 65 percent shall be allocated to
16 States based on a State's absolute need as determined by
17 calculating each State's share of a 10-year average of the
18 Immigration and Naturalization Service data for immi-
19 grants admitted for legal permanent residence for the 10
20 most recent years, and 35 percent allocated to States that
21 experienced growth as measured by the average of the 3
22 most recent years for which Immigration and Naturaliza-
23 tion Service data for immigrants admitted for legal perma-
24 nent residence are available, except that no State shall be
25 allocated an amount less than \$60,000: *Provided further*,

1 \$774,000 to carry out activities related to existing facility
2 loans entered into under the Higher Education Act of
3 1965.

4 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
5 CAPITAL FINANCING PROGRAM ACCOUNT

6 The aggregate principal amount of outstanding bonds
7 insured pursuant to section 344 of title III, part D of the
8 Higher Education Act of 1965, shall not exceed
9 \$357,000,000, and the cost, as defined in section 502 of
10 the Congressional Budget Act of 1974, of such bonds shall
11 not exceed zero.

12 For administrative expenses to carry out the Histori-
13 cally Black College and University Capital Financing Pro-
14 gram entered into pursuant to title III, part D of the
15 Higher Education Act of 1965, as amended, \$210,000.

16 INSTITUTE OF EDUCATION SCIENCES

17 For carrying out activities authorized by Public Law
18 107–279, \$500,599,000: *Provided*, That of the amount
19 appropriated, \$185,000,000 shall be available for obliga-
20 tion through September 30, 2005.

21 DEPARTMENTAL MANAGEMENT

22 PROGRAM ADMINISTRATION

23 For carrying out, to the extent not otherwise pro-
24 vided, the Department of Education Organization Act, in-
25 cluding rental of conference rooms in the District of Co-

1 lumbia and hire of three passenger motor vehicles,
2 \$434,494,000, of which \$13,644,000, to remain available
3 until expended, shall be for building alterations and re-
4 lated expenses for the relocation of Department staff to
5 Potomac Center Plaza in Washington, D.C.

6 OFFICE FOR CIVIL RIGHTS

7 For expenses necessary for the Office for Civil
8 Rights, as authorized by section 203 of the Department
9 of Education Organization Act, \$91,275,000.

10 OFFICE OF THE INSPECTOR GENERAL

11 For expenses necessary for the Office of the Inspector
12 General, as authorized by section 212 of the Department
13 of Education Organization Act, \$48,137,000.

14 GENERAL PROVISIONS

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

23 SEC. 302. None of the funds contained in this Act
24 shall be used to require, directly or indirectly, the trans-
25 portation of any student to a school other than the school

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

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

15 (TRANSFER OF FUNDS)

16 SEC. 304. Not to exceed 1 percent of any discre-
17 tionary funds (pursuant to the Balanced Budget and
18 Emergency Deficit Control Act of 1985, as amended)
19 which are appropriated for the Department of Education
20 in this Act may be transferred between appropriations, but
21 no such appropriation shall be increased by more than 3
22 percent by any such transfer: *Provided*, That the Appro-
23 priations Committees of both Houses of Congress are noti-
24 fied at least 15 days in advance of any transfer.

25 This title may be cited as the "Department of Edu-
26 cation Appropriations Act, 2004".

1 TITLE IV—RELATED AGENCIES

2 ARMED FORCES RETIREMENT HOME

3 For expenses necessary for the Armed Forces Retire-
4 ment Home to operate and maintain the Armed Forces
5 Retirement Home—Washington and the Armed Forces
6 Retirement Home—Gulfport, to be paid from funds avail-
7 able in the Armed Forces Retirement Home Trust Fund,
8 \$65,279,000, of which \$1,983,000 shall remain available
9 until expended for construction and renovation of the
10 physical plants at the Armed Forces Retirement Home—
11 Washington and the Armed Forces Retirement Home—
12 Gulfport.

13 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

14 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING

15 EXPENSES

16 For expenses necessary for the Corporation for Na-
17 tional and Community Service to carry out the provisions
18 of the Domestic Volunteer Service Act of 1973, as amend-
19 ed, \$352,836,000: *Provided*, That none of the funds made
20 available to the Corporation for National and Community
21 Service in this Act for activities authorized by section 122
22 of part C of title I and part E of title II of the Domestic
23 Volunteer Service Act of 1973 shall be used to provide
24 stipends or other monetary incentives to volunteers or vol-

1 unteer leaders whose incomes exceed 125 percent of the
2 national poverty level.

3 CORPORATION FOR PUBLIC BROADCASTING

4 For payment to the Corporation for Public Broad-
5 casting, as authorized by the Communications Act of
6 1934, an amount which shall be available within limita-
7 tions specified by that Act, for the fiscal year 2006,
8 \$330,000,000: *Provided*, That no funds made available to
9 the Corporation for Public Broadcasting by this Act shall
10 be used to pay for receptions, parties, or similar forms
11 of entertainment for Government officials or employees:
12 *Provided further*, That none of the funds contained in this
13 paragraph shall be available or used to aid or support any
14 program or activity from which any person is excluded,
15 or is denied benefits, or is discriminated against, on the
16 basis of race, color, national origin, religion, or sex.

17 Of the amounts made available to the Corporation for
18 Public Broadcasting for fiscal year 2004 by Public Law
19 107–116, up to \$80,000,000 is available for grants associ-
20 ated with the transition of public broadcasting to digital
21 broadcasting, including costs related to transmission
22 equipment and program production, development, and dis-
23 tribution, to be awarded as determined by the Corpora-
24 tion in consultation with public radio and television licens-
25 ees or permittees, or their designated representatives; and

1 up to \$20,000,000 is available pursuant to section
2 396(k)(10) of the Communications Act of 1934, as
3 amended, for replacement and upgrade of the public tele-
4 vision interconnection system: *Provided*, That section
5 396(k)(3) shall apply only to amounts remaining after al-
6 locations made herein.

7 FEDERAL MEDIATION AND CONCILIATION SERVICE

8 SALARIES AND EXPENSES

9 For expenses necessary for the Federal Mediation
10 and Conciliation Service to carry out the functions vested
11 in it by the Labor Management Relations Act, 1947 (29
12 U.S.C. 171–180, 182–183), including hire of passenger
13 motor vehicles; for expenses necessary for the Labor-Man-
14 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
15 for expenses necessary for the Service to carry out the
16 functions vested in it by the Civil Service Reform Act,
17 Public Law 95–454 (5 U.S.C. ch. 71), \$43,385,000, in-
18 cluding \$1,500,000, to remain available through Sep-
19 tember 30, 2005, for activities authorized by the Labor-
20 Management Cooperation Act of 1978 (29 U.S.C. 175a):
21 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
22 charged, up to full-cost recovery, for special training ac-
23 tivities and other conflict resolution services and technical
24 assistance, including those provided to foreign govern-
25 ments and international organizations, and for arbitration

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

10 FEDERAL MINE SAFETY AND HEALTH REVIEW

11 COMMISSION

12 SALARIES AND EXPENSES

13 For expenses necessary for the Federal Mine Safety
14 and Health Review Commission (30 U.S.C. 801 et seq.),
15 \$7,774,000.

16 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

17 For carrying out the Museum and Library Services
18 Act of 1996, \$238,126,000 to remain available until ex-
19 pended.

20 MEDICARE PAYMENT ADVISORY COMMISSION

21 SALARIES AND EXPENSES

22 For expenses necessary to carry out section 1805 of
23 the Social Security Act, \$9,000,000, to be transferred to
24 this appropriation from the Federal Hospital Insurance

1 and the Federal Supplementary Medical Insurance Trust
2 Funds.

3 NATIONAL COMMISSION ON LIBRARIES AND
4 INFORMATION SCIENCE
5 SALARIES AND EXPENSES

6 For necessary expenses for the National Commission
7 on Libraries and Information Science, established by the
8 Act of July 20, 1970 (Public Law 91–345, as amended),
9 \$1,000,000.

10 NATIONAL COUNCIL ON DISABILITY
11 SALARIES AND EXPENSES

12 For expenses necessary for the National Council on
13 Disability as authorized by title IV of the Rehabilitation
14 Act of 1973, as amended, \$2,830,000.

15 NATIONAL LABOR RELATIONS BOARD
16 SALARIES AND EXPENSES

17 For expenses necessary for the National Labor Rela-
18 tions Board to carry out the functions vested in it by the
19 Labor-Management Relations Act, 1947, as amended (29
20 U.S.C. 141–167), and other laws, \$239,429,000: *Pro-*
21 *vided*, That no part of this appropriation shall be available
22 to organize or assist in organizing agricultural laborers or
23 used in connection with investigations, hearings, direc-
24 tives, or orders concerning bargaining units composed of
25 agricultural laborers as referred to in section 2(3) of the

1 Act of July 5, 1935 (29 U.S.C. 152), and as amended
2 by the Labor-Management Relations Act, 1947, as amend-
3 ed, and as defined in section 3(f) of the Act of June 25,
4 1938 (29 U.S.C. 203), and including in said definition em-
5 ployees engaged in the maintenance and operation of
6 ditches, canals, reservoirs, and waterways when main-
7 tained or operated on a mutual, nonprofit basis and at
8 least 95 percent of the water stored or supplied thereby
9 is used for farming purposes.

10 NATIONAL MEDIATION BOARD

11 SALARIES AND EXPENSES

12 For expenses necessary to carry out the provisions
13 of the Railway Labor Act, as amended (45 U.S.C. 151-
14 188), including emergency boards appointed by the Presi-
15 dent, \$11,421,000.

16 OCCUPATIONAL SAFETY AND HEALTH REVIEW

17 COMMISSION

18 SALARIES AND EXPENSES

19 For expenses necessary for the Occupational Safety
20 and Health Review Commission (29 U.S.C. 661),
21 \$10,115,000.

22 RAILROAD RETIREMENT BOARD

23 DUAL BENEFITS PAYMENTS ACCOUNT

24 For payment to the Dual Benefits Payments Ac-
25 count, authorized under section 15(d) of the Railroad Re-

1 tirement Act of 1974, \$119,000,000, which shall include
2 amounts becoming available in fiscal year 2004 pursuant
3 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
4 tion, an amount, not to exceed 2 percent of the amount
5 provided herein, shall be available proportional to the
6 amount by which the product of recipients and the average
7 benefit received exceeds \$119,000,000: *Provided*, That the
8 total amount provided herein shall be credited in 12 ap-
9 proximately equal amounts on the first day of each month
10 in the fiscal year.

11 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

12 ACCOUNTS

13 For payment to the accounts established in the
14 Treasury for the payment of benefits under the Railroad
15 Retirement Act for interest earned on unnegotiated
16 checks, \$150,000, to remain available through September
17 30, 2005, which shall be the maximum amount available
18 for payment pursuant to section 417 of Public Law 98–
19 76.

20 LIMITATION ON ADMINISTRATION

21 For necessary expenses for the Railroad Retirement
22 Board for administration of the Railroad Retirement Act
23 and the Railroad Unemployment Insurance Act,
24 \$101,300,000, to be derived in such amounts as deter-
25 mined by the Board from the railroad retirement accounts

1 and from moneys credited to the railroad unemployment
2 insurance administration fund.

3 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

4 For expenses necessary for the Office of Inspector
5 General for audit, investigatory and review activities, as
6 authorized by the Inspector General Act of 1978, as
7 amended, not more than \$6,600,000, to be derived from
8 the railroad retirement accounts and railroad unemploy-
9 ment insurance account: *Provided*, That none of the funds
10 made available in any other paragraph of this Act may
11 be transferred to the Office; used to carry out any such
12 transfer; used to provide any office space, equipment, of-
13 fice supplies, communications facilities or services, mainte-
14 nance services, or administrative services for the Office;
15 used to pay any salary, benefit, or award for any personnel
16 of the Office; used to pay any other operating expense of
17 the Office; or used to reimburse the Office for any service
18 provided, or expense incurred, by the Office.

19 SOCIAL SECURITY ADMINISTRATION

20 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

21 For payment to the Federal Old-Age and Survivors
22 Insurance and the Federal Disability Insurance trust
23 funds, as provided under sections 201(m), 228(g), and
24 1131(b)(2) of the Social Security Act, \$21,658,000.

1 SUPPLEMENTAL SECURITY INCOME PROGRAM

2 For carrying out titles XI and XVI of the Social Se-
3 curity Act, section 401 of Public Law 92–603, section 212
4 of Public Law 93–66, as amended, and section 405 of
5 Public Law 95–216, including payment to the Social Secu-
6 rity trust funds for administrative expenses incurred pur-
7 suant to section 201(g)(1) of the Social Security Act,
8 \$26,221,300,000, to remain available until expended: *Pro-*
9 *vided*, That any portion of the funds provided to a State
10 in the current fiscal year and not obligated by the State
11 during that year shall be returned to the Treasury.

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

16 For making benefit payments under title XVI of the
17 Social Security Act for the first quarter of fiscal year
18 2005, \$12,590,000,000, to remain available until ex-
19 pended.

20 LIMITATION ON ADMINISTRATIVE EXPENSES

21 For necessary expenses, including the hire of two pas-
22 senger motor vehicles, and not to exceed \$15,000 for offi-
23 cial reception and representation expenses, not more than
24 \$8,241,800,000 may be expended, as authorized by sec-
25 tion 201(g)(1) of the Social Security Act, from any one
26 or all of the trust funds referred to therein: *Provided*, That

1 not less than \$1,800,000 shall be for the Social Security
2 Advisory Board: *Provided further*, That unobligated bal-
3 ances of funds provided under this paragraph at the end
4 of fiscal year 2004 not needed for fiscal year 2004 shall
5 remain available until expended to invest in the Social Se-
6 curity Administration information technology and tele-
7 communications hardware and software infrastructure, in-
8 cluding related equipment and non-payroll administrative
9 expenses associated solely with this information technology
10 and telecommunications infrastructure: *Provided further*,
11 That reimbursement to the trust funds under this heading
12 for expenditures for official time for employees of the So-
13 cial Security Administration pursuant to section 7131 of
14 title 5, United States Code, and for facilities or support
15 services for labor organizations pursuant to policies, regu-
16 lations, or procedures referred to in section 7135(b) of
17 such title shall be made by the Secretary of the Treasury,
18 with interest, from amounts in the general fund not other-
19 wise appropriated, as soon as possible after such expendi-
20 tures are made.

21 In addition, \$120,000,000 to be derived from admin-
22 istration fees in excess of \$5.00 per supplementary pay-
23 ment collected pursuant to section 1616(d) of the Social
24 Security Act or section 212(b)(3) of Public Law 93-66,
25 which shall remain available until expended. To the extent

1 that the amounts collected pursuant to such section
2 1616(d) or 212(b)(3) in fiscal year 2004 exceed
3 \$120,000,000, the amounts shall be available in fiscal year
4 2005 only to the extent provided in advance in appropria-
5 tions Acts.

6 From funds previously appropriated for this purpose,
7 any unobligated balances at the end of fiscal year 2003
8 shall be available to continue Federal-State partnerships
9 which will evaluate means to promote Medicare buy-in pro-
10 grams targeted to elderly and disabled individuals under
11 titles XVIII and XIX of the Social Security Act.

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, \$24,500,000, together
17 with not to exceed \$63,700,000, 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, \$17,200,000.

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 authorized to make available not to exceed \$28,000
12 and \$20,000, respectively, from funds available for sala-
13 ries and expenses under titles I and III, respectively, for
14 official reception and representation expenses; the Direc-
15 tor of the Federal Mediation and Conciliation Service is
16 authorized to make available for official reception and rep-
17 resentation expenses not to exceed \$5,000 from the funds
18 available for “Salaries and expenses, Federal Mediation
19 and Conciliation Service”; and the Chairman of the Na-
20 tional Mediation Board is authorized to make available for
21 official reception and representation expenses not to ex-
22 ceed \$5,000 from funds available for “Salaries and ex-
23 penses, National Mediation 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 nee-
2 dles or syringes for the hypodermic injection of any illegal
3 drug.

4 SEC. 506. (a) It is the sense of the Congress that,
5 to the greatest extent practicable, all equipment and prod-
6 ucts purchased with funds made available in this Act
7 should be American-made.

8 (b) In providing financial assistance to, or entering
9 into any contract with, any entity using funds made avail-
10 able in this Act, the head of each Federal agency, to the
11 greatest extent practicable, shall provide to such entity a
12 notice describing the statement made in subsection (a) by
13 the Congress.

14 (c) If it has been finally determined by a court or
15 Federal agency that any person intentionally affixed a
16 label bearing a “Made in America” inscription, or any in-
17 scription with the same meaning, to any product sold in
18 or shipped to the United States that is not made in the
19 United States, the person shall be ineligible to receive any
20 contract or subcontract made with funds made available
21 in this Act, pursuant to the debarment, suspension, and
22 ineligibility procedures described in sections 9.400 through
23 9.409 of title 48, Code of Federal Regulations.

24 SEC. 507. When issuing statements, press releases,
25 requests for proposals, bid solicitations and other docu-

1 ments describing projects or programs funded in whole or
2 in part with Federal money, all grantees receiving Federal
3 funds included in this Act, including but not limited to
4 State and local governments and recipients of Federal re-
5 search grants, shall clearly state: (1) the percentage of the
6 total costs of the program or project which will be financed
7 with Federal money; (2) the dollar amount of Federal
8 funds for the project or program; and (3) percentage and
9 dollar amount of the total costs of the project or program
10 that will be financed by non-governmental sources.

11 SEC. 508. (a) None of the funds appropriated under
12 this Act, and none of the funds in any trust fund to which
13 funds are appropriated under this Act, shall be expended
14 for any abortion.

15 (b) None of the funds appropriated under this Act,
16 and none of the funds in any trust fund to which funds
17 are appropriated under this Act, shall be expended for
18 health benefits coverage that includes coverage of abor-
19 tion.

20 (c) The term “health benefits coverage” means the
21 package of services covered by a managed care provider
22 or organization pursuant to a contract or other arrange-
23 ment.

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

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

3 (2) in the case where a woman suffers from a
4 physical disorder, physical injury, or physical illness,
5 including a life-endangering physical condition
6 caused by or arising from the pregnancy itself, that
7 would, as certified by a physician, place the woman
8 in danger of death unless an abortion is performed.

9 (b) Nothing in the preceding section shall be con-
10 strued as prohibiting the expenditure by a State, locality,
11 entity, or private person of State, local, or private funds
12 (other than a State's or locality's contribution of Medicaid
13 matching funds).

14 (c) Nothing in the preceding section shall be con-
15 strued as restricting the ability of any managed care pro-
16 vider from offering abortion coverage or the ability of a
17 State or locality to contract separately with such a pro-
18 vider for such coverage with State funds (other than a
19 State's or locality's contribution of Medicaid matching
20 funds).

21 SEC. 510. (a) None of the funds made available in
22 this Act may be used for—

23 (1) the creation of a human embryo or embryos
24 for research purposes; or

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

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

13 SEC. 511. (a) None of the funds made available in
14 this Act may be used for any activity that promotes the
15 legalization of any drug or other substance included in
16 schedule I of the schedules of controlled substances estab-
17 lished by section 202 of the Controlled Substances Act (21
18 U.S.C. 812).

19 (b) The limitation in subsection (a) shall not apply
20 when there is significant medical evidence of a therapeutic
21 advantage to the use of such drug or other substance or
22 that federally sponsored clinical trials are being conducted
23 to determine therapeutic advantage.

1 SEC. 512. None of the funds made available in this
2 Act may be obligated or expended to enter into or renew
3 a contract with an entity if—

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

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

14 SEC. 513. None of the funds made available in this
15 Act may be used to promulgate or adopt any final stand-
16 ard under section 1173(b) of the Social Security Act (42
17 U.S.C. 1320d–2(b)) providing for, or providing for the as-
18 signment of, a unique health identifier for an individual
19 (except in an individual’s capacity as an employer or a
20 health care provider), until legislation is enacted specifi-
21 cally approving the standard.

22 SEC. 514. None of the funds made available in this
23 Act may be transferred to any department, agency, or in-
24 strumentality of the United States Government, except

1 pursuant to a transfer made by, or transfer authority pro-
2 vided in, this Act or any other appropriation Act.

3 SEC. 515. (a) The matter under the heading “De-
4 partment of Education—Education for the Disadvan-
5 tagged” in division G of Public Law 108–7 is amended—

6 (1) by striking “\$4,651,199,000” and inserting
7 “\$6,895,199,000”; and

8 (2) by striking “\$9,027,301,000” and inserting
9 “\$6,783,301,000”.

10 (b) The amendments made by subsection (a) shall
11 take effect on the date of the enactment of this Act.

12 SEC. 516. None of the funds made available by this
13 Act to carry out the Library Services and Technology Act
14 may be made available to any library covered by para-
15 graph (1) of section 224(f) of such Act (20 U.S.C.
16 9134(f)), as amended by the Children’s Internet Protec-
17 tions Act, unless such library has made the certifications
18 required by paragraph (4) of such section.

19 SEC. 517. None of the funds made available by this
20 Act to carry out part D of title II of the Elementary and
21 Secondary Education Act of 1965 may be made available
22 to any elementary or secondary school covered by para-
23 graph (1) of section 2441(a) of such Act (20 U.S.C.
24 6777(a)), as amended by the Children’s Internet Protec-
25 tions Act and the No Child Left Behind Act, unless the

1 local educational agency with responsibility for such cov-
2 ered school has made the certifications required by para-
3 graph (2) of such section.

4 This Act may be cited as the “Departments of Labor,
5 Health and Human Services, and Education, and Related
6 Agencies Appropriations Act, 2004”.

Passed the House of Representatives July 10, 2003.

Attest:

JEFF TRANDAHL,

Clerk.

Calendar No. 197

108TH CONGRESS
1ST SESSION

H. R. 2660

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

JULY 11, 2003

Received; read twice and placed on the calendar