

# Union Calendar No. 97

108TH CONGRESS  
1ST SESSION

# H. R. 2660

[Report No. 108-188]

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2003

Mr. REGULA, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 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,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending  
2 September 30, 2004, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR

4 EMPLOYMENT AND TRAINING ADMINISTRATION

5 TRAINING AND EMPLOYMENT SERVICES

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 \$2,614,039,000 plus reimbursements, of which  
12 \$1,582,858,000 is available for obligation for the period  
13 July 1, 2004 through June 30, 2005, except that amounts  
14 determined by the Secretary of Labor to be necessary pur-  
15 suant to sections 173(a)(4)(A) and 174(c) of such Act  
16 shall be available from October 1, 2003 until expended;  
17 of which \$1,000,965,000 is available for obligation for the  
18 period April 1, 2004 through June 30, 2005; and of which  
19 \$30,216,000 is available for the period July 1, 2004  
20 through June 30, 2007 for necessary expenses of construc-  
21 tion, rehabilitation, and acquisition of Job Corps centers:  
22 *Provided*, That notwithstanding any other provision of  
23 law, of the funds provided herein under section 137(c) of  
24 such Act, \$305,993,000 shall be for activities described  
25 in section 132(a)(2)(A) of such Act and \$1,155,152,000

1 shall be for activities described in section 132(a)(2)(B) of  
2 such Act: *Provided further*, That, notwithstanding any  
3 other provision of law or related regulation, \$60,000,000  
4 shall be for carrying out section 167 of such Act, including  
5 \$56,000,000 for formula grants and \$3,600,000 for mi-  
6 grant and seasonal housing, including permanent housing,  
7 and \$400,000 for other discretionary purposes: *Provided*  
8 *further*, That funds appropriated under this heading in  
9 Public Law 108–7 for migrant and seasonal farmworkers  
10 housing shall be made available only under the terms and  
11 conditions in effect June 30, 2002, and shall include fund-  
12 ing for permanent housing: *Provided further*, That not-  
13 withstanding the transfer limitation under section  
14 133(b)(4) of such Act, up to 30 percent of such funds  
15 may be transferred by a local board if approved by the  
16 Governor: *Provided further*, That funds provided to carry  
17 out section 171(d) of such Act may be used for demonstra-  
18 tion projects that provide assistance to new entrants in  
19 the workforce and incumbent workers: *Provided further*,  
20 That no funds from any other appropriation shall be used  
21 to provide meal services at or for Job Corps centers: *Pro-*  
22 *vided further*, That notwithstanding any other provision of  
23 law, funds awarded under a grant issued by the Depart-  
24 ment of Labor pursuant to section 173 of such Act on  
25 June 30, 2001, to the San Diego Workforce Partnership

1 may be used to provide services to spouses of military per-  
2 sonnel.

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

15 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

16 AMERICANS

17 To carry out title V of the Older Americans Act of  
18 1965, as amended, \$440,200,000.

19 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

20 For payments during the current fiscal year of trade  
21 adjustment benefit payments and allowances under part  
22 I; and for training, allowances for job search and reloca-  
23 tion, and related State administrative expenses under part  
24 II, subchapters B and D, chapter 2, title II of the Trade  
25 Act of 1974 as amended (including the benefits and serv-  
26 ices described under sections 123(c)(2) and 151 (b) and

1 (c) of the Trade Adjustment Assistance Reform Act of  
2 2002, Public Law 107–210) \$1,338,200,000, together  
3 with such amounts as may be necessary to be charged to  
4 the subsequent appropriation for payments for any period  
5 subsequent to September 15 of the current year.

6 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT  
7 SERVICE OPERATIONS

8 For authorized administrative expenses,  
9 \$142,520,000, together with not to exceed  
10 \$3,472,861,000 (including not to exceed \$1,228,000  
11 which may be used for amortization payments to States  
12 which had independent retirement plans in their State em-  
13 ployment service agencies prior to 1980), which may be  
14 expended from the Employment Security Administration  
15 Account in the Unemployment Trust Fund including the  
16 cost of administering section 51 of the Internal Revenue  
17 Code of 1986, as amended, section 7(d) of the Wagner-  
18 Peyser Act, as amended, the Trade Act of 1974, as  
19 amended, the Immigration Act of 1990, and the Immigra-  
20 tion and Nationality Act, as amended, and of which the  
21 sums available in the allocation for activities authorized  
22 by title III of the Social Security Act, as amended (42  
23 U.S.C. 502–504), and the sums available in the allocation  
24 for necessary administrative expenses for carrying out 5  
25 U.S.C. 8501–8523, shall be available for obligation by the  
26 States through December 31, 2004, except that funds

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





1 ment and Budget and the Committees on Appropriations  
2 of the House and the Senate.

3           EMPLOYMENT STANDARDS ADMINISTRATION

4                           SALARIES AND EXPENSES

5           For necessary expenses for the Employment Stand-  
6 ards Administration, including reimbursement to State,  
7 Federal, and local agencies and their employees for inspec-  
8 tion services rendered, \$395,697,000, together with  
9 \$2,056,000 which may be expended from the Special Fund  
10 in accordance with sections 39(c), 44(d) and 44(j) of the  
11 Longshore and Harbor Workers' Compensation Act: *Pro-*  
12 *vided*, That \$1,250,000 shall be for the development of  
13 an alternative system for the electronic submission of re-  
14 ports required to be filed under the Labor-Management  
15 Reporting and Disclosure Act of 1959, as amended, and  
16 for a computer database of the information for each sub-  
17 mission by whatever means, that is indexed and easily  
18 searchable by the public via the Internet: *Provided further*,  
19 That the Secretary of Labor is authorized to accept, re-  
20 tain, and spend, until expended, in the name of the De-  
21 partment of Labor, all sums of money ordered to be paid  
22 to the Secretary of Labor, in accordance with the terms  
23 of the Consent Judgment in Civil Action No. 91-0027 of  
24 the United States District Court for the District of the  
25 Northern Mariana Islands (May 21, 1992): *Provided fur-*

1 *ther*, That the Secretary of Labor is authorized to estab-  
2 lish and, in accordance with 31 U.S.C. 3302, collect and  
3 deposit in the Treasury fees for processing applications  
4 and issuing certificates under sections 11(d) and 14 of the  
5 Fair Labor Standards Act of 1938, as amended (29  
6 U.S.C. 211(d) and 214) and for processing applications  
7 and issuing registrations under title I of the Migrant and  
8 Seasonal Agricultural Worker Protection Act (29 U.S.C.  
9 1801 et seq.).

10 SPECIAL BENEFITS

11 (INCLUDING TRANSFER OF FUNDS)

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

1 quent to August 15 of the current year: *Provided*, That  
2 amounts appropriated may be used under section 8104 of  
3 title 5, United States Code, by the Secretary of Labor to  
4 reimburse an employer, who is not the employer at the  
5 time of injury, for portions of the salary of a reemployed,  
6 disabled beneficiary: *Provided further*, That balances of re-  
7 imbursements unobligated on September 30, 2002, shall  
8 remain available until expended for the payment of com-  
9 pensation, benefits, and expenses: *Provided further*, That  
10 in addition there shall be transferred to this appropriation  
11 from the Postal Service and from any other corporation  
12 or instrumentality required under section 8147(c) of title  
13 5, United States Code, to pay an amount for its fair share  
14 of the cost of administration, such sums as the Secretary  
15 determines to be the cost of administration for employees  
16 of such fair share entities through September 30, 2004:  
17 *Provided further*, That of those funds transferred to this  
18 account from the fair share entities to pay the cost of ad-  
19 ministration of the Federal Employees' Compensation Act,  
20 \$39,315,000 shall be made available to the Secretary as  
21 follows: (1) for enhancement and maintenance of auto-  
22 mated data processing systems and telecommunications  
23 systems, \$11,618,000; (2) for automated workload proc-  
24 essing operations including document imaging, centralized  
25 mail intake and medical bill processing, \$14,496,000; (3)

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

10 SPECIAL BENEFITS FOR DISABLED COAL MINERS

11 For carrying out title IV of the Federal Mine Safety  
12 and Health Act of 1977, as amended by Public Law 107-  
13 275 (the “Act”), \$300,000,000, to remain available until  
14 expended.

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

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

22 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

23 OCCUPATIONAL ILLNESS COMPENSATION FUND

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses to administer the Energy  
26 Employees Occupational Illness Compensation Act,

1 \$55,074,000 to remain available until expended: *Provided*,  
2 That the Secretary of Labor is authorized to transfer to  
3 any executive agency with authority under the Energy  
4 Employees Occupational Illness Compensation Act, includ-  
5 ing within the Department of Labor, such sums as may  
6 be necessary in fiscal year 2004 to carry out those authori-  
7 ties: *Provided further*, That the Secretary may require that  
8 any person filing a claim for benefits under the Act pro-  
9 vide as part of such claim, such identifying information  
10 (including Social Security account number) as may be pre-  
11 scribed.

12 BLACK LUNG DISABILITY TRUST FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 Beginning in fiscal year 2004 and thereafter, such  
15 sums as may be necessary from the Black Lung Disability  
16 Trust Fund, to remain available until expended, for pay-  
17 ment of all benefits authorized by section 9501(d)(1), (2),  
18 (4), and (7) of the Internal Revenue Code of 1954, as  
19 amended; and interest on advances, as authorized by sec-  
20 tion 9501(c)(2) of that Act. In addition, the following  
21 amounts shall be available from the Fund for fiscal year  
22 2004 for expenses of operation and administration of the  
23 Black Lung Benefits program, as authorized by section  
24 9501(d)(5): \$32,004,000 for transfer to the Employment  
25 Standards Administration, “Salaries and Expenses”;  
26 \$23,401,000 for transfer to Departmental Management,

1 “Salaries and Expenses”; \$338,000 for transfer to De-  
2 partmental Management, “Office of Inspector General”;  
3 and \$356,000 for payments into miscellaneous receipts for  
4 the expenses of the Department of the Treasury.

5 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
6 SALARIES AND EXPENSES

7 For necessary expenses for the Occupational Safety  
8 and Health Administration, \$450,008,000, including not  
9 to exceed \$91,747,000 which shall be the maximum  
10 amount available for grants to States under section 23(g)  
11 of the Occupational Safety and Health Act (the “Act”),  
12 which grants shall be no less than 50 percent of the costs  
13 of State occupational safety and health programs required  
14 to be incurred under plans approved by the Secretary  
15 under section 18 of the Act; and, in addition, notwith-  
16 standing 31 U.S.C. 3302, the Occupational Safety and  
17 Health Administration may retain up to \$750,000 per fis-  
18 cal year of training institute course tuition fees, otherwise  
19 authorized by law to be collected, and may utilize such  
20 sums for occupational safety and health training and edu-  
21 cation grants: *Provided*, That, notwithstanding 31 U.S.C.  
22 3302, the Secretary of Labor is authorized, during the fis-  
23 cal year ending September 30, 2004, to collect and retain  
24 fees for services provided to Nationally Recognized Test-  
25 ing Laboratories, and may utilize such sums, in accord-

1 ance with the provisions of 29 U.S.C. 9a, to administer  
2 national and international laboratory recognition pro-  
3 grams that ensure the safety of equipment and products  
4 used by workers in the workplace: *Provided further*, That  
5 none of the funds appropriated under this paragraph shall  
6 be obligated or expended to prescribe, issue, administer,  
7 or enforce any standard, rule, regulation, or order under  
8 the Act which is applicable to any person who is engaged  
9 in a farming operation which does not maintain a tem-  
10 porary labor camp and employs 10 or fewer employees:  
11 *Provided further*, That no funds appropriated under this  
12 paragraph shall be obligated or expended to administer or  
13 enforce any standard, rule, regulation, or order under the  
14 Act with respect to any employer of 10 or fewer employees  
15 who is included within a category having an occupational  
16 injury lost workday case rate, at the most precise Stand-  
17 ard Industrial Classification Code for which such data are  
18 published, less than the national average rate as such  
19 rates are most recently published by the Secretary, acting  
20 through the Bureau of Labor Statistics, in accordance  
21 with section 24 of that Act (29 U.S.C. 673), except—

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

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

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

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

11           (5) to take any action authorized by such Act  
12 with respect to a report of an employment accident  
13 which is fatal to one or more employees or which re-  
14 sults in hospitalization of two or more employees,  
15 and to take any action pursuant to such investiga-  
16 tion authorized by such Act; and

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

## 1 MINE SAFETY AND HEALTH ADMINISTRATION

## 2 SALARIES AND EXPENSES

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

1 and training in the mining community through cooperative  
2 programs with States, industry, and safety associations;  
3 and any funds available to the department may be used,  
4 with the approval of the Secretary, to provide for the costs  
5 of mine rescue and survival operations in the event of a  
6 major disaster.

7 BUREAU OF LABOR STATISTICS

8 SALARIES AND EXPENSES

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

16 OFFICE OF DISABILITY EMPLOYMENT POLICY

17 SALARIES AND EXPENSES

18 For necessary expenses for the Office of Disability  
19 Employment Policy to provide leadership, develop policy  
20 and initiatives, and award grants furthering the objective  
21 of eliminating barriers to the training and employment of  
22 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.

7 CENTERS FOR MEDICARE AND MEDICAID SERVICES

8 GRANTS TO STATES FOR MEDICAID

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

12 For making, after May 31, 2004, payments to States  
13 under title XIX of the Social Security Act for the last  
14 quarter of fiscal year 2004 for unanticipated costs, in-  
15 curred for the current fiscal year, such sums as may be  
16 necessary.

17 For making payments to States or in the case of sec-  
18 tion 1928 on behalf of States under title XIX of the Social  
19 Security Act for the first quarter of fiscal year 2005,  
20 \$58,416,275,000, to remain available until expended.

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

## 1           PAYMENTS TO HEALTH CARE TRUST FUNDS

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

## 10                           PROGRAM MANAGEMENT

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

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

18 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN  
19 GUARANTEE FUND

20 For carrying out subsections (d) and (e) of section  
21 1308 of the Public Health Service Act, any amounts re-  
22 ceived by the Secretary in connection with loans and loan  
23 guarantees under title XIII of the Public Health Service  
24 Act, to be available without fiscal year limitation for the  
25 payment of outstanding obligations. During fiscal year

1 2004, no commitments for direct loans or loan guarantees  
2 shall be made.

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 PAYMENTS TO STATES FOR CHILD SUPPORT

5 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

13 For making payments to each State for carrying out  
14 the program of Aid to Families with Dependent Children  
15 under title IV–A of the Social Security Act before the ef-  
16 fective date of the program of Temporary Assistance for  
17 Needy Families (TANF) with respect to such State, such  
18 sums as may be necessary: *Provided*, That the sum of the  
19 amounts available to a State with respect to expenditures  
20 under such title IV–A in fiscal year 1997 under this ap-  
21 propriation and under such title IV–A as amended by the  
22 Personal Responsibility and Work Opportunity Reconcili-  
23 ation Act of 1996 shall not exceed the limitations under  
24 section 116(b) of such Act.

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

8 LOW-INCOME HOME ENERGY ASSISTANCE

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

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

17 REFUGEE AND ENTRANT ASSISTANCE

18 For necessary expenses for refugee and entrant as-  
19 sistance activities authorized by title IV of the Immigra-  
20 tion and Nationality Act and section 501 of the Refugee  
21 Education Assistance Act of 1980 (Public Law 96–422),  
22 for carrying out section 462 of the Homeland Security Act  
23 of 2002 (Public Law 107–296), and for carrying out sec-  
24 tion 5 of the Torture Victims Relief Act of 1998 (Public  
25 Law 105–320), \$461,853,000, of which up to  
26 \$10,000,000 shall be available to carry out the Trafficking

1 Victims Protection Act of 2000 (Public Law 106–386, div.  
2 A): *Provided*, That funds appropriated under this heading  
3 pursuant to section 414(a) of the Immigration and Na-  
4 tionality Act for fiscal year 2004 shall be available for the  
5 costs of assistance provided and other activities, to remain  
6 available through September 30, 2006.

7 PAYMENTS TO STATES FOR THE CHILD CARE AND  
8 DEVELOPMENT BLOCK GRANT

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

## 1 SOCIAL SERVICES BLOCK GRANT

2 For making grants to States pursuant to section  
3 2002 of the Social Security Act, \$1,700,000,000: *Pro-*  
4 *vided*, That notwithstanding subparagraph (B) of section  
5 404(d)(2) of such Act, the applicable percent specified  
6 under such subparagraph for a State to carry out State  
7 programs pursuant to title XX of such Act shall be 5.5  
8 percent.

## 9 DISABLED VOTER SERVICES

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

## 16 CHILDREN AND FAMILIES SERVICES PROGRAMS

17 For carrying out, except as otherwise provided, the  
18 Runaway and Homeless Youth Act, the Developmental  
19 Disabilities Assistance and Bill of Rights Act, the Head  
20 Start Act, the Child Abuse Prevention and Treatment Act,  
21 sections 310 and 316 of the Family Violence Prevention  
22 and Services Act, as amended, the Native American Pro-  
23 grams Act of 1974, title II of Public Law 95–266 (adop-  
24 tion opportunities), the Adoption and Safe Families Act  
25 of 1997 (Public Law 105–89), sections 1201 and 1211  
26 of the Children’s Health Act of 2000, the Abandoned In-

1   fants Assistance Act of 1988, part B(1) of title IV and  
2   sections 413, 429A, 1110, and 1115 of the Social Security  
3   Act, and sections 40155, 40211, and 40241 of Public Law  
4   103–322; for making payments under the Community  
5   Services Block Grant Act, sections 439(h), 473A, and  
6   477(i) of the Social Security Act, and title IV of Public  
7   Law 105–285, and for necessary administrative expenses  
8   to carry out said Acts and titles I, IV, X, XI, XIV, XVI,  
9   and XX of the Social Security Act, the Act of July 5, 1960  
10  (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act  
11  of 1981, title IV of the Immigration and Nationality Act,  
12  section 501 of the Refugee Education Assistance Act of  
13  1980, section 5 of the Torture Victims Relief Act of 1998  
14  (Public Law 105–320), sections 40155, 40211, and 40241  
15  of Public Law 103–322, and section 126 and titles IV and  
16  V of Public Law 100–485, \$8,599,670,000, of which  
17  \$43,000,000, to remain available until September 30,  
18  2005, shall be for grants to States for adoption incentive  
19  payments, as authorized by section 473A of title IV of the  
20  Social Security Act (42 U.S.C. 670–679) and may be  
21  made for adoptions completed before September 30, 2004;  
22  of which \$6,815,570,000 shall be for making payments  
23  under the Head Start Act, of which \$1,400,000,000 shall  
24  become available October 1, 2004 and remain available  
25  through September 30, 2005; and of which \$577,562,000

1 shall be for making payments under the Community Serv-  
2 ices Block Grant Act: *Provided*, That not less than  
3 \$7,250,000 shall be for section 680(3)(B) of the Commu-  
4 nity Services Block Grant Act, as amended: *Provided fur-*  
5 *ther*, That to the extent Community Services Block Grant  
6 funds are distributed as grant funds by a State to an eligi-  
7 ble entity as provided under the Act, and have not been  
8 expended by such entity, they shall remain with such enti-  
9 ty for carryover into the next fiscal year for expenditure  
10 by such entity consistent with program purposes: *Provided*  
11 *further*, That the Secretary shall establish procedures re-  
12 garding the disposition of intangible property which per-  
13 mits grant funds, or intangible assets acquired with funds  
14 authorized under section 680 of the Community Services  
15 Block Grant Act, as amended, to become the sole property  
16 of such grantees after a period of not more than 12 years  
17 after the end of the grant for purposes and uses consistent  
18 with the original grant: *Provided further*, That funds ap-  
19 propriated for section 680(a)(2) of the Community Serv-  
20 ices Block Grant Act, as amended, shall be available for  
21 financing construction and rehabilitation and loans or in-  
22 vestments in private business enterprises owned by com-  
23 munity development corporations: *Provided further*, That  
24 \$88,043,000 shall be for activities authorized by the Run-  
25 away and Homeless Youth Act, notwithstanding the allo-

1 cation requirements of section 388(a) of such Act, of  
2 which \$26,413,000 is for the transitional living program:  
3 *Provided further*, That \$50,000,000 is for a compassion  
4 capital fund to provide grants to charitable organizations  
5 to emulate model social service programs and to encourage  
6 research on the best practices of social service organiza-  
7 tions.

8 PROMOTING SAFE AND STABLE FAMILIES

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

11 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

12 ASSISTANCE

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

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

19 For making, after May 31 of the current fiscal year,  
20 payments to States or other non-Federal entities under  
21 section 474 of title IV–E, for the last 3 months of the  
22 current fiscal year for unanticipated costs, incurred for the  
23 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 pendents' 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 U.S. Public Health Service  
9 officers who are retired for age, disability, or length of  
10 service; payments to survivors of deceased officers; medical  
11 care to active duty and retired members and dependents  
12 and beneficiaries; and for payments to the Social Security  
13 Administration for military service credits; all of which  
14 payments are provided for by the Retirement Pay and  
15 Medical Benefits for Commissioned Officers account.

16 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY  
17 FUND

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

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

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

#### 18 GENERAL PROVISIONS

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

23 SEC. 202. The Secretary shall make available through  
24 assignment not more than 60 employees of the Public  
25 Health Service to assist in child survival activities and to

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

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

10       SEC. 204. None of the funds appropriated in this Act  
11 for the National Institutes of Health, the Agency for  
12 Healthcare Research and Quality, and the Substance  
13 Abuse and Mental Health Services Administration shall  
14 be used to pay the salary of an individual, through a grant  
15 or other extramural mechanism, at a rate in excess of Ex-  
16 ecutive Level I.

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



1 to the human immunodeficiency virus: *Provided*, That the  
2 Congress is promptly notified of the transfer.

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

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

21       SEC. 211. None of the funds appropriated by this Act  
22 (including funds appropriated to any trust fund) may be  
23 used to carry out the Medicare+Choice program if the  
24 Secretary denies participation in such program to an oth-  
25 erwise eligible entity (including a Provider Sponsored Or-

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

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

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

1 prohibiting the sale of tobacco products to individuals  
2 under 18 years of age.

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

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

21 (d) The Secretary shall exercise discretion in enforce-  
22 ing the timing of the State obligation of the additional  
23 funds required by the certification described in subsection  
24 (a) as late as July 31, 2004.

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

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

1 funds to acquire, lease, alter, or renovate facilities in those  
2 countries as necessary to conduct programs of assistance  
3 for international health activities, including activities re-  
4 lating to HIV/AIDS and other infectious diseases, chronic  
5 and environmental diseases, and other health activities  
6 abroad.

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

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

24       SEC. 216. The Division of Federal Occupational  
25 Health may utilize personal services contracting to employ

1 professional management/administrative and occupational  
2 health professionals.

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

7 (B) MEDICARE CLAIMS PROCESSING FEE.—

8 (1) IN GENERAL.—Notwithstanding section  
9 1842(c)(4) of the Social Security Act, each claim  
10 submitted by an individual or entity furnishing items  
11 or services for which payment may be made under  
12 part A or part B of title XVIII of such Act is sub-  
13 ject to a processing fee of \$2.50 if the claim—

14 (A) duplicates, in whole or in part, another  
15 claim submitted by the same individual or enti-  
16 ty; or

17 (B) is a claim that cannot be processed  
18 and must be returned by the medicare claims  
19 processing contractor involved to the individual  
20 or entity for completion or correction.

21 (2) DEDUCTION AND TRANSFER.—The Sec-  
22 retary of Health and Human Services shall deduct  
23 any fees assessed pursuant to paragraph (1) against  
24 an individual or entity from amounts otherwise pay-  
25 able from a trust fund under such title to such indi-

1       vidual or entity, and shall transfer the amount so  
2       deducted from such trust fund to the Program Man-  
3       agement account of the Centers for Medicare &  
4       Medicaid Services.

5           (3) AVAILABILITY.—Fees collected under this  
6       subsection shall remain available until expended.  
7       Such fees shall be available for obligation in a fiscal  
8       year only in the amount specified in the appropria-  
9       tion Act for such fiscal year.

10          (4) WAIVER AUTHORITY.—The Secretary of  
11       Health and Human Services may provide for waiver  
12       of fees for claims described in paragraph (2) in  
13       cases of such compelling circumstances as the Sec-  
14       retary may determine.

15          (5) EXCLUSION OF FEES IN ALLOWABLE  
16       COSTS.—An entity may not include a fee assessed  
17       pursuant to this subsection as an allowable item on  
18       a cost report under the Social Security Act.

19          (6) EFFECTIVE DATE.—This subsection shall  
20       apply to claims referred to in paragraph (1) sub-  
21       mitted on or after a date, specified by the Secretary  
22       of Health and Human Services, that is not later  
23       than 3 months after the date of the enactment of  
24       this Act.

1        SEC. 218. The amount appropriated in this Act for  
2 “Centers for Disease Control and Prevention—Disease  
3 Control, Research, and Training” is hereby reduced by  
4 \$49,982,000, to be derived from the amounts made avail-  
5 able for administrative and related information technology  
6 expenses: *Provided*, That the Director of the Centers for  
7 Disease Control and Prevention shall determine the alloca-  
8 tion of the reduction among Agency activities, and shall  
9 submit to the Committees on Appropriations a report  
10 specifying the proposed allocation.

11        TITLE III—DEPARTMENT OF EDUCATION

12                EDUCATION FOR THE DISADVANTAGED

13        For carrying out title I of the Elementary and Sec-  
14 ondary Education Act of 1965 (“ESEA”) and section  
15 418A of the Higher Education Act of 1965,  
16 \$14,507,000,000, of which \$6,943,199,000 shall become  
17 available on July 1, 2004, and shall remain available  
18 through September 30, 2005, and of which  
19 \$7,383,301,000 shall become available on October 1,  
20 2004, and shall remain available through September 30,  
21 2005, for academic year 2004–2005: *Provided*, That  
22 \$7,172,971,000 shall be available for basic grants under  
23 section 1124: *Provided further*, That up to \$3,500,000 of  
24 these funds shall be available to the Secretary of Edu-  
25 cation on October 1, 2003, to obtain updated educational-

1 agency-level census poverty data from the Bureau of the  
2 Census: *Provided further*, That \$1,365,031,000 shall be  
3 available for concentration grants under section 1124A:  
4 *Provided further*, That \$3,018,499,000 shall be available  
5 for targeted grants under section 1125: *Provided further*,  
6 That \$793,499,000 shall be available for education fi-  
7 nance incentive grants under section 1125A: *Provided fur-*  
8 *ther*, That \$235,000,000 shall be available for comprehen-  
9 sive school reform grants under part F of the ESEA: *Pro-*  
10 *vided further*, That from the \$9,500,000 available to carry  
11 out part E of title I, up to \$1,000,000 shall be available  
12 to the Secretary of Education to provide technical assist-  
13 ance to state and local educational agencies concerning  
14 part A of title I.

15 IMPACT AID

16 For carrying out programs of financial assistance to  
17 federally affected schools authorized by title VIII of the  
18 Elementary and Secondary Education Act of 1965,  
19 \$1,238,324,000, of which \$1,073,000,000 shall be for  
20 basic support payments under section 8003(b),  
21 \$50,668,000 shall be for payments for children with dis-  
22 abilities under section 8003(d), \$44,708,000 shall be for  
23 construction under section 8007 and shall remain avail-  
24 able through September 30, 2005, \$62,000,000 shall be  
25 for Federal property payments under section 8002, and

1 \$7,948,000, to remain available until expended, shall be  
2 for facilities maintenance under section 8008.

3 SCHOOL IMPROVEMENT PROGRAMS

4 For carrying out school improvement activities au-  
5 thorized by titles II, part B of title IV, part A and subpart  
6 6 of part D of title V, parts A and B of title VI, and  
7 parts B and C of title VII of the Elementary and Sec-  
8 ondary Education Act of 1965 (“ESEA”); the McKinney-  
9 Vento Homeless Assistance Act; and the Civil Rights Act  
10 of 1964, \$5,797,637,000, of which \$4,296,772,000 shall  
11 become available on July 1, 2004, and remain available  
12 through September 30, 2005, and of which  
13 \$1,435,000,000 shall become available on October 1,  
14 2004, and shall remain available through September 30,  
15 2005, for academic year 2004–2005: *Provided*, That  
16 \$390,000,000 shall be for subpart 1 of part A of title VI  
17 of the ESEA: *Provided further*, That no funds appro-  
18 priated under this heading may be used to carry out sec-  
19 tion 5494 under the Elementary and Secondary Education  
20 Act.

21 INDIAN EDUCATION

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

## 1 INNOVATION AND IMPROVEMENT

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

## 17 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

18 For carrying out activities authorized by subpart 3  
19 of part C of title II, part A of title IV, and subparts 2,  
20 3, and 10 of part D of title V of the Elementary and Sec-  
21 ondary Education Act of 1965, \$820,068,000, of which  
22 \$138,949,000 shall become available on July 1, 2004 and  
23 remain available through September 30, 2005, and of  
24 which \$330,000,000 shall become available on October 1,  
25 2004 and shall remain available through September 30,

1 2005 for academic year 2004–2005: *Provided*, That of the  
2 funds available to carry out subpart 3 of part C of title  
3 II, up to \$12,000,000 may be used to carry out section  
4 2345: *Provided further*, That of the funds available for  
5 subpart 2 of part A of title IV, \$4,968,000, to remain  
6 available until expended, shall be for the Project School  
7 Emergency Response to Violence program to provide edu-  
8 cation-related services to local educational agencies in  
9 which the learning environment has been disrupted due  
10 to a violent or traumatic crisis.

11                                   ENGLISH LANGUAGE ACQUISITION

12       For carrying out title III, part A of the ESEA,  
13 \$685,515,000, of which \$560,543,000 shall become avail-  
14 able on July 1, 2004, and shall remain available through  
15 September 30, 2005.

16                                   SPECIAL EDUCATION

17       For carrying out the Individuals with Disabilities  
18 Education Act, \$11,049,790,000, of which  
19 \$5,690,762,000 shall become available for obligation on  
20 July 1, 2004, and shall remain available through Sep-  
21 tember 30, 2005, and of which \$5,072,000,000 shall be-  
22 come available on October 1, 2004, and shall remain avail-  
23 able through September 30, 2005, for academic year  
24 2004–2005: *Provided*, That \$11,400,000 shall be for Re-  
25 cording for the Blind and Dyslexic to support the develop-

1 ment, production, and circulation of recorded educational  
2 materials: *Provided further*, That the amount for section  
3 611(e) of the Act shall be equal to the amount available  
4 for that section during fiscal year 2003 increased by the  
5 amount of inflation as specified in section 611(f)(1)(B)(ii)  
6 of the Act.

7 REHABILITATION SERVICES AND DISABILITY RESEARCH

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

12 SPECIAL INSTITUTIONS FOR PERSONS WITH  
13 DISABILITIES

14 AMERICAN PRINTING HOUSE FOR THE BLIND

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

17 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

18 For the National Technical Institute for the Deaf  
19 under titles I and II of the Education of the Deaf Act  
20 of 1986 (20 U.S.C. 4301 et seq.), \$53,867,000, of which  
21 \$367,000 shall be for construction and shall remain avail-  
22 able until expended: *Provided*, That from the total amount  
23 available, the Institute may at its discretion use funds for  
24 the endowment program as authorized under section 207.

## GALLAUDET UNIVERSITY

1

2 For the Kendall Demonstration Elementary School,  
3 the Model Secondary School for the Deaf, and the partial  
4 support of Gallaudet University under titles I and II of  
5 the Education of the Deaf Act of 1986 (20 U.S.C. 4301  
6 et seq.), \$100,600,000: *Provided*, That from the total  
7 amount available, the University may at its discretion use  
8 funds for the endowment program as authorized under  
9 section 207.

10

## VOCATIONAL AND ADULT EDUCATION

11 For carrying out, to the extent not otherwise pro-  
12 vided, the Carl D. Perkins Vocational and Applied Tech-  
13 nology Education Act, and the Adult Education and Fam-  
14 ily Literacy Act, and subpart 4 of part D of title V of  
15 the Elementary and Secondary Education Act of 1965, as  
16 amended, \$2,094,475,000, of which \$1,294,725,000 shall  
17 become available on July 1, 2004 and shall remain avail-  
18 able through September 30, 2005 and of which  
19 \$791,000,000 shall become available on October 1, 2004  
20 and shall remain available through September 30, 2005:  
21 *Provided*, That of the amount provided for Adult Edu-  
22 cation State Grants, \$70,000,000 shall be made available  
23 for integrated English literacy and civics education serv-  
24 ices to immigrants and other limited English proficient  
25 populations: *Provided further*, That of the amount re-

1 served for integrated English literacy and civics education,  
2 notwithstanding section 211 of the Adult Education and  
3 Family Literacy Act, 65 percent shall be allocated to  
4 States based on a State's absolute need as determined by  
5 calculating each State's share of a 10-year average of the  
6 Immigration and Naturalization Service data for immi-  
7 grants admitted for legal permanent residence for the 10  
8 most recent years, and 35 percent allocated to States that  
9 experienced growth as measured by the average of the 3  
10 most recent years for which Immigration and Naturaliza-  
11 tion Service data for immigrants admitted for legal perma-  
12 nent residence are available, except that no State shall be  
13 allocated an amount less than \$60,000: *Provided further,*  
14 That of the amounts made available for the Adult Edu-  
15 cation and Family Literacy Act, \$9,438,000 shall be for  
16 national leadership activities under section 243 and  
17 \$6,517,000 shall be for the National Institute for Literacy  
18 under section 242: *Provided further,* That \$175,000,000  
19 shall be available to support the activities authorized  
20 under subpart 4 of part D of title V of the ESEA, of which  
21 up to 5 percent shall become available October 1, 2003,  
22 for evaluation, technical assistance, school networking,  
23 peer review of applications, and program outreach activi-  
24 ties and of which not less than 95 percent shall become  
25 available on July 1, 2004, and remain available through



1 and Technical Education Act, and the Mutual Educational  
2 and Cultural Exchange Act of 1961, \$1,985,991,000, of  
3 which \$2,000,000 for interest subsidies authorized by sec-  
4 tion 121 of the HEA shall remain available until ex-  
5 pended: *Provided*, That \$9,935,000, to remain available  
6 through September 30, 2005, shall be available to fund  
7 fellowships for academic year 2005–2006 under part A,  
8 subpart 1 of title VII of said Act, under the terms and  
9 conditions of part A, subpart 1: *Provided further*, That  
10 \$994,000 is for data collection and evaluation activities  
11 for programs under the HEA, including such activities  
12 needed to comply with the Government Performance and  
13 Results Act of 1993: *Provided further*, That notwith-  
14 standing any other provision of law, funds made available  
15 in this Act to carry out title VI of the HEA and section  
16 102(b)(6) of the Mutual Educational and Cultural Ex-  
17 change Act of 1961 may be used to support visits and  
18 study in foreign countries by individuals who are partici-  
19 pating in advanced foreign language training and inter-  
20 national studies in areas that are vital to United States  
21 national security and who plan to apply their language  
22 skills and knowledge of these countries in the fields of gov-  
23 ernment, the professions, or international development:  
24 *Provided further*, That up to one percent of the funds re-  
25 ferred to in the preceding proviso may be used for pro-



1 gram entered into pursuant to title III, part D of the  
2 Higher Education Act of 1965, as amended, \$210,000.

3 INSTITUTE OF EDUCATION SCIENCES

4 For carrying out activities authorized by Public Law  
5 107–279, \$500,599,000: *Provided*, That of the amount  
6 appropriated, \$185,000,000 shall be available for obliga-  
7 tion through September 30, 2005.

8 DEPARTMENTAL MANAGEMENT

9 PROGRAM ADMINISTRATION

10 For carrying out, to the extent not otherwise pro-  
11 vided, the Department of Education Organization Act, in-  
12 cluding rental of conference rooms in the District of Co-  
13 lumbia and hire of three passenger motor vehicles,  
14 \$434,494,000, of which \$13,644,000, to remain available  
15 until expended, shall be for building alterations and re-  
16 lated expenses for the relocation of Department staff to  
17 Potomac Center Plaza in Washington, DC.

18 OFFICE FOR CIVIL RIGHTS

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

22 OFFICE OF THE INSPECTOR GENERAL

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





1 Washington and the Armed Forces Retirement Home—  
2 Gulfport.

3 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE  
4 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING  
5 EXPENSES

6 For expenses necessary for the Corporation for Na-  
7 tional and Community Service to carry out the provisions  
8 of the Domestic Volunteer Service Act of 1973, as amend-  
9 ed, \$352,836,000: *Provided*, That none of the funds made  
10 available to the Corporation for National and Community  
11 Service in this Act for activities authorized by section 122  
12 of part C of title I and part E of title II of the Domestic  
13 Volunteer Service Act of 1973 shall be used to provide  
14 stipends or other monetary incentives to volunteers or vol-  
15 unteer leaders whose incomes exceed 125 percent of the  
16 national poverty level.

17 CORPORATION FOR PUBLIC BROADCASTING

18 For payment to the Corporation for Public Broad-  
19 casting, as authorized by the Communications Act of  
20 1934, an amount which shall be available within limita-  
21 tions specified by that Act, for the fiscal year 2006,  
22 \$330,000,000: *Provided*, That no funds made available to  
23 the Corporation for Public Broadcasting by this Act shall  
24 be used to pay for receptions, parties, or similar forms  
25 of entertainment for Government officials or employees:

1 *Provided further*, That none of the funds contained in this  
2 paragraph shall be available or used to aid or support any  
3 program or activity from which any person is excluded,  
4 or is denied benefits, or is discriminated against, on the  
5 basis of race, color, national origin, religion, or sex.

6       Of the amounts made available to the Corporation for  
7 Public Broadcasting for fiscal year 2004 by Public Law  
8 107–116, up to \$80,000,000 is available for grants associ-  
9 ated with the transition of public broadcasting to digital  
10 broadcasting, including costs related to transmission  
11 equipment and program production, development, and dis-  
12 tribution, to be awarded as determined by the Corpora-  
13 tion in consultation with public radio and television licens-  
14 ees or permittees, or their designated representatives; and  
15 up to \$20,000,000 is available pursuant to section  
16 396(k)(10) of the Communications Act of 1934, as  
17 amended, for replacement and upgrade of the public tele-  
18 vision interconnection system: *Provided*, That section  
19 396(k)(3) shall apply only to amounts remaining after al-  
20 locations made herein.

21       FEDERAL MEDIATION AND CONCILIATION SERVICE

22                               SALARIES AND EXPENSES

23       For expenses necessary for the Federal Mediation  
24 and Conciliation Service to carry out the functions vested  
25 in it by the Labor Management Relations Act, 1947 (29

1 U.S.C. 171–180, 182–183), including hire of passenger  
2 motor vehicles; for expenses necessary for the Labor-Man-  
3 agement Cooperation Act of 1978 (29 U.S.C. 175a); and  
4 for expenses necessary for the Service to carry out the  
5 functions vested in it by the Civil Service Reform Act,  
6 Public Law 95–454 (5 U.S.C. ch. 71), \$43,385,000, in-  
7 cluding \$1,500,000, to remain available through Sep-  
8 tember 30, 2005, for activities authorized by the Labor-  
9 Management Cooperation Act of 1978 (29 U.S.C. 175a):  
10 *Provided*, That notwithstanding 31 U.S.C. 3302, fees  
11 charged, up to full-cost recovery, for special training ac-  
12 tivities and other conflict resolution services and technical  
13 assistance, including those provided to foreign govern-  
14 ments and international organizations, and for arbitration  
15 services shall be credited to and merged with this account,  
16 and shall remain available until expended: *Provided fur-*  
17 *ther*, That fees for arbitration services shall be available  
18 only for education, training, and professional development  
19 of the agency workforce: *Provided further*, That the Direc-  
20 tor of the Service is authorized to accept and use on behalf  
21 of the United States gifts of services and real, personal,  
22 or other property in the aid of any projects or functions  
23 within the Director’s jurisdiction.

## 1 FEDERAL MINE SAFETY AND HEALTH REVIEW

## 2 COMMISSION

## 3 SALARIES AND EXPENSES

4 For expenses necessary for the Federal Mine Safety  
5 and Health Review Commission (30 U.S.C. 801 et seq.),  
6 \$7,774,000.

## 7 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

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

## 11 MEDICARE PAYMENT ADVISORY COMMISSION

## 12 SALARIES AND EXPENSES

13 For expenses necessary to carry out section 1805 of  
14 the Social Security Act, \$9,000,000, to be transferred to  
15 this appropriation from the Federal Hospital Insurance  
16 and the Federal Supplementary Medical Insurance Trust  
17 Funds.

## 18 NATIONAL COMMISSION ON LIBRARIES AND

## 19 INFORMATION SCIENCE

## 20 SALARIES AND EXPENSES

21 For necessary expenses for the National Commission  
22 on Libraries and Information Science, established by the  
23 Act of July 20, 1970 (Public Law 91-345, as amended),  
24 \$1,000,000.

## 1 NATIONAL COUNCIL ON DISABILITY

## 2 SALARIES AND EXPENSES

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

## 6 NATIONAL LABOR RELATIONS BOARD

## 7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-  
9 tions Board to carry out the functions vested in it by the  
10 Labor-Management Relations Act, 1947, as amended (29  
11 U.S.C. 141–167), and other laws, \$239,429,000: *Pro-*  
12 *vided*, That no part of this appropriation shall be available  
13 to organize or assist in organizing agricultural laborers or  
14 used in connection with investigations, hearings, direc-  
15 tives, or orders concerning bargaining units composed of  
16 agricultural laborers as referred to in section 2(3) of the  
17 Act of July 5, 1935 (29 U.S.C. 152), and as amended  
18 by the Labor-Management Relations Act, 1947, as amend-  
19 ed, and as defined in section 3(f) of the Act of June 25,  
20 1938 (29 U.S.C. 203), and including in said definition em-  
21 ployees engaged in the maintenance and operation of  
22 ditches, canals, reservoirs, and waterways when main-  
23 tained or operated on a mutual, nonprofit basis and at  
24 least 95 percent of the water stored or supplied thereby  
25 is used for farming purposes.

## 1 NATIONAL MEDIATION BOARD

## 2 SALARIES AND EXPENSES

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

## 7 OCCUPATIONAL SAFETY AND HEALTH REVIEW

## 8 COMMISSION

## 9 SALARIES AND EXPENSES

10 For expenses necessary for the Occupational Safety  
11 and Health Review Commission (29 U.S.C. 661),  
12 \$10,115,000.

## 13 RAILROAD RETIREMENT BOARD

## 14 DUAL BENEFITS PAYMENTS ACCOUNT

15 For payment to the Dual Benefits Payments Ac-  
16 count, authorized under section 15(d) of the Railroad Re-  
17 tirement Act of 1974, \$119,000,000, which shall include  
18 amounts becoming available in fiscal year 2004 pursuant  
19 to section 224(e)(1)(B) of Public Law 98–76; and in addi-  
20 tion, an amount, not to exceed 2 percent of the amount  
21 provided herein, shall be available proportional to the  
22 amount by which the product of recipients and the average  
23 benefit received exceeds \$119,000,000: *Provided*, That the  
24 total amount provided herein shall be credited in 12 ap-

1 proximately equal amounts on the first day of each month  
2 in the fiscal year.

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

5 For payment to the accounts established in the  
6 Treasury for the payment of benefits under the Railroad  
7 Retirement Act for interest earned on unnegotiated  
8 checks, \$150,000, to remain available through September  
9 30, 2005, which shall be the maximum amount available  
10 for payment pursuant to section 417 of Public Law 98–  
11 76.

12 LIMITATION ON ADMINISTRATION

13 For necessary expenses for the Railroad Retirement  
14 Board for administration of the Railroad Retirement Act  
15 and the Railroad Unemployment Insurance Act,  
16 \$101,300,000, to be derived in such amounts as deter-  
17 mined by the Board from the railroad retirement accounts  
18 and from moneys credited to the railroad unemployment  
19 insurance administration fund.

20 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector  
22 General for audit, investigatory and review activities, as  
23 authorized by the Inspector General Act of 1978, as  
24 amended, not more than \$6,600,000, to be derived from  
25 the railroad retirement accounts and railroad unemploy-  
26 ment insurance account: *Provided*, That none of the funds

1 made available in any other paragraph of this Act may  
2 be transferred to the Office; used to carry out any such  
3 transfer; used to provide any office space, equipment, of-  
4 fice supplies, communications facilities or services, mainte-  
5 nance services, or administrative services for the Office;  
6 used to pay any salary, benefit, or award for any personnel  
7 of the Office; used to pay any other operating expense of  
8 the Office; or used to reimburse the Office for any service  
9 provided, or expense incurred, by the Office.

10 SOCIAL SECURITY ADMINISTRATION

11 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

12 For payment to the Federal Old-Age and Survivors  
13 Insurance and the Federal Disability Insurance trust  
14 funds, as provided under sections 201(m), 228(g), and  
15 1131(b)(2) of the Social Security Act, \$21,658,000.

16 SUPPLEMENTAL SECURITY INCOME PROGRAM

17 For carrying out titles XI and XVI of the Social Se-  
18 curity Act, section 401 of Public Law 92–603, section 212  
19 of Public Law 93–66, as amended, and section 405 of  
20 Public Law 95–216, including payment to the Social Secu-  
21 rity trust funds for administrative expenses incurred pur-  
22 suant to section 201(g)(1) of the Social Security Act,  
23 \$26,221,300,000, to remain available until expended: *Pro-*  
24 *vided*, That any portion of the funds provided to a State  
25 in the current fiscal year and not obligated by the State  
26 during that year shall be returned to the Treasury.

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

5 For making benefit payments under title XVI of the  
6 Social Security Act for the first quarter of fiscal year  
7 2005, \$12,590,000,000, to remain available until ex-  
8 pended.

9 LIMITATION ON ADMINISTRATIVE EXPENSES

10 For necessary expenses, including the hire of two pas-  
11 senger motor vehicles, and not to exceed \$15,000 for offi-  
12 cial reception and representation expenses, not more than  
13 \$8,241,800,000 may be expended, as authorized by sec-  
14 tion 201(g)(1) of the Social Security Act, from any one  
15 or all of the trust funds referred to therein: *Provided*, That  
16 not less than \$1,800,000 shall be for the Social Security  
17 Advisory Board: *Provided further*, That unobligated bal-  
18 ances of funds provided under this paragraph at the end  
19 of fiscal year 2004 not needed for fiscal year 2004 shall  
20 remain available until expended to invest in the Social Se-  
21 curity Administration information technology and tele-  
22 communications hardware and software infrastructure, in-  
23 cluding related equipment and non-payroll administrative  
24 expenses associated solely with this information technology  
25 and telecommunications infrastructure: *Provided further*,  
26 That reimbursement to the trust funds under this heading

1 for expenditures for official time for employees of the So-  
2 cial Security Administration pursuant to section 7131 of  
3 title 5, United States Code, and for facilities or support  
4 services for labor organizations pursuant to policies, regu-  
5 lations, or procedures referred to in section 7135(b) of  
6 such title shall be made by the Secretary of the Treasury,  
7 with interest, from amounts in the general fund not other-  
8 wise appropriated, as soon as possible after such expendi-  
9 tures are made.

10 In addition, \$120,000,000 to be derived from admin-  
11 istration fees in excess of \$5.00 per supplementary pay-  
12 ment collected pursuant to section 1616(d) of the Social  
13 Security Act or section 212(b)(3) of Public Law 93-66,  
14 which shall remain available until expended. To the extent  
15 that the amounts collected pursuant to such section  
16 1616(d) or 212(b)(3) in fiscal year 2004 exceed  
17 \$120,000,000, the amounts shall be available in fiscal year  
18 2005 only to the extent provided in advance in appropria-  
19 tions Acts.

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

1                   OFFICE OF INSPECTOR GENERAL  
2                   (INCLUDING TRANSFER OF FUNDS)

3           For expenses necessary for the Office of Inspector  
4 General in carrying out the provisions of the Inspector  
5 General Act of 1978, as amended, \$24,500,000, together  
6 with not to exceed \$63,700,000, to be transferred and ex-  
7 pended as authorized by section 201(g)(1) of the Social  
8 Security Act from the Federal Old-Age and Survivors In-  
9 surance Trust Fund and the Federal Disability Insurance  
10 Trust Fund.

11           In addition, an amount not to exceed 3 percent of  
12 the total provided in this appropriation may be transferred  
13 from the “Limitation on Administrative Expenses”, Social  
14 Security Administration, to be merged with this account,  
15 to be available for the time and purposes for which this  
16 account is available: *Provided*, That notice of such trans-  
17 fers shall be transmitted promptly to the Committees on  
18 Appropriations of the House and Senate.

19                   UNITED STATES INSTITUTE OF PEACE  
20                   OPERATING EXPENSES

21           For necessary expenses of the United States Institute  
22 of Peace as authorized in the United States Institute of  
23 Peace Act, \$17,200,000.

24                   TITLE V—GENERAL PROVISIONS

25           SEC. 501. The Secretaries of Labor, Health and  
26 Human Services, and Education are authorized to transfer

1 unexpended balances of prior appropriations to accounts  
2 corresponding to current appropriations provided in this  
3 Act: *Provided*, That such transferred balances are used for  
4 the same purpose, and for the same periods of time, for  
5 which they were originally appropriated.

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

9       SEC. 503. (a) No part of any appropriation contained  
10 in this Act shall be used, other than for normal and recog-  
11 nized executive-legislative relationships, for publicity or  
12 propaganda purposes, for the preparation, distribution, or  
13 use of any kit, pamphlet, booklet, publication, radio, tele-  
14 vision, or video presentation designed to support or defeat  
15 legislation pending before the Congress or any State legis-  
16 lature, except in presentation to the Congress or any State  
17 legislature itself.

18       (b) No part of any appropriation contained in this  
19 Act shall be used to pay the salary or expenses of any  
20 grant or contract recipient, or agent acting for such recipi-  
21 ent, related to any activity designed to influence legislation  
22 or appropriations pending before the Congress or any  
23 State legislature.

24       SEC. 504. The Secretaries of Labor and Education  
25 are authorized to make available not to exceed \$28,000

1 and \$20,000, respectively, from funds available for sala-  
2 ries and expenses under titles I and III, respectively, for  
3 official reception and representation expenses; the Direc-  
4 tor of the Federal Mediation and Conciliation Service is  
5 authorized to make available for official reception and rep-  
6 resentation expenses not to exceed \$5,000 from the funds  
7 available for “Salaries and expenses, Federal Mediation  
8 and Conciliation Service”; and the Chairman of the Na-  
9 tional Mediation Board is authorized to make available for  
10 official reception and representation expenses not to ex-  
11 ceed \$5,000 from funds available for “Salaries and ex-  
12 penses, National Mediation Board”.

13       SEC. 505. Notwithstanding any other provision of  
14 this Act, no funds appropriated under this Act shall be  
15 used to carry out any program of distributing sterile nee-  
16 dles or syringes for the hypodermic injection of any illegal  
17 drug.

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

22       (b) In providing financial assistance to, or entering  
23 into any contract with, any entity using funds made avail-  
24 able in this Act, the head of each Federal agency, to the  
25 greatest extent practicable, shall provide to such entity a

1 notice describing the statement made in subsection (a) by  
2 the Congress.

3 (c) If it has been finally determined by a court or  
4 Federal agency that any person intentionally affixed a  
5 label bearing a “Made in America” inscription, or any in-  
6 scription with the same meaning, to any product sold in  
7 or shipped to the United States that is not made in the  
8 United States, the person shall be ineligible to receive any  
9 contract or subcontract made with funds made available  
10 in this Act, pursuant to the debarment, suspension, and  
11 ineligibility procedures described in sections 9.400 through  
12 9.409 of title 48, Code of Federal Regulations.

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

1        SEC. 508. (a) None of the funds appropriated under  
2 this Act, and none of the funds in any trust fund to which  
3 funds are appropriated under this Act, shall be expended  
4 for any abortion.

5        (b) None of the funds appropriated under this Act,  
6 and none of the funds in any trust fund to which funds  
7 are appropriated under this Act, shall be expended for  
8 health benefits coverage that includes coverage of abor-  
9 tion.

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

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

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

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

24        (b) Nothing in the preceding section shall be con-  
25 strued as prohibiting the expenditure by a State, locality,

1 entity, or private person of State, local, or private funds  
2 (other than a State’s or locality’s contribution of Medicaid  
3 matching funds).

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

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

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

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

21 (b) For purposes of this section, the term “human  
22 embryo or embryos” includes any organism, not protected  
23 as a human subject under 45 CFR 46 as of the date of  
24 the enactment of this Act, that is derived by fertilization,

1 parthenogenesis, cloning, or any other means from one or  
2 more human gametes or human diploid cells.

3       SEC. 511. (a) None of the funds made available in  
4 this Act may be used for any activity that promotes the  
5 legalization of any drug or other substance included in  
6 schedule I of the schedules of controlled substances estab-  
7 lished by section 202 of the Controlled Substances Act (21  
8 U.S.C. 812).

9       (b) The limitation in subsection (a) shall not apply  
10 when there is significant medical evidence of a therapeutic  
11 advantage to the use of such drug or other substance or  
12 that federally sponsored clinical trials are being conducted  
13 to determine therapeutic advantage.

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

17           (1) such entity is otherwise a contractor with  
18 the United States and is subject to the requirement  
19 in section 4212(d) of title 38, United States Code,  
20 regarding submission of an annual report to the Sec-  
21 retary of Labor concerning employment of certain  
22 veterans; and

23           (2) such entity has not submitted a report as  
24 required by that section for the most recent year for

1       which such requirement was applicable to such enti-  
2       ty.

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

11       SEC. 514. None of the funds made available in this  
12 Act may be transferred to any department, agency, or in-  
13 strumentality of the United States Government, except  
14 pursuant to a transfer made by, or transfer authority pro-  
15 vided in, this Act or any other appropriation Act.

16       SEC. 515. (a) The matter under the heading “De-  
17 partment of Education—Education for the Disadvan-  
18 taged” in division G of Public Law 108–7 is amended—

19               (1) by striking “\$4,651,199,000” and inserting  
20               “\$6,895,199,000”; and

21               (2) by striking “\$9,027,301,000” and inserting  
22               “\$6,783,301,000”.

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

1       SEC. 516. None of the funds made available by this  
2 Act to carry out the Library Services and Technology Act  
3 may be made available to any library covered by para-  
4 graph (1) of section 224(f) of such Act (20 U.S.C.  
5 9134(f)), as amended by the Children’s Internet Protec-  
6 tions Act, unless such library has made the certifications  
7 required by paragraph (4) of such section.

8       SEC. 517. None of the funds made available by this  
9 Act to carry out part D of title II of the Elementary and  
10 Secondary Education Act of 1965 may be made available  
11 to any elementary or secondary school covered by para-  
12 graph (1) of section 2441(a) of such Act (20 U.S.C.  
13 6777(a)), as amended by the Children’s Internet Protec-  
14 tions Act and the No Child Left Behind Act, unless the  
15 local educational agency with responsibility for such cov-  
16 ered school has made the certifications required by para-  
17 graph (2) of such section.

18       This Act may be cited as the “Departments of Labor,  
19 Health and Human Services, and Education, and Related  
20 Agencies Appropriations Act, 2004”.

**Union Calendar No. 97**

108TH CONGRESS  
1ST SESSION

**H. R. 2660**

**[Report No. 108-188]**

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**A BILL**

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

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JULY 8, 2003

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed