

specific language that just says funding in it. And I also want to say that as the chairman of the committee, it certainly would fall on me to know about this language. I have to confess I did not know about it, but I will certainly take responsibility and support the agreement to remove it.

□ 1545

I will also agree with the gentleman from Wisconsin that it may be a topic that at some point we should discuss. But, in the meantime, we should do it in open forum and not through the back door in this manner. This was put in as one of the administrative agency's budgets, but we do certainly agree to take it out.

Mr. LINDER. If the gentleman would yield further, I think we know where to start now.

Mr. OBEY. Mr. Speaker, continuing my reservation, I thank the gentleman.

I just want to clear up one procedural question. I think Members need to know which action will adopt the language which strikes this from the bill. Will it be the adoption of the rule, or the passage of an amendment after the bill is under consideration?

Mr. LINDER. If the gentleman will yield further, it will be the adoption of the rule will strike the language.

Mr. OBEY. If Members want to assure this provision is not in the bill, and if they want to be on record voting against any possibility that this will happen under this bill, they will vote for the rule.

Mr. LINDER. That is correct. The adoption of the rule will put in place limiting language that will prevent any expansion of those benefits.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. OSE). Without objection, the amendment is adopted.

There was no objection.

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

LIMITING GENERAL DEBATE ON H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that any general debate in the Committee of the Whole on H.R. 2660 be limited to 3 hours, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, could the gentleman provide us with the text of the motion? I think we know what he wants to do, but we do not have a copy. I would like to make certain that there is no inadvertent confusion.

Mr. YOUNG of Florida. If the gentleman would yield, the purpose of the unanimous consent, since the rule is basically silent on the amount of time, is to guarantee, pursuant to our agreement, 3 hours in general debate, to be divided 1½ hours on your side and 1½ hours on our side. This is the unanimous consent request that would be required to accommodate that agreement.

Mr. OBEY. Mr. Speaker, continuing my reservation, I presume that that will also allow us to reach a second agreement.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield further, this does not address the other agreement on any time limit. We would have to propound that as well. This just guarantees that we would have 3 hours of general debate.

Mr. OBEY. Mr. Speaker, I understand what the gentleman is doing.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 312 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 312

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year end-

ing September 30, 2004, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived except section 217(b). Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 312 is an open rule which provides for 1 hour of general debate, equally divided between the gentleman from Ohio (Mr. REGULA) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), on H.R. 2660, the fiscal year 2004 Labor, Health and Human Services, and Education, and Related agencies appropriations bill.

The rule waives all points of order against consideration of the bill and against provisions in the bill, except as specified in this resolution. After general debate, any Member wishing to offer an amendment may do so, as long as it complies with the regular rules of the House.

The bill shall be read for amendment by paragraph, and the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, the rule permits the minority to offer a motion to recommit, with or without instructions.

Mr. Speaker, we have before us today the Labor, Health and Human Services appropriations act for fiscal year 2004, a funding package that makes good on our promises to America's children, workers and families. Before I summarize the main components of this package, a larger context must be established so that Members of both sides of the aisle fully understand what we are debating here and what is at issue today.

When Members of Congress met in subcommittee and in committee to write this appropriations package, planning the most effective and efficient way to fund many of these domestic programs for education, for health care, for labor, they did not pick random funding levels. Setting funding levels was not decided by a game of darts or "eenie, meenie, minie, moe."

A war in Iraq, a slowly recovering economy, and limited government revenues placed very clear and very real limitations on the resources, and the need to be fiscally responsible with the taxpayers' dollars was great. Despite these challenges, the gentleman from Florida (Chairman YOUNG) and the gentleman from Ohio (Chairman REGULA) and their colleagues created a funding plan that reflects our priorities, meets our goals, and places the greatest funding in the areas we need it most.

So when they drafted a plan to fund teacher quality grants, they thought of the millions of students who learn something new each day when they are taught by well-qualified teachers; and when they created a package to give assistance and training to dislocated workers, they thought of the many unemployed men and women who diligently search for a new job, but always seem to meet a dead end; and when they thought to craft a plan to help critical agencies such as the Centers for Disease Control and the National Institutes of Health, they thought of America's communities, which need increasing assistance in fighting the growing threats of terrorism, especially those of bioterrorism. As a result, we have seen dramatic increases in both agencies, even after NIH's funding has doubled over the past 5 years.

When they considered the significance of programs, such as the Low Income Home Energy Assistance Program, they thought of all the families who are forced to forego other needs in order to afford heat for their homes during cold winter months; and when they created a plan to provide comprehensive nutrition programs for women, infants and children, they thought of the thousands of soon-to-be and new mothers who wanted to provide the best possible care for their children and themselves by eating right and living healthy lives.

Mr. Speaker, I mention these things at the risk of sounding repetitive, because the debate over this appropriations plan is likely to turn quite heated. These Members of Congress that I have mentioned, the ones who have worked so hard under the constraints of very finite resources, may not be rewarded here today. Instead, they may very well be maligned by many of our colleagues from the other side of the aisle who will suggest that this plan is cruel and that those that have created it are uncaring.

So when these opponents begin to suggest that the amount of money is indicative of the size of a person's heart, I would ask them to ponder a

quote by one of our former presidents, Ronald Reagan, who said, "The size of the Federal budget is not an appropriate barometer of social conscience or charitable concern." And that is so true.

Do we have limited resources to spend? Yes. Can we still meet America's needs with those limited resources? Absolutely. And is more money always the best answer or the only answer? Absolutely not.

For example, in 1994, when my colleagues from the other side of the aisle controlled Congress, the Labor-HHS appropriations plan increased education spending by a mere 2 percent, and even then there were no additional education reforms. The message of their plan was more spending equals better education; more dollars equals better education.

Now, fast forward to 2002 when the Republican-controlled Congress increased funding by 18 percent: 2 percent when they had it, 18 percent when we have it. And we also implemented the landmark No Child Left Behind plan to allow local school districts more flexibility in exchange for greater accountability and for student achievement.

Our message: more efficient and effective spending equals a better education.

Mr. Speaker, funding America's priorities can be both generous and responsible, and this appropriations package is proof positive of that fact. It provides significant increases for vital programs and services while maintaining wise stewardship over taxpayers' dollars.

One issue that I have championed for many years, greater funding for children's medical hospitals, received significant increases in this bill, and I want to thank both the chairman and the ranking member for recognizing the need for continued support for those working to improve children's health and end critical and deadly diseases.

But all Americans are touched in one way or another by this legislation. The gentleman from Ohio (Chairman REGULA) has provided tremendous leadership, working tirelessly to assure that Congress spends generously, but wisely. As a result of that fact, as the gentleman from Ohio (Chairman REGULA) says, we should call this legislation the Hope Act, because it provides hope for nearly every single person in America it touches.

□ 1600

Hope for new medical cures, hope for stronger schools, hope for a new job. Whether you are an at-risk youth who will be able to attend an after-school program, or whether you are a senior who will benefit from increased efficiency and improved service in receiving your Social Security benefits, or whether you are a child who will receive better care from the extra assistance for children's hospitals and the teaching that goes on in them, the

message that this appropriations plan sends out is very clear. Our priorities are the same, and our commitment is unwavering; quality education, adequate quality health care, safe work environments, and secure jobs. These are our goals, and they are reflected in this funding package.

I urge all of my colleagues to pass the rule and approve the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Priorities, Mr. Speaker. Again and again the majority has used legislation and procedural tactics to force its priorities through the body. The majority passed another massive tax cut for the wealthiest people that provided no relief for low-income families with children and allowed practically no debate on the bill. They passed a hollow plan to write a blank check to the pharmaceutical companies and called it a prescription drug plan, again allowing little debate.

Last night the Committee on Rules demonstrated that tax cuts for the wealthiest Americans are more important than education, the goals of the No Child Left Behind Act, public health, the needs of older Americans, and help for those who are suffering due to the impotent economy. H.R. 2660 falls far short of the funding levels needed to sustain important programs that should be our priorities.

The bill increases education funding, but the increase falls \$700 million short of the funding increase promised in the budget resolution for the 2004 fiscal year. These funding levels do leave children behind. H.R. 2660 provides an increase in Title I spending, but it is approximately \$300 million less than the \$1 billion promised in the budget. Because the programs designed to leave no child behind are again underfunded, school districts will lose money, and our children will lose educational opportunities.

My district in New York will lose more than \$700,000. The Niagara Falls City School District will lose over \$100,000, and Buffalo City schools will face a loss of almost \$900,000.

Only \$1 billion of the \$2.2 billion budgeted for special education is appropriated. Pell grants allow 307,234 students to attend New York colleges and universities, yet the funding for Pell grants is frozen at current levels. And the current levels of funding cover less than 40 percent of the cost of a college education at a 4-year public university.

The legislation also funds public health programs, which are truly some of the most important services that the Federal Government provides. However, H.R. 2660 provides few additional

resources for health services and public health. Quality health care is out of the reach of far too many Americans. Recent press accounts have highlighted severe problems with the oversight of the State Medicaid programs, and States face financial crises. Over 3 million people in New York depend on Medicaid, and, across the Nation, 4 million children rely on State Children's Health Insurance Programs, SCHIP, for health care. In New York, over a half a million children rely on SCHIP. There are no increases in funding for childhood immunization grants or for the program that provides the scholarships for nursing students, despite the serious shortage of nurses in this country.

Despite these tax cuts which were made, actually what we are doing is shifting the burden to the middle class, and then, obviously, the programs that we care about are being cut, and while we are doing that, issuing these tax cuts that were supposed to do such wonderful things, the economy slowly staggers along. And the result of the stagnant economy is that 6.4 percent of all Americans are unemployed. That is the highest number in almost a decade. We have the largest deficit we have ever had in our history, and more than 9 million Americans who want to work and support their families cannot find work.

Are we going to help these millions of Americans until they are able to find jobs? No. We either freeze the funding levels for programs to help low-income Americans at the same level as last year, or it reduces funding levels. And because of inflation, the bill would leave the victims of poor economic policy with fewer resources.

Natural gas prices are rising and will likely be 50 percent higher by this winter, but the funding for the Low-Income Home Energy Assistance Program was slashed by 10 percent. This bill will literally leave 635,000 New York households that rely on LIHEAP in the cold. And believe me, last year it was cold.

Before the July 4 recess, the older Americans were given a hollow promise of insurance coverage for the astronomically high cost of prescription drugs. Now, H.R. 2660 comes back again to take a swipe at elderly Americans. Almost 200 million older, home-bound Americans rely on Meals-on-Wheels. The allocated funding levels for the Meals-on-Wheels program would force serious cuts in the services, resulting in 4.6 million fewer meals delivered. Our priorities are not providing fewer meals to home-bound elderly Americans.

Last night the Committee on Rules passed an open rule for the consideration of the Labor, Health and Human Services, and Education appropriations for the 2004 fiscal year. Also last night the committee rejected an amendment to add \$5.5 billion to this appropriations bill. The additional funds could be added by reducing the tax cuts from \$88,000 a year to \$60,000 for those mak-

ing more than \$1 million. Because the majority refused to grant a waiver in the open rule, the amendment is out of order. The \$5.5 billion in additional funds from the big tax cut would go to education, to public health, to services for low-income and elderly Americans, and more. Meals-on-Wheels would keep rolling. Education funds would go to the children and make sure that truly no child is left behind, and would provide the health care immunization shots for children, and it would keep houses warm during the icy winter.

Every day we as elected representatives make choices. The appropriations process requires us to make difficult choices sometimes. But the Federal Government, we know, has a finite amount of money, and we must choose wisely how to allocate the resources. The appropriations process for the 2004 fiscal year is incredibly more difficult because Federal funds have been severely depleted. The billions of dollars in tax cuts given to the wealthiest Americans have depleted it. This House has chosen to fund millionaires rather than fund programs for elderly Americans, the 9 million people unemployed, and children's minds and bodies. That is the wrong choice.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to my very distinguished colleague from the grand State of California (Mr. DREIER), the chairman of our Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, let me begin by complimenting my colleague, the gentlewoman from Ohio (Ms. PRYCE), who chairs our Republican Conference, on her superb statement. I think she really hit the nail on the head when she quoted Ronald Reagan, making it clear that the commitment in one's heart to priorities is not based on the size of the Federal budget.

It is interesting that as I listened to my friend, the gentlewoman from Rochester, New York, go through the litany of concerns that she has with this bill, and we are regularly hearing from the other side of the aisle that we are spending too much, we are concerned about the deficit, and they try to paint it as if Republicans only are the ones who are responsible for spending. I know that there are many who believe that this tax cut; because one of her closing lines here, I was struck with that, that we somehow are appropriating dollars, and that is how I inferred it, because she said we are spending dollars on millionaires and cutting off those who are in great need.

Nothing could be further from the truth. What we have done, Mr. Speaker, and I know that my friend, the ranking minority member of the Committee on Appropriations, is focused on this tax cut, we put into place a jobs and growth plan, which, frankly, is al-

ready beginning to work. We know that the best way to ensure that we have the resources necessary to deal with these issues is for us to make sure that we get the economy growing.

The challenge that we face fiscally here is that we have seen a slowdown that began the last two quarters of the year 2000, and we are emerging from that. Virtually every economist has acknowledged that the economic recession that took place in the early part of 2001 was, in fact, the shallowest economic recession since the Great Depression. Why? In large part due to the fact that we put into place an economic growth plan, and it is one which I think we should stick by.

Now, let us talk about the bill and this legislation itself. I know that my friend, the gentlewoman from Ohio (Ms. PRYCE), has very appropriately pointed to the hard work and success of the chairman of the full Committee on Appropriations, the gentleman from Florida (Mr. YOUNG) as well as the chairman of the subcommittee, the gentleman from Ohio (Mr. REGULA). We obviously are living with very, very challenging fiscal constraints that have been imposed on us by the budget which passed this House, and the gentleman from Ohio (Mr. REGULA) was one who, as has been said by the gentleman from Florida (Mr. YOUNG), willingly stepped forward as a subcommittee chairman and chose to, without complaint, live within the strictures imposed by the 302(b) allocations that, in fact, do have limitations on the amount that can be spent. But it is important to note that his pursuit of vigorous reforms and dealing with priorities will, in fact, allow those very important needs to be met.

Now, the gentleman from Ohio (Mr. REGULA) likes to refer to this as the Love Thy Neighbor bill, because with 280 million Americans, virtually everyone is touched by some aspect of this bill, whether it has to do with health issues, education issues, we can go right down the line. We all as Americans are touched by this. So it is for that reason, as we look at a wide range of these very important, serious, challenging societal needs, that he has come forward with a fiscally responsible measure that will allow us to address those.

I would like to take just a moment, Mr. Speaker, to talk about one of those needs. He very generously allowed my colleague, the gentleman from Texas (Mr. SESSIONS), and me to join with the very capable writer and commentator George Will in testifying before his subcommittee about the need for us to ensure that the National Institutes of Health has the resources necessary to deal with the challenge of Down Syndrome. I have friends, included among them George Will and the gentleman from Texas (Mr. SESSIONS), and my former staff director of the House Committee on Rules, Vince Randazzo, who have in their family children who are

faced with the challenge of Down Syndrome. And I believe that the recognition that the gentleman from Ohio (Mr. REGULA) has made in reporting out this measure will go a long way towards dealing with that challenge for future generations.

Mr. Speaker, we can go all the way down the line in looking at all of the diseases that exist; we can look at all of these different issues. And we know that there are some who have talked about the idea that we may not be providing the same kind of increase for the National Institutes of Health that have been provided in the past. Since 1994 we have doubled the level of spending for expenditures for the National Institutes of Health, and the gentleman from Ohio (Chairman REGULA) has very appropriately said that with large Federal bureaucracies, it takes a while to absorb many of these resources that are provided. So while my friend from Rochester talked about the fact that we should be increasing funds for this and this and this and this, all of these issues, which are obviously priorities and are a concern to all of us, we have to recognize that within the structure that is there today, we have got to allow these resources that have been increased dramatically over the past several years, as I said, since we won the majority, doubled at the National Institutes of Health, we have to allow it to be absorbed. That is why I think when I talked about reforms earlier, that is the kind of thing that the gentleman from Ohio (Mr. REGULA) is pursuing in his measure.

So, Mr. Speaker, as the gentlewoman from Ohio (Ms. PRYCE) said, we are going to hear a lot of rhetoric as the debate begins on this measure. There are going to be a lot of people who will try to paint those of us who are supporting the very important work of this committee as being less than concerned about those who are in need. Nothing could be further from the truth. We are doing it responsibly, we are doing it within the fiscal constraints that have been set forward, and we are doing it with a great deal of compassion.

So I urge my colleagues to support this rule and to support the very important measure that the gentleman from Ohio (Mr. REGULA) has worked so hard on.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1 minute.

I am afraid my good friend, the chairman of the Committee on Rules, did not pay very much attention to what I was saying. I do not recall at any point saying that we would like to add more money. What we were talking about were the extraordinary cuts that have been taken to programs that people have learned to really rely on. It has always been the basic tenet of this government that we want to make sure that everybody has the opportunity to rise equally, have an opportunity to have good education, have the opportunity to enjoy good health.

What we have done in this measure, and I continue to say that the reason the resources are not there are because of the tax cuts, is that we are taking away the rights of many children to go to Head Start, to get a good education that we want them to have; we are taking away their SCHIP program, which provides health insurance for them, and what is very disturbing, too, is that the elderly have already taken hits.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

□ 1615

Mr. DREIER. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, I would say, I know as I see the chairman of the subcommittee here, this view that somehow Draconian cuts are going to take place that jeopardize the opportunity for people to be in the Head Start program dealing with SCHIP and a wide range of things I believe is a real stretch. Let us look at this bill, which I believe is going to pass and be successful, and I believe it is a measure that will, in fact, meet those very important needs that are out there.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds.

The gentleman from California (Mr. DREIER) better hope for that because otherwise America will be pretty disappointed to find that they have been left behind, not just the children but the elderly, the middle class, all the rest of them, and certainly the unemployed.

Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, we have heard a lot of rewriting of history in the last hour or so. I want to make one thing clear, if House Republicans had their way and if we had passed the bills which originally passed the House under Republican leadership the last 5 years, instead of increasing education funding by \$19 billion over that 6-year period, we would have decreased it by \$15 billion. That is the bottom line summary of the facts.

Now, let me get to the problem with this rule. Over the last 2 years, Congress has provided more than \$2 trillion in tax cuts; a huge percentage of those tax cuts have been targeted to the top 1 percent of earners in this country. The majority party has pretended that there are no consequences and no cost to those tax cuts. Well, there are. First of all, every single dollar is paid for with borrowed money. That means that for the fiscal year in which this bill is going to be effective, we will pay \$26 billion more in interest. That makes no sense. For less than half of that, you could fix every appropriations bill that we are going to pass.

Consequence number two of the trillions of dollars in tax cuts is that there is no money left on the table except table scraps to deal with the problems

of Medicare, to deal with the problems of prescription drugs, and to deal with other needed investments.

Of the 13 appropriations bills that will come before the House this year, this is the bill that contains most of the funds for those needed investments. And I think we need to take a look at what is happening to this bill because this is the bill that demonstrates where the chickens come home to roost because of the cost of the outlandish tax packages that this House has passed.

Now, in order to get moderate Republican votes for the original budget resolution, the Republican majority in this House promised that they would provide significant funding for title I and special education in order to get the votes of those moderates. So they promised that they would raise that funding to a very high level. The problem is that for title I we have a bill today which is almost \$400 million below that funding level. And for special education we have a bill which is \$1.2 trillion, below the amount promised in the Republicans' own budget resolution. So it is apparent that what happened is that they could not afford both to pay for their tax cuts and keep their promises on education, so they are breaking their promises on education.

Secondly, the President said when we passed No Child Left Behind, "no more money until we reform the programs." So we reform the programs. I voted for those reforms. And guess what? The check is not in the mail. The money now is not coming. This bill is going to be \$8 billion for education below the amount that was promised for the funding scheduled for No Child Left Behind. In addition, this bill contains a number of other problems. It brings the 5-year progress that we have had in doubling NIH to a halt.

You ask the people who are going to contract cancer, Parkinson's, Lou Gehrig's disease, MS, you ask them this year whether they think an \$88,000 tax cut for a millionaire is more important than continuing our efforts to double again NIH medical research. I know the answer you will get because they are in my office every day begging for help.

In addition to that problem, if you take a look at some of the other problems, this committee cuts LIHEAP, the low-income heating assistance program, by \$200 million below the President's budget and below last year. It cuts 3 million congregate meals for senior citizens under the Old Americans Act. It adds 200,000 people to the backlog that the Social Security Agency will experience in trying to meet disability claims, for instance. And it comes up \$400 million dollars short, well, I have already said \$400 million short, in basic title I programs.

The problem with this House and the problem with this rule is that if this rule is adopted, nobody in the House can fix the problems in the bill that I

have just described because the rule locks us in to past decisions on tax cuts, and it says, "Sorry, boys and girls, you cannot do a blessed thing about it except fiddle around the edges."

So, Mr. Speaker, I am going to ask people to vote "no" on the previous question. If it goes down, I will offer two amendments, one would close the gap between No Child Left Behind and other education funding. It would raise \$5 billion in additional funding for education for needed funds for health care, and I would offer a second amendment which would provide \$2.9 billion in increases by increasing every State's share that they receive from the Federal Government under Medicaid so that we can guarantee that not a single poor child will be tossed off the Medicaid or SCHIP rolls in any State of the Union.

The budget process has been managed in a way that is trying to hide the impact of those tax cuts on education, on health care, on workers. This amendment reestablishes those linkages for all to see. In a democracy, you should not hide from your choices. You should make them quite clear. What a vote for this rule will do is to lock in the decision that we have made to have our kids pay for tax cuts for millionaires. That is a lousy choice. Anybody who makes it ought to be ashamed of themselves.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from the State of Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for yielding me time. I thank the gentleman from Ohio (Mr. REGULA) and the gentleman from Florida (Chairman YOUNG) who have worked and labored over this bill for quite some time. I want to thank them for their dedication to a number of key principles in this bill; but I first must take some exception because it seems no matter what we are talking about on this floor, it is always not enough. There is never enough provided for the bills that they would like to pass on to the taxpayers.

We keep hearing about deficits, and I know they know a lot about deficits on the other side because for 40 years they rolled the deficits up to a \$5.7 trillion mortgage on America's future. We talk about giving some tax relief to American taxpayers, but we have a disconnect because we talk in this Capitol like it is our money rather than theirs.

Now, the first case of anthrax and the first death of anthrax happened in my county, in Palm Beach County, JFK Medical Center. So I know firsthand the efforts our local public health officials and the CDC and others had in grappling with this emerging concern and epidemic, at least at that time, a concern that panicked many Americans. And thanks to the gentleman from Ohio (Mr. REGULA) and this committee, they have added substantially to the budgets for the Centers for Disease Control, for Community Health

Centers, for the National Institutes of Health. In almost every one category we look at, significant and substantial increases in every category. Monies for special education grants, more money for title I. Prioritizing Reading First fully funds the program at the requested level of \$1.15 billion. Improving teacher quality. It is not about how many teachers we have. It is the quality of those teaching. My father was a teacher and principal in the public school systems, so I know a little bit of what I speak. And when I see the improvements to help teachers grapple with the ever-changing dynamics, we are particularly proud of the fact that this bill does, in fact, have increased funding. Yes, an increase of 4 percent from fiscal year 2003.

Now, I guess if the other side had their choice, it would be 20 percent; and we would pass the bill on to those same taxpayers that they are seeming so critically concerned about when it comes to deficit spending. If you are in college and you have a Pell grant, we are maintaining that level at the highest maximum grant in the program's history. Infectious diseases, enhances CDC resources for preventing and controlling emerging infectious diseases. Threats such as SARS, West Nile Virus and monkey pox; 24 million of new, additional dollars in that category alone. Homeland security, bio-defense program supported at \$1.625 billion dollars in NIH. Ryan White increase of \$24 million for a total funding of \$2 billion.

How can anyone say this bill does not meet the test of time? Faith-based and community initiatives increasing the compassion capital fund at \$50 million, and mentoring children of prisoners at \$25 million. Abstinence education, which is important.

So as we scan the bill and as people listen to our voices, I hope they will not be dissuaded by some of the harsh rhetoric. Yes, we are having some tax relief for taxpayers. We are, in fact, having a chance to give those very hardworking Americans a chance to make their ends meet, to pay their bills, to be able to spend on their families. I do not think that there is anything wrong with a firefighter and a teacher who work side by side, husband and wife, who are raising kids, to have a little bit of tax relief. In fact, I do not hear anybody from the other side of the aisle offering to rebate their tax funds to the Treasury. I think it is fair to help balance the budget. I think it is fair to help fund programs that are important to America. I think it is important to give tax relief to American families.

I think we can do it all. This is not about single choices. This is about balancing our priorities and our needs. This bill, the full committee bill on Labor-HHS and Education does that dramatically, does it efficiently, does it effectively, and provides for the kind of programs that I think Americans have long come to expect of their Federal Government.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me time. I would ask my friend from Florida to read the administration's position on the bill where they say, and I unfortunately do not have the time to read, insufficient funding. We fear that we cannot fully carry out the administration's request. We believe that Pell grants are underfunded. We believe that five or six or seven or eight programs are underfunded.

That is the administration, that is not us, asking that more money be spent.

Mr. Speaker, today the Republican Party might as well admit when the television cameras are on and the press and American people are watching, it says one thing, but then as soon as the photo opportunities are over, it says another. This Labor-HHS-Education appropriations bill is an unmitigated betrayal of the bipartisan commitment to education in the No Child Left Behind Act. This bill falls \$8 billion short of the funding authorized in that act signed by President Bush, congratulated by President Bush, and promised by President Bush to America and to the States, an increase that after inflation is tantamount to a funding freeze.

Just 2 months ago in the conference report on the Republican budget, this Republican majority promised a \$3 billion increase for the Department of Education. That is not what we said we ought to spend. That is what you said you ought to spend. Today, it has underfunded that commitment by \$700 million on the promise they made 90 days ago, the smallest percentage increase in 8 years. Just 2 months ago, this Republican majority promised to increase IDEA funding by \$2.2 billion. Today it would provide less than half of that promise made less than 3 months ago.

□ 1630

This Republican majority promised to increase title I by \$1 billion. Today, it would provide \$334 million less than promised.

This bill abandons the commitments to the No Child Left Behind Act. It cuts low-income heating assistance, slashes unemployment programs, and breaks our commitment to face the nursing shortage.

The majority's refusal to allow the gentleman from Wisconsin (Mr. OBEY) to offer two amendments tells us precisely where its priorities lie. It lies with America's millionaires, not the millions of children that will be left behind by the failure on this bill.

They would give a tax cut, the Obey amendment, hear me now, the Obey amendment would give a tax cut for people making more than \$1 million a year of \$44,000. That is more than over half of what Americans make in a year. That is what the Obey amendment

would do, give them a \$44,000 tax cut instead of \$88,000.

Let us put our priorities where our hearts are said to be. Vote against this rule. Vote against this bill.

Ms. PRYCE of Ohio. Mr. Speaker, we reserve our time on this side for the time being.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in opposition to this rule and in opposition to the Labor-HHS-Education appropriations bill.

This bill shortchanges the American people in so many ways it is difficult to keep track of them all: the No Child Left Behind Act, \$8 billion short; the Individuals With Disabilities Act, \$1.2 billion short. It cuts LIHEAP funding below \$200 million this year. It freezes the Maternal and Child Health Block Grant and the Childhood Immunization Program. It cuts health professions funding, money used to train doctors and nurses, by \$30 million.

When our States are being forced to cut their education budgets, this bill freezes the maximum Pell grant and all other forms of Federal student financial aid.

What are we doing here, Mr. Speaker? I will tell my colleagues what this bill is going to do to Massachusetts. The children of Massachusetts will lose over \$130 million in title I grants for what was promised in the No Child Left Behind Act. Children with disabilities in Massachusetts will lose over \$29 million in IDEA grants below what was promised. Massachusetts will lose \$6.3 million in teacher quality grants. UMass Memorial Healthcare will lose millions of dollars that the hospital uses to train doctors who serve in low-income areas, and the children of military personnel based in Massachusetts will lose \$4.8 million in Impact Aid.

But the majority seems to have little concern for the children of Massachusetts or their hardworking parents or for the children and families of our country, and children around the world are not treated much better. This bill will cut the International Labor Affairs funding from \$147 million to \$12 million. The only purpose of that office is to help end the abuse of child labor around the world.

It is too bad that the children in my district and the children across the country and the children around the world do not make millions of dollars in dividend income. If they did, the Republicans would find the money to take care of them.

Mr. Speaker, this appropriations bill is a scandal, and our children deserve much more than a list of broken promises. I urge my colleagues to vote "no" on the previous question, to give the gentleman from Wisconsin (Mr. OBEY) the opportunity to fix this mess. If that fails, I urge a "no" vote on the rule and a "no" vote on the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I am always glad to be present at the annual exhibit of inconsistency on the Republican side. When we talk about this bill, first of all, they denounce us for claiming that additional funding is important in showing we support programs. They then go on to brag about how much additional funding they have provided for the programs.

I must say I sometimes do agree that simply throwing money at problems is not necessarily a good idea. I just wish I was not one of the only few Members who thought that yesterday when we did \$400 billion in about 3 minutes for the Defense Department, not all of which is exquisitely well spent.

Here, as I said, they brag about how much they spend and then try to denigrate spending as a measure. Dollars are not some totem. They are a measure of resources, and the dollars we make available are the resources we are making available.

As was pointed out previously, it is the Bush administration that is disappointed in many aspects of this bill, and I am quoting them directly. I am reading the statement of administration policy. There is six disappointeds, eight underfunded and a lot of other negative words, but here is the one that I think most impressive to those advertisers of compassion on the other side.

The committee reduced the administration's request for the Social Security Administration by \$168 million. Without these resources, SSA may not be able to reverse the steady increase in the backlog of disability claims.

Understand what the Bush administration has said. Vote for this bill and we will almost certainly increase the backlog of our disabled fellow citizens who cannot get money on which to live. Yeah, I think more money would be a good thing here. I agree with the administration. Let us understand what is at stake here.

The chairman of the Committee on Rules said he congratulated the chairman of the appropriations subcommittee, who I must say many of us admire and do not want to get him in trouble by expressing how much we sympathize with the dilemma that he is in; but revealingly, the chairman of the Committee on Rules said he credited the chairman of the appropriations subcommittee for agreeing to abide by these constraints. Good for him, he agreed to abide by these constraints.

Let us technically point out, and I love the gentleman, I know what pressure he is under, but he voted for these constraints he is abiding by. They talked about the Federal budget as if it had descended from the sky, the House budget resolution; and somehow these wonderful people in the House who would really love to help not build up the backlog on disability found themselves constrained by this thing called the budget. Apparently it came in a horror movie, stepped off the screen

and it constrained them. They voted for it. They imposed this restriction on themselves, and that is the game we are playing.

We have the Republican majority first say in the specifics that they are for a lot of programs. Then to pay for the tax cut, what happens is this, they go to these constituencies and tell them how much they support these programs. They then give into ideological pressure and vote for very large tax cuts while we are fighting two wars.

Now, the notion that we can finance two wars with three tax cuts has not previously been known in human history; but having done that, they are now unable to fund the programs that they told people they loved. So what do they do? They pass a tax cut. Then they pass a rule which does not allow them to consider the tax cut when they vote to underfund the programs. This is a perfect example of tying their own hands.

It is what I have called before the reverse Houdini. Unlike Houdini, who was tied in knots and had as his act getting out of the knots, my Republican colleagues, particularly those compassionate ones, tie themselves in knots and then their public act is to say, boy, would I love to help you if I was not tied up in these knots. Well, it is the tax cut that keeps you from funding Social Security so that you do not get the build-up in disability that the President talks about. It is the tax cut that you voted for.

What we are asking for is let us do priorities. Let us not have the tax cut done months ago, a budget done months ago, and now act as if those things which you voted for and you gave us are somehow acts of God that bind us. Let us reopen this and let us deal as rational human beings. Let us put on the one side Social Security disability and the other important programs, Downs Syndrome, et cetera; and let us put on this side the tax cut for the rich, and let us make rational decisions about which is more important.

Ms. PRYCE of Ohio. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore (Mr. BASS). The gentlewoman from Ohio (Ms. PRYCE) has 12½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 6½ minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, the funding level in the Labor-HHS-Education appropriations bill is woefully insufficient. It fails to meet the needs of school, and our children will end up paying the price. While the majority has talked again

and again about reforming and improving education, they have not provided the funds to do so.

This bill underfunds Impact Aid for school districts that are serving our military families in this country by \$583 million that are required by the No Child Left Behind Act. It is irresponsible to take credit for passing the No Child Left Behind Act, but then refuse to provide the money to fund the programs, especially to the level that Congress and the President committed to just 2 years ago.

There are thousands of men and women from my district at Travis Air Force Base who deserve to have better schools for their children while they are fighting in Operation Iraqi Freedom. They deserve a top-notch education for their kids.

I urge my colleagues to oppose the rule for the Labor-HHS-Education appropriations bill and demand that we fully fund Impact Aid.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am proud of the gentleman from Ohio (Mr. REGULA) and what we have done. These are considerable tough times, and it is not due to a tax break "for the rich" that the left on every bill states, but you can never spend enough money; but I think we have done a pretty good job.

If we take a look at, for example, IDEA was mentioned. I was a subcommittee chairman, and we authorized IDEA when we were in the minority. The maximum was 6 percent funding that the Democrats ever put forth for IDEA, 6 percent. We are up to over 18 percent since we have taken the majority.

Title I, we have increased the funding for title I; and Mr. Speaker, I sorely resent comments from the left that state that the only thing we want to do is help the rich.

I am dedicated on education and medical research; and I work very, very hard in that direction. What I am upset at, the money that we raise for California not only in formula but for the additional funds that we are sending California for title I, Governor Gray Davis is taking the additional money that we sent to California and putting it in county mental health. He has taken away the money.

When they talk about tax rates for the rich, in 1993, when they had the majority, they taxed the middle class when they said they would not, and they said well, only Democrats voted for that, no Republicans. Why did Republicans not vote for that tax increase? They cut military COLAs, which they demagogue every day on this floor. They cut veterans COLAs, which they demagogue. They increased the tax on Social Security, and they took every dime out of the Social Security trust fund, and they taxed the middle class the highest tax ever, which also hurt the military. There is

no occasion they want tax relief. They always want a tax increase for additional spending and big government programs.

New York cost \$200 billion just to rebuild. That does not include \$83 billion just in lost revenue; and then we look at the airline industry, we look at the hotel industry, we look at the stock market and what has happened. Yes, there is depreciation of funds along with the war on terrorism. Maybe we can take the money back from New York and fund all these programs. I do not want to do that because they needed that money, but for that other side and the left to come out and say that Republicans only care about the rich, it hurts because they know it is not true, but it is political gamesmanship before an election.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I just want to correct something the gentleman just said.

The fact is, going all the way back to 1978, there has never been a year when the Democratically controlled Congress provided a federal contribution for IDEA less than 7½ percent. In fact, in 1979 it was 12½ percent; in 1983, 9½ percent.

The fact is everybody understands, this is the same Republican majority that tried to eliminate the Department of Education, that tried to shut the government down in order to force deep cuts in education. They had to be dragged kicking and screaming into supporting education increases in 5 out of the last 6 years, and now they are taking credit for the funding increases which the Democrats forced on them mostly during the Clinton years.

I do not mind them rewriting history, but I certainly hope they do not expect us to believe it.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the maximum amount that the Democrats, when we were in the minority, ever funded IDEA was 6 percent. Regardless of the percentage that they increased it, the total amount was 6 percent. We are up to 18 percent. Do not try and rewrite history.

□ 1645

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership in managing the rule on this very difficult bill.

Mr. Speaker, I rise in strong opposition to the previous question and to making the Obey amendment in order. I thank the gentleman from Wisconsin (Mr. OBEY) for his great leadership for America's children and families and for his giving us an opportunity today to

reverse a decision that the Republican leadership has made that is detrimental to those children and those families.

I do this with great regret, Mr. Speaker, because I have the deepest admiration, and he knows it, for the chairman of the subcommittee, the gentleman from Ohio (Mr. REGULA). I had the privilege of serving under his leadership on the committee and watched him in action for a number of years. I know that his priorities are in the right place. Unfortunately, the priorities of this bill are not in the right place. And how could they be when the Republicans in the weeks leading up to now have bled, have starved the budget of the resources to meet the needs of America's children.

The previous speaker said, oh, you never have enough money. This is not about endless money. This is about money promised by President Bush in the Leave No Child Behind bill. Instead, the legislation that will come before us under this rule, if this rule passes, would leave millions of children behind because of the \$8 billion shortfall in the President's own Leave No Child Behind bill.

We see here a continuation of the pattern of the credibility gap, of the rhetoric, versus the harsh realities of the budget, and those realities are made all the more harsh because of the tax cut. The gentleman from Wisconsin gives us an opportunity this afternoon to correct the situation, somewhat.

The Obey amendment would simply say that if you make \$1 million a year, your tax cut will be \$44,000 a year instead of \$88,000 a year. That is an additional tax cut. With that money, we can put around \$5 billion into the Labor-HHS bill and help to redress some of the shortfalls contained herein, and also help with children's health in addition to the education provisions.

Earlier today, the Democratic staff of the Committee on Appropriations in our office put forth a report, which I hope that everyone will take advantage of, which is entitled GOP Funding Bill Shortchanges America's Children by Underfunding Key Education Priorities. Instead of giving \$88,000 and instead giving \$44,000 to those making \$1 million a year, we can instead fund the following programs. And let me just talk about how the GOP shortchanges children, and then we can talk about redressing it.

The Republican Labor-HHS bill cuts education for America's children by a total of \$9.2 billion below the levels authorized by the President's No Child Left Behind Act and the IDEA Reauthorization Act, with the key highlights as follows: IDEA, funding for children with special needs. Parents, children, school districts, teachers, anyone concerned about education throughout the country are crying out for the Federal Government to keep its promises to children with special needs. As a result of this bill, America's children with disabilities will lose

\$1.2 billion in IDEA grants below the level promised in the Republican IDEA Reauthorization Act. In their own bill. The rhetoric, the reality, the harsh credibility gap.

Shortchanging after-school learning opportunities. As a result of the GOP bill, America's children will lose \$750 million in after-school program funding below the level called for in the No Child Left Behind bill, the President's own No Child Left Behind bill.

Failing to fund highly qualified teachers in every classroom. Under the bill, America's teachers will lose \$350 million in teacher quality grants below the level called for in the President's No Child Left Behind bill. It goes on and on and on.

Sadly, as my colleague, the gentlewoman from California (Ms. TAUSCHER), mentioned, as a result of this bill, America's children will lose \$583 million in Impact Aid grants below the level authorized. And this is for children of military personnel, another blow to military personnel and their children. As you know, they do not make enough and are unworthy of the expanded tax credit, but that is another bill, another day. Part of the pattern, however.

The list goes on and on about how the GOP funding bill shortchanges children in America, and we have it broken down State by State for those who are interested in this information. So I thank the gentleman from Wisconsin for giving us an opportunity to correct some of that. But this is tragic.

Education does more for our economy, educating American people, early childhood, K through 12, higher education, postgrad, lifetime learning for our workers does more for our economy than any tax cut, tax credit, tax gimmick, tax break that you can name. It returns more money to the Treasury than anything you can name. It is more dynamic, to use the Republican word in budgeting, than any initiative you can name. It is also not only good for our economy, it is fundamental to our democracy to have an informed population, an educated population. It is good for our international competitiveness as well. But most of all, it is important to the self-fulfillment of our children.

And so we have a series of broken promises that the Obey amendment would correct. This is a defining vote for the Republican Party. If they vote for this bill, then all the statements that they make claiming to support education are simply unreal. Republicans cannot proclaim their commitment to our Nation's schools and then withhold their support for funding to the level that the President has in his own bills. They cannot tell our children and parents, we care about schools, and then watch our decaying classrooms fill with greater numbers of unprepared children.

Kids are so smart. You cannot tell children that education is important to their self-fulfillment and to their lives

and to their livelihood later in life, you cannot tell them it is important that they should place a value on it if we do not place a value on it. Children get a mixed message when they hear us say it is important, but not important enough for us to give you the smaller classes, indeed the smaller schools that all the scientific evidence says is good for you; that we do not give you the schools that are wired for the future; the after-school programs, the qualified teachers, the funding for disadvantaged children and the funding for children with disabilities. If it is important, then it should be important in our spending priorities as well as in our investments.

Just 3 months ago the Republican budget resolution promised \$1 billion for Title I, but the bill on the floor today falls \$334 million short of this promise, denying quality instruction to 140,000 disadvantaged schoolchildren. The Republican budget resolution also promised a \$2 billion increase for special education, but this appropriation bill, as I mentioned earlier, provides \$1 billion, a 55 percent discrepancy between what they promised and what they propose to deliver. The Obey amendment provides the full amount promised in the budget resolution for both Title I and special education.

This is a great bill, usually. This is a great opportunity. In our service on that committee, anyone who ever served there always called this the people's bill. It dealt with Labor, Health and Human Services, and Education. It is lamb-eat-lamb. There is no place to go get money in the bill to correct some of the mistakes in it, because everything in the bill is good. And under these circumstances, everything is being starved, so you have to put additional funding in the bill.

The gentleman from Wisconsin has given us a way to do that. Without his correction, we are stuck. We are stuck with a bad bill that is underfunded, leading to underinvestment in our children's education.

And in terms of other aspects of the bill, in terms of health, patients and advocates for cancer, diabetes, Alzheimer's and AIDS have all been clear: We must strongly support increased research at the National Institutes of Health. The fruits of medical research are truly miraculous. Despite this proven record of success and the opportunity to fund vital research, the Republican bill provides the smallest increase for NIH in more than 15 years. The only amendment provides substantially more funding to advance the science that is helping us find cures.

Mr. Speaker, in conclusion, I want to say that the Obey amendment helps Republicans keep their own promises and takes advantage of important opportunities to help the American people. The Republican leadership should be thanking the gentleman from Wisconsin. They should be thanking him. Instead, they will not even allow a vote on his proposal. What are they afraid

of? Are they afraid that they are going to have to shrink one of their big tax cuts in order to invest in America's children? Probably.

I urge my colleagues to vote "no" on the previous question and vote to support the Obey amendment.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 additional minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, it is almost laughable. The gentlewoman from California talks about Republicans cutting education. Well, we have increased education higher than they ever did.

Mr. Speaker, they cannot stand it. The Republicans have taken over the issue of education and prescription drugs, and they just cannot stand it. It is killing them.

The gentlewoman talks about the poor military. In 1993, the gentlewoman from California voted to cut military COLAs when they were on food stamps. She voted to cut veterans' COLAs. She voted to increase the tax on Social Security and take the money out of the Social Security Trust Fund. The gentlewoman from California's highest rating on defense is 36 percent. Her average is 16 percent. Sixteen percent.

I would say to the gentlewoman from California, if she is so interested in helping the military, two-thirds of a military bill is pay and allowances.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentlewoman from California (Ms. PELOSI) for a response.

Ms. PELOSI. Mr. Speaker, I said the other night in the debate on Medicare that on this floor of the House people can misrepresent the facts, and that is okay; but if you call them on it, you can be questioned on questioning the veracity of your colleague.

Well, I seriously not only question the veracity of my colleague, I challenge him, because I have voted for every defense bill practically since I have been here. And the gentleman from Pennsylvania (Mr. MURTHA), my colleague, can testify to that, as can all of the chairmen of the Committee on Appropriations Subcommittee on Defense. So either the gentleman knows not of what he speaks, or he seriously is misrepresenting the facts.

Ms. PRYCE of Ohio. Mr. Speaker, I am most pleased to yield such time as he may consume to the gentleman from Ohio (Mr. REGULA), my distinguished colleague, the dean of the Ohio delegation, and the chairman of the Subcommittee on Labor, Health and Human Services, who has done such great work to bring this bill to the floor of the House.

□ 1700

Mr. REGULA. Mr. Speaker, I want to say to the gentlewoman from California (Ms. PELOSI) that she made two statements I agree with. She said this is a good bill, perhaps not as much as

they would like, but it is good given the constraints we have; and, secondly, education is a high priority. We agree it is a high priority, so much so in the last 8 years we have doubled the money that went to education, and we have tripled the money for the special needs children. Members need to keep that in mind.

Also, keep in mind we are not debating a tax bill. That is behind us. That was a Committee on Ways and Means issue. We are debating a bill within the budget constraints given to us, an allocation which is about \$138 billion. We have tried, and I want to say that the minority members as well as the majority members had input in trying to allocate the priorities and the resources in the best possible way.

Now, we have heard about the letter from the administration, and I understand that because the administration has priorities that are somewhat different than the Members of this House. But if I read the Constitution correctly, the House of Representatives has the responsibility for setting policy, not executing it, but setting it. So if there is some difference, it is because we reflect 435 Members' priorities and 280 million people. This literally is the people's House. As such, in this bill we have tried to reflect the things that are important to the people of this Nation given the constraints.

I want to say for the gentleman from Florida (Mr. YOUNG), the gentleman worked diligently to get some additional funding so we could meet the needs of the people of this Nation. I think we should not lose sight of that. This is a good bill. I hope all Members between now and tomorrow will familiarize themselves with what is in this bill. A "no" vote will be a vote for \$1 billion less for special needs children. A "no" vote will be a vote against \$680 million give or take for education. A "no" vote will be a reduction in impact aid, and on and on. It will be a reduction in an amount for NIH.

Let me point out that it was this Republican majority that doubled the NIH budget over a period of 5 years. They have the highest number of projects, research projects, ever in history, something like 34,000 grants that have been made to do research on the medical health of this Nation. Let us remember that a lot of good things were done. This bill does have hope, and it has compassion; and that is our responsibility, to give the people of America hope that there will be better things ahead, and it does, and that we have compassion.

I do not want to debate totally the bill tonight, we will have plenty of time for that tomorrow, but I just point out that our colleagues both on the majority and the minority side will familiarize themselves with what this bill does. We tried to be fair and I think the minority members of the subcommittee will agree that every opportunity was made to have witnesses and hear testimony from all aspects of

America. If Members could sit in the hearing room and see the row of wheelchairs and needs of kids, we have tried to address that. We probably had more hearings than any other subcommittee because we are trying to represent the problems that challenge 280 million Americans, whether it is health care, whether it is people who have lost their job and want an opportunity to get some new skills, or whether it is the education needs of our young people. I think we have reflected that. It is the people's bill.

Mr. Speaker, I would point out again that we have doubled education in the last 8 years. We have tripled the money that goes to special needs. We have increased the commitment to math and science. We have heard a lot about that, that we need more math and science teachers; and we have addressed that in the bill. We have addressed the fact that we need more highly skilled teachers in the classroom. We all can see that classroom teachers can make a world of difference. We have recognized that in the bill that is before Members.

I would point out that in terms of NIH, we have recognized their needs. Actually, a lot of construction is taking place out there, so we have focused resources, given a 6 percent increase in program funding, which is an important element to ensure that the requests that come to NIH for research can be met. That is why we have the greatest number of research projects going on right now in the history of NIH. That is a tribute to the Republican leadership in doubling the budget of NIH.

The Centers for Disease Control, we put substantial increases there because that agency has a special responsibility in terms of homeland security; and they are addressing it, and they recognize that infectious diseases are a real threat to this Nation. A former Senator said at a breakfast I was at that the greatest threat is bioterrorism, and we have tried to recognize that by giving CDC a substantial increase in funding. CDC is the watchdog in the sense that they are always looking out to keep these things away from America's shores and to give help to others.

One of the things that we are trying to do with this bill is to streamline the health care delivery system. We have said let us make it seamless, every way from CDC to the local State health agencies to the local agencies so if there is a problem in a community, there is an immediate response all the way to CDC. Again, we are putting a protection in place for the health of American citizens.

As far as job training, in this bill we increase the amount that goes to the Department of Labor to help the communities across the Nation have job training programs so they will be able to help those that are displaced because of imports, because of a shifting consumer market in products, again a recognition of the needs of people. This

really is a people's bill. This really is a fair balance. I do not think that it is partisan. I think in constructing this we took the \$138 billion that were available and said what can we do in the fairest possible way to meet the needs of education, health research and to meet the needs of those who need job retraining. I hope Members in the minority will look at what is in this bill and realize how valuable it is to the American people, and they will think twice before they vote against all of these programs that are very important to the people of this Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY) for a unanimous consent request.

(Mr. OBEY asked and was given permission to revise and extend his remarks, and to insert tabular material.)

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have a rather strange procedure going on here. We are going to be called in to vote on the previous question on one rule and on the rule for legislative branch. I do not know in what order, but I want to give a little talk about this.

First, I want to urge Members to vote "no" on the previous question on the HHS bill. If that previous question is defeated, I will offer an amendment to the rule that will make in order the Obey substitute to restore funding for the numerous programs which have been shortchanged in this bill. It will also make in order the Obey amendment to restore cuts to States for their child health care programs under Medicaid and SCHIP. Both of these amendments were submitted to the Committee on Rules last night and rejected by the majority.

H.R. 2660 provides funding for some of our most vital services, services that touch the lives of every American family, from education to preschoolers, from low-income families to college tuition assistance, to Meals on Wheels for the elderly and medical research; and as critical as they are, we have drastically underfunded them in this bill. The Obey substitute will help restore some of the desperately needed funds.

The second Obey amendment will help financially strapped States provide child health care to the uninsured children. The cost of both of the amendments will be offset by reducing the 2004 tax cuts for those with incomes in excess of \$1 million, cutting their tax break from \$88,000 to \$44,000. We believe the millionaires can spare a few dollars to help restore the funding.

Whether or not Members are Republicans or Democrats, they should be concerned about the lack of an adequate funding for the critical programs and services in this bill. Virtually every American is affected by this bill, whether it is health care, education, medical research for the elderly, LIHEAP, so on. The Obey amendments

would help fix the terrible funding deficiencies in the bill and help States provide health care to children who are not covered by health insurance. Again, they would do so with no additional cost to the deficit.

I urge Members on both sides of the aisle to vote "no" on the previous question. A "no" vote will not stop the House from taking up the Labor-HHS-Education appropriations bill, but a "yes" vote will prevent the House from considering the important amendments. Please vote "no" on the previous question.

Mr. Speaker, I need to explain that we have another vote coming up on another appropriations bill. That is the rule for the Legislative Branch Appropriations Act, which we hope will come first. We are not certain. We are urging a "yes" vote on that rule so that Members can go on record of voting to self-execute out the language that was put into the bill by unknown persons or persons unknown which would expand dental and vision coverage for Members and employees of the House. Again, we urge a "yes" vote on that to go on record to self-execute that, and a "no" vote on the previous question, which we believe will be called first.

I ask unanimous consent that the text of the amendments be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, this really is the Hope Act. This bill will provide the needed funding to supply people with new skills and new opportunities, hope for a better job. It will lay the groundwork for new medical cures, hope for the gift of life, and it will provide for stronger schools and a better education, hope for a brighter future. The message is clear and our commitment is unwavering. Quality education and health care, safe work environments and secure jobs, these are our goals and are reflected in this funding package. I urge my colleagues to support this open rule and adopt this important legislation.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 312—RULE ON H.R. 2660

FISCAL YEAR 2004 LABOR/HHS/EDUCATION APPROPRIATIONS

At the end of the resolution, add the following:

Sec. 2. Notwithstanding any other provision of this resolution, the amendments printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee. The amendments are not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

Sec. 3. The amendments referred to in section 2 are as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R.—, AS REPORTED (LABOR, HHS, AND EDUCATION APPROPRIATIONS, 2004) OFFERED BY MR. OBEY OF WISCONSIN

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, 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, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; \$2,614,039,000 plus reimbursements, of which \$1,582,858,000 is available for obligation for the period July 1, 2004 through June 30, 2005, except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2003 until expended; of which \$1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005; and of which \$30,216,000 is available for the period July 1, 2004 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of such Act, \$305,993,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,155,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That, notwithstanding any other provision of law or related regulation, \$60,000,000 shall be for carrying out section 167 such Act, including \$56,000,000 for formula grants and \$3,600,000 for migrant and seasonal housing, including permanent housing, and \$400,000 for other discretionary purposes: *Provided further*, That funds appropriated under this heading in Public Law 108-7 for migrant and seasonal farmworkers housing shall be made available only under the terms and conditions in effect June 30, 2002, and shall include funding for permanent housing: *Provided further*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That notwithstanding any other provision of law, funds awarded under a grant issued by the Department of Labor pursuant to section 173 of such Act on June 30, 2001, to the San Diego Workforce Partnership may be used to provide services to spouses of military personnel.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by such Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is

available for obligation for the period October 1, 2004 through June 30, 2005, and of which \$100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

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

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002 (Public Law 107-210)), \$1,338,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$142,520,000, together with not to exceed \$3,472,861,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which \$142,520,000, together with not to exceed \$768,257,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2004 through June 30, 2005, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2004 is projected by the Department of Labor to exceed 3,227,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III

of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND
AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2005, \$467,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$115,824,000, including \$2,393,000 to administer welfare-to-work grants, together with not to exceed \$56,503,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY
ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, \$128,605,000.

PENSION BENEFIT GUARANTY CORPORATION
PENSION BENEFIT GUARANTY CORPORATION
FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2004, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of \$228,772,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$395,697,000, together with \$2,056,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That \$1,250,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the

public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS
(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, \$163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2002, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2004: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, \$39,315,000 shall be made available to the Secretary as follows: (1) for enhancement and maintenance of the automated data processing systems and telecommunications systems, \$11,618,000; (2) for automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, \$14,496,000; (3) for periodic roll management and medical review, \$13,210,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, \$55,074,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2004 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND
(INCLUDING TRANSFER OF FUNDS)

Beginning in fiscal year 2004 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2004 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): \$32,004,000 for transfer to the Employment Standards Administration, "Salaries and Expenses"; \$23,401,000 for transfer to Departmental Management, "Salaries and Expenses"; \$338,000 for transfer to Departmental Management, "Office of Inspector General"; and \$356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH
ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$462,356,000, including not to exceed \$91,747,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the "Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2004, to collect and retain fees for services provided to

Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

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

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

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

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

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That not less than \$3,200,000 shall be used to extend funding for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of September 30, 2004 to September 30, 2005, provided that a grantee has demonstrated satisfactory performance.

MINE SAFETY AND HEALTH ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$276,826,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to \$1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2004 obligations for these activities exceed \$1,000,000; in addition, not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities,

notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to \$1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$442,547,000, together with not to exceed \$75,110,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and \$2,570,000 which shall be available for obligation for the period July 1, 2004 through September 30, 2004, for Occupational Employment Statistics, and \$5,400,000 to be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491-2).

OFFICE OF DISABILITY EMPLOYMENT POLICY SALARIES AND EXPENSES

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

DEPARTMENTAL MANAGEMENT SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2005, and \$48,565,000, for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; \$387,801,000; together with not to exceed \$317,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in *Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding*, 115 S. Ct. 1278

(1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$193,443,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4110A, 4212, 4214, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2004, of which \$2,000,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), \$26,550,000, of which \$7,550,000 shall be available for obligation for the period July 1, 2004 through June 30, 2005.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$57,000,000, together with not to exceed \$5,899,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, \$18,000,000.

GENERAL PROVISIONS

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

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

This title may be cited as the "Department of Labor Appropriations Act, 2004".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V, and sections 1128E, 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, \$6,639,413,000, of which \$39,740,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, \$248,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$45,000,000 is available for carrying out the provisions of Public Law 104-73: *Provided further*, That of the funds made available under this heading, \$273,350,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That \$785,759,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$117,831,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: *Provided further*, That \$65,000,000 is available for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, which shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act, and which shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except

that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$3,389,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including purchase and insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, \$4,803,927,000, of which \$206,000,000 shall remain available until expended for equipment, and construction and renovation of facilities, and of which \$293,763,000 for international HIV/AIDS shall remain available until September 30, 2005, including not less than \$150,000,000, to remain available until expended, for the "International Mother and Child HIV Prevention Initiative", and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, \$13,226,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed \$17,500,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 20 States: *Provided further*, That without regard to existing statute, funds appropriated may be used to proceed, at the discretion of the Centers for Disease Control and Prevention, with property acquisition, including a long-term ground lease for construction on non-Federal land, to support the construction of a replacement laboratory

in the Fort Collins, Colorado area: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18.

NATIONAL INSTITUTES OF HEALTH NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$4,816,568,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$2,930,136,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$389,780,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,701,959,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,527,588,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$4,340,707,000: *Provided*, That \$100,000,000 may be made available to International Assistance Programs, "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,937,179,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$1,264,806,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$664,061,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$644,229,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$1,042,110,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$509,879,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect

to deafness and other communication disorders, \$388,465,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$136,959,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$436,364,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$1,008,676,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$1,406,489,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$487,698,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, \$291,866,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,176,402,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That \$123,154,000 shall be for extramural facilities construction grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$118,944,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, \$194,781,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$66,563,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$323,390,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2004, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$453,743,000: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be de-

creased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for 1 fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$216,300,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, \$3,375,400,000: *Provided*, That in addition to amounts provided herein, \$16,000,000 shall be made available from amounts available under section 241 of the Public Health Service Act to carry out national surveys on drug abuse.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 927(c) of the Public Health Service Act shall not exceed \$303,695,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

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

For making, after May 31, 2004, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2004 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

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

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

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided

under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$95,084,100,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$2,698,025,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$65,000,000, to remain available until September 30, 2005, is for contract costs for the CMS Systems Revitalization Plan: *Provided further*, That \$56,991,000, to remain available until September 30, 2005, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That not less than \$129,000,000 shall be for processing Medicare appeals: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2004, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

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

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$2,250,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), and for carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), \$461,853,000, of which up to \$10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000 (Public Law 106-386, div. A): *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities through September 30, 2006.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,200,000,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That \$19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for the Child Care Aware toll free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, \$272,672,000 shall be reserved by the States for activities authorized under section 658G, of which \$100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That \$9,864,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

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

DISABLED VOTER SERVICES

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

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, as amended, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 2000, the Abandoned Infants

Assistance Act of 1988, the Early Learning Opportunities Act, part B(l) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-322; for making payments under the Community Services Block Grant Act, sections 439(h), 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105-285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), sections 40155, 40211, and 40241 of Public Law 103-322, and section 126 and titles IV and V of Public Law 100-485, \$8,742,968,000, of which \$43,000,000, to remain available until September 30, 2005, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670-679) and may be made for adoptions completed in fiscal years 2001 and 2002; of which \$6,815,570,000 shall be for making payments under the Head Start Act, of which \$1,400,000,000 shall become available October 1, 2004 and remain available through September 30, 2005; and of which \$735,860,000 shall be for making payments under the Community Services Block Grant Act: *Provided*, That not less than \$7,250,000 shall be for section 680(3)(B) of the Community Services Block Grant Act, as amended: *Provided further*, That in addition to amounts provided herein, \$6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That \$88,043,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which \$26,413,000 is for the transitional living program: *Provided further*, That \$35,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

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

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

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

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

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

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$1,449,495,000, of which \$5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions; and of which \$2,842,000 shall remain available until September 30, 2006, for the White House Conference on Aging.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, \$343,284,000, together with \$5,813,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$11,885,000 shall be for activities specified under section 2004(b)(2), of which \$10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That of this amount, \$49,675,000 is for minority AIDS prevention and treatment activities; \$18,400,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects; and \$5,000,000 is to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$39,497,000: *Provided*, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$30,936,000, together with not to exceed \$3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, \$2,483,000: *Provided*, That in addition to amounts provided herein, \$18,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out

national health or human services research and evaluation activities: *Provided further*, That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to United States Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents and beneficiaries; and for payments to the Social Security Administration for military service credits; all of which payments are provided for by the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, \$1,896,846,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, \$1,286,156,000; Office of the Secretary, \$64,820,000; and Health Resources and Services Administration; \$545,870,000; *Provided further*, That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

In addition, for activities to ensure a year-round influenza vaccine production capacity and the development and implementation of rapidly expandable influenza vaccine production technologies, \$100,000,000, to remain available until expended.

GENERAL PROVISIONS

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

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with

funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

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

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

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

(TRANSFER OF FUNDS)

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

SEC. 208. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

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

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

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

SEC. 213. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services by May 1, 2004 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

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

(c) The State is to maintain State expenditures in fiscal year 2004 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2003, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2003 State expenditures and all fiscal year 2004 obligations for tobacco prevention and compliance activities by program activity by July 31, 2004.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2004.

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

SEC. 214. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health

and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 215. (a) In addition to the authority provided in section 214, in order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2004, the Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)).

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

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

SEC. 217. (a) CMS PROGRAM MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by \$98,000,000.

(b) MEDICARE CLAIMS PROCESSING FEE.—

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

(A) duplicates, in whole or in part, another claim submitted by the same individual or entity; or

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

(2) DEDUCTION AND TRANSFER.—The Secretary of Health and Human Services shall deduct any fees assessed pursuant to paragraph (1) against an individual or entity from amounts otherwise payable from a trust fund under such title to such individual or entity, and shall transfer the amount so deducted from such trust fund to the Program Management account of the Centers for Medicare & Medicaid Services.

(3) AVAILABILITY.—Fees collected under this subsection shall remain available until expended. Such fees shall be available for obligation in a fiscal year only in the amount specified in the appropriation Act for such fiscal year.

(4) WAIVER AUTHORITY.—The Secretary of Health and Human Services may provide for waiver of fees for claims described in paragraph (2) in cases of such compelling circumstances as the Secretary may determine.

(5) EXCLUSION OF FEES IN ALLOWABLE COSTS.—An entity may not include a fee as-

essed pursuant to this subsection as an allowable item on a cost report under the Social Security Act.

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

SEC. 218. The amount appropriated in this Act for "Centers for Disease Control and Prevention—Disease Control, Research, and Training" is hereby reduced by \$49,982,000, to be derived from the amounts made available for administrative and related information technology expenses: *Provided*, That the Director of the Centers for Disease Control and Prevention shall determine the allocation of the reduction among Agency activities, and shall submit to the Committees on Appropriations a report specifying the proposed allocation.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2004".

TITLE III—DEPARTMENT OF EDUCATION EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, \$14,841,311,000, of which \$7,277,510,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005, and of which \$7,383,301,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That \$7,607,282,000 shall be available for basic grants under section 1124: *Provided further*, That up to \$3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2003, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further*, That \$1,920,239,000 shall be available for targeted grants under section 1125: *Provided further*, That \$1,791,759,000 shall be available for education finance incentive grants under section 1125A: *Provided further*, That \$235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA: *Provided further*, That from the \$9,500,000 available to carry out part E of title I, up to \$1,000,000 shall be available to the Secretary of Education to provide technical assistance to State and local educational agencies concerning part A of title I.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$1,403,324,000, of which \$1,192,000,000 shall be for basic support payments under section 8003(b), \$66,668,000 shall be for payments for children with disabilities under section 8003(d), \$54,708,000 shall be for construction under section 8007 and shall remain available through September 30, 2005, \$72,000,000 shall be for Federal property payments under section 8002, and \$17,948,000, to remain available until expended, shall be for facilities maintenance under section 8008.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, part A and subpart 6 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act;

and the Civil Rights Act of 1964, \$6,141,812,000, of which \$4,490,947,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which \$1,435,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004–2005: *Provided*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That \$390,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 of the ESEA.

INDIAN EDUCATION

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

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G and section 1504 of title I, parts A, C, and D of title II, and parts B, C, and D of title V of the Elementary and Secondary Education Act of 1965, \$807,959,000: *Provided*, That \$74,513,000, to become available on July 1, 2004 and remain available through September 30, 2005, for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this purpose were allocated and expended in fiscal year 2003: *Provided further*, That up to \$1,500,000 of the funds provided under the Advanced Credentialing program may be reserved by the Secretary to conduct an evaluation of the program.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out civic and physical education activities, safe and drug-free schools and communities programs, and partnerships in character education programs, authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$820,068,000, of which \$138,949,000 shall become available on July 1, 2004 and remain available through September 30, 2005, and of which \$330,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005 for the academic year 2004–2005: *Provided*, That \$468,949,000 shall be available for subpart 1 of part A of title IV and \$155,180,000 shall be available for subpart 2 of part A of title IV, of which \$4,968,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further*, That of the amount made available for subpart 3 of part C of title II of the ESEA, up to \$12,000,000 may be used to carry out section 2345 of the ESEA and \$3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the Elementary and Secondary Education Act of

1965, \$750,000,000, of which \$626,258,000 shall become available on July 1, 2004, and shall remain available through September 30, 2005.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$12,249,790,000, of which \$6,890,762,000 shall become available for obligation on July 1, 2004, and shall remain available through September 30, 2005, and of which \$5,072,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004-2005: *Provided*, That \$11,400,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further*, That \$1,490,000 shall be for the recipient of funds provided by Public Law 105-78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(c) of the Act shall be equal to the amount available for that section during fiscal year 2003, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$2,999,165,000: *Provided*, That the funds provided for title I of the Assistive Technology Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

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

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

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

GALLAUDET UNIVERSITY

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

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education and Family Literacy Act, and subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), \$2,094,475,000, of which \$1,294,725,000 shall become available on July 1, 2004 and shall remain available through September 30, 2005 and of which \$791,000,000 shall become available on October 1, 2004 and shall remain available through September 30, 2005: *Provided*, That of the amount provided for Adult Education State Grants, \$70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided fur-*

ther, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,438,000 shall be for national leadership activities under section 243 and \$6,517,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That \$175,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2003, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2004, and remain available through September 30, 2005, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$14,911,432,000, which shall remain available through September 30, 2005.

The maximum Pell Grant for which a student shall be eligible during award year 2004-2005 shall be \$4,200.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, title VIII of the Higher Education Amendments of 1998, section 117 of the Carl D. Perkins Vocational and Technical Education Act, and the Mutual Educational and Cultural Exchange Act of 1961, \$1,985,991,000, of which \$2,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: *Provided*, That \$9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005-2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That \$994,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*,

That up to 1 percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$242,770,000, of which not less than \$3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98-480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, \$774,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

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

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$210,000.

INSTITUTE OF EDUCATION SCIENCES

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

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, \$434,494,000, of which \$13,644,000, to remain available until expended, shall be for building alterations and related expenses for the relocation of Department staff to Potomac Center Plaza in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

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

OFFICE OF THE INSPECTOR GENERAL

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

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D and E of title IV of the Higher Education Act of 1965, as amended, \$120,010,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation

of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Education Appropriations Act, 2004".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$65,279,000, of which \$1,983,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS,
OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$352,836,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2006, \$330,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds con-

tained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2004 by Public Law 107-116, up to \$80,000,000 is available for grants associated with the transition of public broadcasting to digital broadcasting, including costs related to transmission equipment and program production, development, and distribution, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and up to \$20,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided*, That section 396(k)(3) shall apply only to amounts remaining after allocations made herein.

FEDERAL MEDIATION AND CONCILIATION
SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$43,385,000, including \$1,500,000, to remain available through September 30, 2005, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW
COMMISSION

SALARIES AND EXPENSES

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

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act of 1996, \$238,126,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION
SALARIES AND EXPENSES

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

NATIONAL COMMISSION ON LIBRARIES AND
INFORMATION SCIENCE
SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information

Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), \$1,000,000.

NATIONAL COUNCIL ON DISABILITY
SALARIES AND EXPENSES

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

NATIONAL LABOR RELATIONS BOARD
SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$243,073,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD
SALARIES AND EXPENSES

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

OCCUPATIONAL SAFETY AND HEALTH REVIEW
COMMISSION
SALARIES AND EXPENSES

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

RAILROAD RETIREMENT BOARD
DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$119,000,000, which shall include amounts becoming available in fiscal year 2004 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$119,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD
RETIREMENT ACCOUNTS

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

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$101,300,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR
GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$6,600,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92-603, section 212 of Public Law 93-66, as amended, and section 405 of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$26,221,300,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

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

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2005, \$12,590,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$15,000 for official reception and representation expenses, not more than \$8,410,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2004 not needed for fiscal year 2004 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, \$120,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2004 exceed \$120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2002 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$25,000,000, together with not to exceed \$65,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

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

TITLE V—GENERAL PROVISIONS

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

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

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

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

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$28,000 and \$20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for

official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

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

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

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

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

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

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

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

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

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure

by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

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

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

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

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

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

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

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

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d-2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. (a) Of the total amount appropriated for "Education for the Disadvantaged" in title III of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003 (Pub. L. 108-7, div. G)—

(1) the portion becoming available on July 1, 2003, is hereby increased by \$2,244,000,000; and

(2) the portion becoming available on October 1, 2003, is hereby reduced by \$2,244,000,000.

(b) The rescission made by section 601 of the Miscellaneous Appropriations Act, 2003 (Pub. L. 108-7, div. N) shall not apply to the amounts of the increase and reduction specified in this section.

SEC. 516. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 517. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 518. In the case of taxpayers with adjusted gross income in excess of \$1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 shall be reduced by 32 percent.

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004".

AMENDMENT TO H.R. —, AS REPORTED
OFFERED BY MR. OBEY OF WISCONSIN
(Amendment to FY 2004 Labor-HHS-
Education Appropriations Act)

Add at the end, before the short title, the following new title:

TITLE VI—MEDICAID ADJUSTMENT FOR
STATE MAINTAINING COVERAGE OF
CHILDREN UNDER MEDICAID AND
CHIP

SEC. 601. (a) Notwithstanding any other provision of law, but subject to subsection (b), the Federal medical assistance percentage under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) of a State shall be increased by 1 percentage point for each quarter in fiscal year 2004 if the standards and methodologies of the State for determining eligibility for individuals under age 21 during that quarter both under title XIX of such Act and under the State's child health insurance plan under title XXI of such Act are no more restrictive than those in effect in the State on July 1, 2001.

(b) The increase in the Federal medical assistance percentage shall not apply—

(1) with respect to disproportionate share hospital payments described in section 1923 of the Social Security Act;

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 312 will be followed by 5-minute votes on:

adopting House Resolution 312, if ordered;

adopting House Resolution 311, as amended;

passing H.R. 438; and
approving the Journal.

The vote was taken by electronic device, and there were—yeas 223, nays 200, not voting 11, as follows:

[Roll No. 341]

YEAS—223

Aderholt	Gilcrest	Otter
Akin	Gillmor	Oxley
Bachus	Gingrey	Paul
Baker	Goode	Pearce
Barrett (SC)	Goodlatte	Pence
Bartlett (MD)	Granger	Peterson (PA)
Barton (TX)	Graves	Petri
Bass	Green (WI)	Pickering
Beauprez	Greenwood	Pitts
Bereuter	Gutknecht	Platts
Biggert	Harris	Pombo
Bilirakis	Hart	Porter
Bishop (UT)	Hastings (WA)	Portman
Blackburn	Hayes	Pryce (OH)
Blunt	Hayworth	Putnam
Boehlert	Hefley	Quinn
Boehner	Hensarling	Radanovich
Bonilla	Herger	Ramstad
Bonner	Hobson	Regula
Bono	Hoekstra	Rehberg
Boozman	Hostettler	Renzi
Bradley (NH)	Houghton	Reynolds
Brady (TX)	Hulshof	Rogers (AL)
Brown (SC)	Hunter	Rogers (KY)
Brown-Waite,	Hyde	Rogers (MI)
Ginny	Isakson	Rohrabacher
Burgess	Issa	Ros-Lehtinen
Burns	Istook	Royce
Burr	Jenkins	Ryan (WI)
Burton (IN)	Johnson (CT)	Ryan (KS)
Buyer	Johnson (IL)	Saxton
Calvert	Johnson, Sam	Schrock
Camp	Jones (NC)	Sensenbrenner
Cannon	Keller	Sessions
Cantor	Kelly	Shadegg
Capito	Kennedy (MN)	Shaw
Carter	King (IA)	Shays
Castle	King (NY)	Sherwood
Chabot	Kingston	Shimkus
Chocola	Kirk	Shuster
Coble	Kline	Simmons
Cole	Knollenberg	Simpson
Collins	Kolbe	Smith (MI)
Cox	LaHood	Smith (NJ)
Crane	Latham	Smith (TX)
Crenshaw	LaTourette	Souder
Cubin	Leach	Stearns
Culberson	Lewis (CA)	Sullivan
Cunningham	Lewis (KY)	Sweeney
Davis, Jo Ann	Linder	Tancredo
Davis, Tom	LoBiondo	Tauzin
Deal (GA)	Lucas (OK)	Taylor (NC)
DeLay	Manzullo	Terry
DeMint	McCotter	Thomas
Diaz-Balart, L.	McCrery	Thornberry
Diaz-Balart, M.	McHugh	Tiahrt
Doolittle	McInnis	Tiberti
Dreier	McKeon	Toomey
Duncan	Mica	Turner (OH)
Dunn	Miller (FL)	Upton
Ehlers	Miller (MI)	Vitter
Emerson	Miller, Gary	Walden (OR)
English	Moran (KS)	Walsh
Everett	Murphy	Wamp
Feeney	Musgrave	Weldon (FL)
Ferguson	Myrick	Weldon (PA)
Flake	Nethercutt	Weller
Fletcher	Neugebauer	Whitfield
Foley	Ney	Wicker
Forbes	Northup	Wilson (NM)
Franks (AZ)	Norwood	Wilson (SC)
Frelinghuysen	Nunes	Wolf
Gallely	Nussle	Young (AK)
Garrett (NJ)	Osborne	Young (FL)
Gerlach	Ose	

NAYS—200

Abercrombie	Hall	Oberstar
Ackerman	Hastings (FL)	Obeys
Alexander	Hill	Olver
Allen	Hinchey	Ortiz
Andrews	Hinojosa	Pallone
Baca	Hoeffel	Pascrell
Baird	Holden	Pastor
Baldwin	Holt	Payne
Ballance	Honda	Pelosi
Becerra	Hooley (OR)	Peterson (MN)
Bell	Hoyer	Pomeroy
Berkley	Inslee	Price (NC)
Berman	Israel	Rahall
Berry	Jackson (IL)	Rangel
Bishop (GA)	Jackson-Lee	Reyes
Bishop (NY)	(TX)	Rodriguez
Blumenauer	Jefferson	Ross
Boswell	John	Rothman
Boucher	Johnson, E. B.	Roybal-Allard
Boyd	Jones (OH)	Ruppersberger
Brady (PA)	Kanjorski	Rush
Brown (OH)	Kaptur	Ryan (OH)
Brown, Corrine	Kennedy (RI)	Sabo
Capps	Kildee	Sanchez, Linda
Capuano	Kilpatrick	T.
Cardin	Kind	Sanchez, Loretta
Cardoza	Klecza	Sanders
Carson (IN)	Kucinich	Sandlin
Carson (OK)	Lampson	Schakowsky
Case	Langevin	Schiff
Clay	Lantos	Scott (GA)
Clyburn	Larsen (WA)	Scott (VA)
Conyers	Larson (CT)	Lee
Cooper	Lee	Serrano
Costello	Levin	Sherman
Crowley	Lewis (GA)	Skelton
Cummings	Lipinski	Slaughter
Davis (AL)	Lofgren	Smith (WA)
Davis (CA)	Lowey	Snyder
Davis (FL)	Lucas (KY)	Solis
Davis (IL)	Lynch	Spratt
Davis (TN)	Majette	Stark
DeFazio	Maloney	Stenholm
DeGette	Markey	Strickland
Delahunt	Marshall	Stupak
DeLauro	Matheson	Tanner
Deutsch	Matsui	Tauscher
Dicks	McCarthy (MO)	Taylor (MS)
Dingell	McCarthy (NY)	Thompson (CA)
Doggett	McCollum	Thompson (MS)
Dooley (CA)	McDermott	Tierney
Doyle	McGovern	Towns
Emanuel	McIntyre	Turner (TX)
Engel	McNulty	Udall (CO)
Eshoo	Meehan	Udall (NM)
Etheridge	Meek (FL)	Van Hollen
Evans	Meeks (NY)	Velazquez
Farr	Menendez	Visclosky
Fattah	Michaud	Waters
Filner	Miller (NC)	Watson
Ford	Miller, George	Watt
Frank (MA)	Mollohan	Waxman
Frost	Moore	Weiner
Gonzalez	Moran (VA)	Wexler
Gordon	Murtha	Woolsey
Green (TX)	Nadler	Wu
Grijalva	Napolitano	Wynn
Gutierrez	Neal (MA)	

NOT VOTING—11

Ballenger	Gephardt	Janklow
Cramer	Gibbons	Millender-McDonald
Edwards	Goss	Owens
Fossella	Harman	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1739

Mr. BRADY of Pennsylvania, Mrs. DAVIS of California, and Mr. WEINER changed their vote from "yea" to "nay."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

(Mr. OBEY asked and was given permission to speak out of order for 1 minute and to revise and extend his remarks.)

IMPACT OF UPCOMING VOTE ON RULE ON LEGISLATIVE BRANCH APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. OBEY. Mr. Speaker, I take this time to speak out of order so that the gentleman from Florida and I might be allowed to explain a procedural matter before the House.

Mr. Speaker, it is important that Members who were not on the floor for an earlier discussion not be mouse-trapped on the coming vote. I think it is important for them to understand the following, and I want to ask the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. NEY) whether this is correct.

It is my understanding that a vote for the rule on the legislative branch appropriations bill will enable Members to express their desire that the previous provision which was discussed on the floor in the earlier vote, which would have had the effect of expanding dental care for Members of Congress and our staffs, will be eliminated from that bill. So if Members want to be on record opposed to that proposition, they will need to vote "yes" on the rule.

I would ask the gentleman from Florida if that understanding is correct.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the gentleman is exactly correct. We made a correction that was necessary; and as the gentleman from Georgia (Mr. LINDER) when he presented the rule acknowledged, we agree with that. A vote for the rule not only passes the rule, but it also eliminates the matter that we were concerned about.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, the gentleman was on the floor when this happened and knows that we tried to explain at the time that the amendment to the rule was effectively a striking amendment that said that, if the rule passes as amended, in no way will any expansion of vision or dental benefits occur.

The gentleman made it very clear he would not mind debating that on the floor of the House and having an open discussion of it and maybe passing an expansion of vision and dental benefits, but to pass this rule as amended would allow us not to sneak it in. So to pass this rule as amended is a striking amendment to prohibit any expansion of benefits without a vote by the House.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for that explanation.

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, the gentleman is correct. As has been described by the two previous speakers, I want to frame very quickly one side of this that I think we need to discuss.

Someone asked who put this in, that they ought to be fired. I did it. Now, anyone that can fire me, there are some 600,000 people in the 18th congressional district, so I want to make that clear. This has transcended about a year and a half period of time.

□ 1745

I want to frame the argument here, and that is that it extends to the full staff, Democrat and Republican or Independent or Natural Law Party or whatever they are, of the entire House.

Now, when I say that, I would argue to anybody in this country that the staff of this House on either side of the aisle are not second-class citizens of this country, and they have the right to dental and eye vision as any other person, and I hope we can take care of the entire country that way. But to single out the staff of the U.S. House, as we have for a period of years, I do not think is fair. I hope down the line we can discuss this.

Now, as far as someone not knowing what went where, this was not done at midnight, I discussed this, I brought it forth. So there are some misunderstandings, and I accept that, but I hope that we can also, in the calmness of debate on this down the road, realize that our people have every right to some type of benefit, and they have children, and they have families. And again, I hope we can help the entire country also, but let us not penalize the U.S. House.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. I would simply point out that as was pointed out on both sides of the aisle, the issue was not whether our staff should have those benefits or that we should have those benefits; I want every American to have those benefits. The issue is whether or not that provision should be slipped into this bill without the knowledge of the Committee on Appropriations on either side of the aisle, without any single Member of this House, except the Member who just spoke, knowing about it, evidently. We simply did not want Members to wake up after they have voted for this bill to find out that they were going to be subjected to a 30-second TV spot because something had been slipped into the bill. Not a single reference was made in the budget justifications to this item.

So the point that the gentleman from Georgia (Mr. LINDER) and I were making is not that this benefit should not be provided. It should not be provided without Members of Congress knowing what it is they are voting on, and it should not be provided without open, public debate.