the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2660, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I think the unanimous consent indicates that it would be equally divided.

Mr. OBEY. No. That is a different question. I just want to make certain that the debate on the committee time in opposition to those two amendments, that the minority will be yielded some of that time.

Mr. YOUNG of Florida. Mr. Speaker, I would advise the gentleman there is no problem with that.

Mr. OBEY. 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.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 312 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2660.

The Clerk read the title of the bill.

Mr. LATOURETTE in the chair.

The Clerk read the following:

That the following sums...
to try to increase this number to the level of $225 million.

It is my understanding that Members of the other body are trying to work toward that goal; and if they are successful, we were hoping that we could also negotiate a conference down the road to match that level. This would enable the program to serve 1.7 million additional patients, many of whom are uninsured. We all have examples from around the country from our congressional districts. In my case, health centers serving more than 26,000 people would otherwise go without this care. We all have seen firsthand the good work that these great health centers are doing; and around the country, hundreds of thousands of Americans who would have no place else to turn are being served by these great people that work in these health centers.

I would just simply ask the chairman of the subcommittee that he would continue to work with us throughout this process to ensure that this program serves more than $225 million if at all possible in the final bill.

Mr. REGULA. Mr. Chairman, I thank the gentleman for his kind words. We have agreed in the subcommittee that health centers are among our highest priorities. Since I have become Chair of the committee in 2000, we have increased this program by $486 million, or nearly 50 percent. We recognize that in too many cases health centers provide the only access individuals have to our health care system.

Obviously, the health centers program within appropriated funds cannot solve all of the overall access problems. Nevertheless, with the continuing challenges to providing access, we will do our very best through the remainder of the process and within fiscal restraints to provide further increases for the program. I certainly will be pleased to work with the gentleman from Texas to reach that goal.

Mr. BILLY. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Ohio. Again, I just want to reiterate my gratitude to the chairman of the subcommittee for advocating this program and for his help not only on this issue, but so many others in the bill.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. OBEY

Strike all after the enacting clause and insert the following:

That not only on this issue, but so many others in the bill.

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 space for training centers as authorized by such Act; $2,614,039,000 plus reimbursements, of which $1,382,958,000 is available for obligation during the period October 1, 2004 through June 30, 2005, except that amounts determined by the Secretary of Labor to be necessary pursuant to section 167(b) of the Trade Act of 2002 (Public Law 107–210) shall be 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 section 167(b) of the Trade Act of 2002 (Public Law 107–210), together with such amounts as may be necessary to be charged to the subsequent appropriation for any period subsequent to September 15 of the current year.

State unemployment insurance and related programs

For authorized administrative expenses, $342,520,000, together with not to exceed $3,472,861,000 (including not to exceed $1,226,000 which may be used for amortization payments on 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 31 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 (42 U.S.C. 502–506), 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 on or after 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. 3203(a)(1)(E) made available to States in lieu of allotments for such purpose; Provided, That to the extent that the amount which may be expended for services to States which had independent retirement plans under title II 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 by the 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 and other funds,

For repayable advances to the unemployment trust fund as authorized under sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 513 of the Independent Retirement Account Amendments Act of 1954, as amended; and for nonrepayable advances to the unemployment trust fund as...
authorized by section 890 of title 5, United States Code, and to the ‘‘Federal unemploy- ment 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 30, 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 under title 5, United States Code, $145,624,000, to remain available until September 30, 2004, 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 administrative expenses 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, to discharge its duties. 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 the current fiscal year may be transferred to the Special Fund for fiscal year 2004 or thereafter; 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 for services provided by such agencies for services rendered, $955,697,000, together with $2,056,000,000 which may be expended from the Special Fund in accordance with sections 38(c), 44(d), and 44(f) 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 informa- tion 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, 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 any judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mar- iana Islands (May 21, 1992): Provided further, That none of the funds authorized to be paid under section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1986, as amended, or for expenses of the Pension Benefit Guaranty Corporation may be used to fund any liability that is indexed and easily searchable by the public via the Internet.

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: Provided, That none of the funds appropriated under this section may be transferred to the Black Lung Disability Trust Fund; Provided further, That none of the funds authorized under this section may be transferred to any Federal agency other than the Federal Mine Safety and Health Administration. $5,077,000,000, to remain available until expended.

The Secretary of Labor is authorized to transfer funds to any other Federal agency or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for such fair share entities through September 30, 2004; Provided further, That none of the funds transferred to this account from the fair share entities may be used for any purpose other than the direct payment of compensation, benefits, and expenses.

For the payment of compensation, benefits, and expenses: Provided further, That none of the funds authorized under this section may be transferred to any Federal agency other than the Federal Mine Safety and Health Administration. $5,077,000,000, to remain available until expended.

For the payment of compensation, benefits, and expenses: Provided further, That none of the funds authorized under this section may be transferred to any Federal agency other than the Federal Mine Safety and Health Administration. $5,077,000,000, to remain available until expended.

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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 within a category. Against an occupational injury lost workday case, 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, for inspection, including examination of records, for the purpose of aiding the Secretary in determining whether the requirements of such Act, of regulations thereunder, of veterans' employment and training, and of any other Federal, State, or local law, or of any collective bargaining agreement, are being met by the operator of any mine, and for the purpose of making an estimation of the extent of such violations; or

(2) to conduct an investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for such 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-related fatality 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 farm workers, if provided further, that not less than $3,200,000 shall be expended for the Executive Office of Labor and Employment Trust Fund to carry out the provisions of the Department of Labor Appropriations Act, 2004''.

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.

That

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.

For necessary expenses for Departmental Management, including the Board of Appeals of the Employment Security Administration Account in the Unemployment Trust Fund, and, in addition, to be available for obligation by the States 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. 44–2).

For necessary expenses for Departmental Management, including the Board of Appeals of the Employment Security Administration Account in the Unemployment Trust Fund, and, in addition, to be available for obligation by the States 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. 44–2).

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For necessary expenses for Departmental Management, including the Board of Appeals of the Employment Security Administration Account in the Unemployment Trust Fund, and, in addition, to be available for obligation by the States 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. 44–2).
HEALTH EDUCATION ASSISTANCE LOANS

For carrying out sections 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 ALLERGY AND INFECTIOUS DISEASES (INCLUDING TRANSFER OF FUNDS)

For carrying out sections 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $6,340,877,000. Provided: That $300,000 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 CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out sections 301 and title IV of the Public Health Service Act with respect to child health and human development, $3,264,806,000.

NATIONAL INSTITUTE OF EYE, EAR, NOSE, THROAT, DENTAL, AND CRANIOFACIAL RESEARCH

For carrying out sections 301 and title IV of the Public Health Service Act with respect to eye, ear, nose, throat, dental, and craniofacial research, $631,061,000.

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 sections 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 sections 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 NEUROLOGICAL DISORDERS AND STROKE

For carrying out sections 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,527,580,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out sections 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.

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 alleged injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title X of the Public Health Service Act, as amended. 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 25 of the Social Security Act, and section 509 of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980, including such sums as may be necessary for purchases of 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 expended; 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 necessary for 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 any political position, or to in any way tend to promote or discourage the exercise of political rights or to support or oppose any legislative or political candidate, or to advocate or promote any religious or denominational beliefs, and that the Director of the Centers for Disease Control and Prevention may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities that he determines are not consistent with the purposes of the law for which the funds were made available.

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 any political position, or to in any way tend to promote or discourage the exercise of political rights or to support or oppose any legislative or political candidate, or to advocate or promote any religious or denominational beliefs, and that the Director of the Centers for Disease Control and Prevention may redirect the total amount made available under authority of Public Law 101-502, section 3, dated November 3, 1990, to activities that he determines are not consistent with the purposes of the law for which the funds were made available.

NATIONAL INYSIS OF DENTAL AND CRANIOFACIAL RESEARCH

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

HEALTH EDUCATION ASSISTANCE LOANS

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out sections 301 and title IV of the Public Health Service Act with respect to alcohol and other drug abuse, $436,364,000.
For carrying out section 301 and title IV of the Public Health Service Act, and for the construction, improvement, and alteration of public buildings and facilities (including transfer of funds), Provided, That $3,292,970,000, to remain available until expended.

For carrying out titles V and XIX of the Public Health Service Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), as amended for direct loans or loan guarantees for single family housing, provided, titles XI, XIV, and XVI of the Social Security Act and section 1857(e)(2) of the Social Security Act and section 1857(e)(2) of the Social Security Act and section 201(g) of the Social Security Act; to- gether with all funds expended 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 necessary to carry out the purposes of this appropriation: Provided further, That $65,000,000, to remain available until expended.

For carrying out the purposes of this appropriation: Provided further, That the Secretary of Health and Human Services is directed to adjust the amounts for administrative and other allowable costs in accordance with section 201(g) of the Social Security Act and section 353 of the Public Health Service Act, and section 1857(e)(2) of the Social Security Act and section 1857(e)(2) of the Social Security Act; to- gether with all funds expended 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 necessary to carry out the purposes of this appropriation: Provided further, That $65,000,000, to remain available until expended.

For carrying out the purposes of this appropriation: Provided further, That the National Institutes of Health is appropriated the sum of $56,991,000, 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 $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 the Secretary shall establish the Child Care Aware toll free hotline: $19,120,000 shall be available for child care source and referral and school-aged child care activities, of which $1,000,000 shall be for model social service programs and to encourage research on the best practices of social service organizations.

SOCIAL SERVICES 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, $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 $13,000,000 shall be available for child 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, That funds appropriated pursuant to section 658A(a) of the Child Care and Development Block Grant Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities through September 30, 2004.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658 through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act, $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 $13,000,000 shall be available for child 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, That both 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, the amount of such grants for the current fiscal year, such sums as may be necessary.
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 Uniformed Services Health Benefits Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 220(b) of the Social Security Act (42 U.S.C. 422(b)), such amounts as may be required under such Act for fiscal year 2004. These amounts shall be the Retirement Pay and Medical Benefits for Commissions Officer 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 Title II and Title V purposes for the Department of the Treasury and the Department of Health and Human Services. The term “pay” shall include pay and medical benefits under section 214 of the Public Health Service Act for retirement purposes related to homeland security, shall include pay and medical benefits under authority of section 214 of the Public Health Service Act for retirement purposes related to countering potential biological threats. The amount is distributed as follows: Centers for Disease Control and Prevention, $1,896,846,000; the Secretaries, $64,820,000; and Health Resources and Services Administration, $545,870,000.

(TRANSFER OF FUNDS)

Sec. 207. Not to exceed 1 percent of any discretionary funds provided under the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, which are provided for the current fiscal year for the Department of Health and Human Services (including funds appropriated to any other Act) 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 224 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting purposes 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 such detail.

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. 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 of any such amounts to the Public Health Service Act, as such amounts are notified at least 15 days in advance of any transfer.

Sec. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as 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 equal to the amounts provided in section 235(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 the Public Health Service Act unless the applicant for the award certifies that the entity will comply with applicable regulation governing lobbying. 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 for the construction, alteration, renovation, and management of facilities outside of the United States for the use of the Department 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 that are promulgated by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through the presence of United States diplomatic facilities abroad, to make such funds available to public or nonprofit private institutions or agencies in participating foreign countries.
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 to prevent or combat HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad. Sec. 202. In addition to the amounts otherwise provided in section 120 of title VII 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 the 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 pursuant to 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 appropriate committees 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 $7,607,202,000 shall be available for basic grants under section 1124: Provided further, That not more than $2,500,000,000 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 LEA 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 of the amounts made available under this title, up to $1,000,000,000 shall be available to the Secretary of Education to provide technical assistance to State and local educational agencies concerning part A of this title.

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 803(b), $66,668,000 shall be for payments for children with disabilities under section 803(d), $54,708,000 shall be for construction under section 8007 and shall become available on October 1, 2004 and shall remain available through September 30, 2005, and $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.

SPECIAL EDUCATION 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 $1,650,000,000 shall be available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004-2005: Provided, That funds made available under 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 early education school or secondary school, or school facility, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: Provided further, That not more than $1,000,000,000 of the amount made available under title VII of the ESEA shall be used for the carry out of any project that is not later than 3 months after the date on which the amount became available.
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 Physically Handicapped Grant Programs, as authorized under section 207 of the National 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 the Helen Keller National Center Act of 1998 ("the AT Act") shall be allocated $2,438,000 for national leadership activities under section 243 and $6,517,000 shall be for the National 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 IV of the Rehabilitation Act of 1973, which shall become available October 1, 2003, for evaluation, technical assistance, school networking, peer review of applications, and program management, 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 under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

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 the Helen Keller National Center Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

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

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $53,867,000, of which $36,000,000 shall be for construction and shall remain available until September 30, 2005: 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 for All Handicapped Children 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 section 513 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 available to provide integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for the integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent of funds reserved for the integrated English literacy and civics education, shall be reserved to States based on the 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 amount 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 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 IV of the Rehabilitation Act of 1973, which shall become available October 1, 2003, for evaluation, technical assistance, school networking, peer review of applications, and program management, 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 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 HEA, and $1,490,000: Provided, That the funds appropriated in this Act shall be eligible during award year 2004-2005 shall be $4,200.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, the Higher Education Act of 1965, $13,550,000: Provided, That of the amount reserved for interchange and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961, $19,111,432,000, 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.

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 through September 30, 2005.

INSTITUTE FOR CIVIL RIGHTS

For expenditures 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, E and F of title IV of the Higher Education Act of 1965, as amended, $120,030,000.

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 his regular attendance school, 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 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.

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 none of the funds provided under this Act may be used to pay for receptions, or similar forms of entertainment provided for the purpose of voluntary prayer and meditation in the public schools, or the establishment of magnet schools.

The prohibition described in this section shall be used to pay for receptions, or similar forms of entertainment provided for the purpose of voluntary prayer and meditation in the public schools, or the establishment of magnet schools.

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. 171-183, 158), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1979 (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 95-494 (5 U.S.C. ch. 71), $43,385,000, including $1,500,000, to remain available through September 30, 2005, for activities authorized under 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 services furnished by the Civil Service Commission to the Labor Department, the Labor Department, and other federal agencies and conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, charged for services furnished to the above-mentioned agencies, is credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration and mediation services furnished by the Civil Service Commission to the Labor Department, the Labor Department, and other federal agencies and conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, charged for services furnished to the above-mentioned agencies, is credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration and mediation services furnished by the Civil Service Commission to the Labor Department, the Labor Department, and other federal agencies 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.

For expenses necessary for the Federal Mine Safety and Health Review Commission:

SEC. 305. For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,774,000.

SEC. 306. For payment to the accounts established under the railroad retirement accounts and railroad unemployment insurance account, which are authorized to be credited to and merged with the railroad retirement accounts and railroad unemployment insurance account.

For expenses necessary for the National Council on Disability:

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 or equipment; provided, that none of the funds made available in any other paragraph of this Act, shall be used to pay any salary, benefit, or other compensation to any employee of the Office; or 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(g)(1), 228(d), and 133(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, sections 212(b)(3) of Public Law 95-216, including payment to the Social Security trust funds for administrative expenses incurred in 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 not obligated by the State during that year shall be returned to the Treasury.

For carrying out titles XI and XVI of the Social Security Act for the first quarter of fiscal year 2005, $25,000,000,000, 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 fees in excess of $500 per occasion, not more than $8,410,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, to be available for the current fiscal year and not obligated by the Secretary of the Treasury, to be made available for the Secretary of Health and Human Services, to be merged with the foregoing fund, to be available to pay any salary, benefit, or other compensation to any employee of the Secretary of Health and Human Services, or agent acting for such recipient, related to medical care 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, and section 405 of Public Law 93-66, which shall be used to promote Medicare care buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

ivetion expenses not to exceed $5,000 for the preparation, distribution, and printing of the Mediation Board's reports and publications.

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

In addition, $120,000,000 to be derived from receipts in the Federal Old-Age and Survivors Insurance Trust Funds, and the Federal Disability Insurance Trust Fund, shall remain available until expended.

SECOND QUARTER OF FISCAL YEAR 2005

For making benefit payments under titles I and III, respectively, for the second quarter of fiscal year 2005, $12,590,000,000, to remain available until expended.

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, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, printing, distribution, sale 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, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, printing, distribution, sale 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.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $120,000,000, for the development and construction of health care facilities and equipment and products purchased with Federal money, shall be used to promote health and safety, and shall be available to any State, locality, or private person from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses, to be used to promote Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000,000, for the development and construction of health care facilities and equipment

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to promote Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000,000, for the development and construction of health care facilities and equipment, which will evaluate means to promote Medicare care buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

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 other than the Federal Government, 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) of this Act.

(c) It is hereby declared to be the policy of the Congress that any purchase of equipment or product made under this Act shall be used only in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not produced in the United States of America, shall be ineligible to receive any contract or sub-contract with funds made available in this Act, pursuant to the provisions of this Act, shall be available in fiscal year 2005 only to the extent that the funds are used for the purposes for which they were originally appropriated.

SEC. 507. When publishing or distributing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, the Federal Government, or any entity receiving Federal funds included in this Act, including but not limited to State and local governments and non-profit 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) the percentage and dollar amount of the total costs of the project or program that will be financed with non-Federal funds.

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;

(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 any purchase of equipment purchased with Federal money, or any product sold in or shipped to the United States that is not produced in the United States of America, shall be ineligible to receive any contract or sub-contract with funds made available in this Act, pursuant to the provisions of this Act.
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, 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” includes any organism, not protected as a human subject under 45 CFR 46 of the 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 201 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 that the drug or other substance under consideration is used for the treatment of pain or other medical conditions associated with severe, life-limiting, or terminal diseases.

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—

(1) that is engaged in the sale of tobacco products or nicotine-containing products to minors;

(2) that is engaged in the production, sale, or marketing of cigarettes or other tobacco products that offer a youth-oriented product or flavor or use a packaging or labeling that is likely to appeal to minors;

(3) that is engaged in the sale of tobacco products or nicotine-containing products to youth; or

(4) that is engaged in the sale of tobacco products to a minor.

SEC. 513. None of the funds made available in this Act may be obligated or expended to encourage—

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

(2) research in which a human embryo or embryos, discarded or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46 of the Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 514. None of the funds made available in this Act may be used to promote or adopt any final standard under section 1172(b) of title 21, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and


(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. B), shall not apply to the amounts of the increase and reduction specified in this section.

SEC. 516. None of the funds made available in this Act for 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. 934(f)), as amended by the Children's Internet Protection 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 244(a) of such Act (20 U.S.C. 6777(a), as amended by the Children's Internet Protection 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 (7) 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 the 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.”

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of Representatives today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume, although I do not intend to take all of the time that is available. I think we have already had the discussion; we might as well get to the votes just as quickly as possible. Let me simply explain what this amendment does.

The Republican majority, as I said earlier, made a conscious decision over the last 2 years to provide $2 trillion in tax cuts, all of which were paid for with borrowed money; and by doing that, they decided they were going to put the Congress, the federal government, in the position of raising taxes for the first time. I think we have already had the discussion; we might as well get to the votes just as quickly as possible.

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This amendment provides $334 million more to meet the needs of millionaires who want to put the needs of millionaires ahead of the needs of our children for adequate education and health care.

The CHAIRMAN. Points of order.

Mr. REGULA. Mr. Chairman, we had this debate on the Committee on Ways and Means jurisdiction on the issue of the tax cuts. This is not the proper venue. This is the appropriations bill; and, therefore, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law. If the gentleman lodges a point of order on this amendment, then what we will do instead of appealing the ruling to the Chair, we will do instead is to simply at that point move to strike the enacting clause so that we may have a vote on whether or not you want to put the needs of millionaires for tax cuts ahead of the needs of our children for adequate education and health care.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) claim time?

Mr. REGULA. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, we had this debate on the Committee on Ways and Means jurisdiction on the issue of the tax cuts. This is not the proper venue. This is the appropriations bill; and, therefore, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI. In addition, the amendment is a tax or tariff measure and is in violation of clause 5(a) of rule XXI.

Clause 2 of rule XXI states in the pertinent part: “An amendment to a general appropriations bill shall not be in order if it changes existing law.”
The amendment amends existing law. Clause 5(a) of rule XXI states in part: “A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures. Such amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction. This clearly limits action as well as a tax or tariff provision. And it is, therefore, in violation of the House rules.

Mr. Chairman, I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. O'BEY) wish to be heard on the point of order?

Mr. O'BEY. Yes, I do, Mr. Chairman. The gentleman from Wisconsin is recognized.

Mr. O'BEY. Mr. Chairman, clearly if this point of order is upheld, what the majority would succeed in doing is, again, hiding from the public the practical need for education and to health care, worker protection programs of the majority party's past actions on tax cuts. What the majority party is trying to do is to use the rules to segment the discussion of the budget process so that one day without any context whatsoever, the House considers tax cuts and then after they have done that, then separately they consider what will happen to the rest of the budget. We think that is going to wind up with an unhealthy result for the public.

We do not control the House. Obviously, the majority party does; and so they have the capacity to use the rules that way. But when they do so, what they do, in my view, is to make meaningless virtually all debate and discussion in this House. And so if the gentleman insists on his point of order, we will have no choice but to concede it, and what might otherwise have been a preferential motion at the desk which would ask that the enacting clause be stricken from this bill until such time as the House reconsiders its action on the tax package so that we do have room in the inn for the children this bill is supposed to serve.

The CHAIRMAN. For the reasons stated by the gentleman from Ohio (Mr. REGULA) and on the concession of the gentleman from Wisconsin (Mr. OBEY), the point of order is conceded and sustained.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I have a preferential motion at the desk.

The Clerk reads as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes in support of his preferential motion.

Mr. OBEY. Mr. Chairman, we have taken this action out of courtesy to the Chair. But I feel very strongly about the vote that this motion will trigger.

When we are together in a bipartisan fashion, as we have been on some occasions in the past 8 years, we have produced something that both political parties have justly been proud of the outcome. But right now this House is locked in the clutches of an ideological majority which has decided that at all costs they will put tax cuts prior to anything else. And that most wealthy people in this country ahead of every other legitimate need. So they have passed $2 trillion in tax cuts, all paid for with borrowed money; and then when the labor-health appropriations bill comes to the floor, they say, "Oh, I am sorry. We have to stop the progress at NIH. I am sorry, we cannot have any expansion of research this year for cancer or for Parkinson's or diabetes or for any of the other diseases that plague people. I am sorry, we cannot make good on our promises for title I in the education bill. I am sorry, we cannot meet our promises to children who require special help because of disabilities. I am sorry, we cannot make good on those promises because, you see, we already spent the money on the tax cut."

So what we are saying is: "Look, take this bill back to committee, strike the enacting clause so that the bill can go no further, go back and reconsider, go back and reconsider and allow us to vote on shaving the size of that tax bill." Only for the top. All we are talking about is to take a look at the size of the tax bill, or the size of the tax cuts, I should say, that are provided to people who make more than a million dollars a year. Right now they are scheduled to get an $88,000 tax cut. We are saying if you shave that in this House seems to not want to make good on promises that they themselves have justly been proud of.

I want to point out once against that this budget that the Chair referred to was 8 years ago when we took over for all of these good things. Having said that, I oppose the amendment. I hope my colleagues will vote "no" on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes in opposition to the motion.

Mr. REGULA. Mr. Chairman, I would be interested in checking with Treasury to find out how many people would voluntarily return their tax cuts. I would daresay it will be few.

I want to point out once again that this budget that the Chair referred to was 8 years ago when we took over for all of these good things. Having said that, I oppose the amendment. I hope my colleagues will vote "no" on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—aye's 199, noes 222, not voting 13, as follows:

[Roll No. 347]

AYES—199

Abercrombie Delahunt Jones (OH)
Ackerman Del. auro Kanjorski
Alexander Deutch Kaptur
Allen Dick Kaptur (RI)
Andres Dingell Kildee
Baca Doggett Kilpatrick
Baird Doggett (CA) King
Balduin Doyle Kucinich
Baldwin Edwards Langevin
Berman Emmanouel Langevin
Bill Engel Larsen
Berry Finklen Lantos
Bishop (GA) Farr Larsen (WA)
Bishop (NY) Farr Larson (CT)
Blumenauer Fattah Lee
Boswell Filner Levin
Boucher Frank (MA) Lewis (GA)
Boydstun Frost Lowey
Braun Gary Lucas (KY)
Brown (OH) Gordon Lynch
Brown, Corrine Green (TX) Majette
Grijalva Greene Maloney
Gutierrez Green (FL) Marky
Cardin Hastings Marshall
Cardozo Hill Matheson
Carson (IN) Hinchea Matsui
Carson (OK) Hinshaw McCarthy (MD)
Case Jeffords McCarthy (NY)
Clay Holden McCollum
Clyburn Holt McDermott
Conaway Honda McGettigan
Costello Hooley (OR) McIntyre
Crowley Hoyer McNulty
Cummins Jacobs McNulus
Davis (CA) Jackson (IL) Meehan
Davis (CA) Jackson (TX) Meeks (NY)
Davis (FL) Jefferson Meek
Davis (TN) Jefferson Miller (NC)
DeFazio John Miller, George
DeGette Johnson, E. B.
Mollohan

I have enough confidence in their patriotism and their concern about the future of this country that they would make that choice even if a majority of this House seems not to want to make or even confront that decision.

Mr. Chairman, I would ask for an "aye's" vote on the motion.

Mr. Chairman, I yield back the balance of my time.
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 September 30, 2005, and of which $100,000,000 is available for the period October 1, 2004 through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of J ob 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 212(a) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210) $1,380,200,000, together with such amounts as may be necessary to be charged to the 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, $342,520,000, together with not to exceed $3,472,861,000 (including not to exceed $1,228,000 which may be used for amortization of payments on 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 1966, as amended, sections 212(a) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210, $1,380,200,000, together with such amounts as may be necessary to be charged to the appropriation for payments for any period subsequent to September 15 of the current year.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, on Thursday, July 10, 2003, had I been present for rollcall vote Nos. 346 and 347, I would have voted the following way: Rollcall vote No. 346, on Approving the Journal—yea; rollcall vote No. 347, striking enacting clause of H.R. 2660—nay.

Mr. REGULA. Mr. Chairman, as the gentleman from Wisconsin (Mr. OBEY) and myself are making every effort to expedite this bill today, I, therefore, ask unanimous consent that the remainder of the bill, through page 91, line 17, be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill from page 2, line 5 through page 91, line 17 is as follows:

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 $2,363,000,000 is available for obligation for the period Octo

b

Provided further, That no funds from any other provision of law, funds awarded under an agreement entered into 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, 2005, for necessary expenses of construction, rehabilitation, and acquisition of J ob 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 212(a) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210) $1,380,200,000, together with such amounts as may be necessary to be charged to the 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, $342,520,000, together with not to exceed $3,472,861,000 (including not to exceed $1,228,000 which may be used for amortization of payments on 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 1966, as amended, sections 212(a) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210, $1,380,200,000, together with such amounts as may be necessary to be charged to the appropriation for payments for any period subsequent to September 15 of the current year.
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 shall be available with not more than 100,000 increments therefrom in fiscal year 2004, for such costs incurred on or before September 30, 2004, for activities authorized under section 3302, collect and deposit in the Treasury fees established and, in accordance with 31 U.S.C. 9104, as may be necessary in the current or any prior fiscal year appropriation for the payment of compensation, and other benefits required by law, and in accordance with title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as may be necessary from the Black Lung Disability Trust Fund, to 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, the fair share entities may pay the cost of administration of the Federal Employees' Compensation Act, $36,315,000 shall be made available to the Secretary for the purpose of the Federal Employees' Compensation Act, 5 U.S.C. 8101 et seq., as part of its office expenses other than the cost of electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, to include the name of the Department of Labor, all 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 104–114, the Secretary of Labor is authorized to make loans under section 703(b) of 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 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, $5,074,000 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 and 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 the Act provide as part of such claim, such identifying information (including Social Security account number) as such regulations may prescribe.

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 such benefits authorized by section 9001(c)(2) of such Act: Provided further, That the Secretary may require the Act provide as part of such claim, such identifying information (including Social Security account number) as such regulations may prescribe.
Departmental Management, "Salaries and Expenses": $338,000 for transfer to Departmental Management, "Office of Inspector General"; and $356,000 for payments into miscellanea accounts for the relief of 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, $450,000,000, including not to exceed $92,747,000 which shall be the maximum amount authorized to be appropriated pursuant to 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 and local health and safety 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. 3301, 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, acting through the Director, Office of Workers' Compensation Programs, may accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute suits in cooperation with other 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 States, Federal, and local agencies and their employees for services rendered, $437,152,000, together with not to exceed $100,000,000 which shall be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

**OFFICE OF DISABILITY EMPLOYMENT POLICY**

**SALARIES AND EXPENSES**

For necessary expenses for the Office of Disability Employment Policy to provide leadership, development of policy and strategies, 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 seniors; $48,565,000 for the acquisition of Departmental Information Technology, Architecture, Infrastructure, Software, and Related Needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's Capital Investment Strategy to assure a sound investment management process to assure a sound investment management strategy; $252,701,000, together with not to exceed $5,000,000 which shall be available from the Employment Security Administration Account in the Unemployment Trust Fund.

**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 shall be notified at least 15 days in advance of any transfer.

This title may be cited as the "Department of Labor Appropriations Act, 2004."
The page contains a detailed description of federal funding, grants, and programs related to various healthcare services and initiatives. The text includes references to specific sections of the Public Health Service Act and other relevant legislation. The content is formatted in a way that is typical of legislative documentation, with paragraphs structured to outline different aspects of the funding and programs. The text is dense and technical, reflecting the nature of federal funding and its allocation to various healthcare programs.
to deafness and other communication disorders, $380,377,000.  

**National Institute of Nursing Research**

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $134,579,000.

**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, $403,122,000.

**National Institute on Drug Abuse**

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $995,614,000.

**National Institute of Mental Health**

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,386,114,000.

**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, $478,072,000.

**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, $282,109,000.

**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, $1,053,906,000. Provided, That none of these funds shall be used to pay recipiants of the general research support grants program any amount for indirect expenses connected with such 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, $161,002,000.

**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, $192,724,000.

**John E. Fogarty International Center**

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

**National Library of Medicine**

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $316,040,000, of which $4,000,000 shall be available until expended for the Federal Supplementary Medical Insurance Trust Funds, as authorized by 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.

**Substance Abuse and Mental Health Services Administration**

**Substance Abuse and Mental Health Services**

For carrying out titles X and XI of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Program, and section 301 of the Public Health Service Act with respect to program management, $3,329,000,000: Provided further, That in addition to amounts provided hereunder, $16,000,000 shall be made 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 under 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 uncompensated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1929 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 or prior to 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 279(d) of Public Law 97-248, and for administrative expenses incurred pursuant to section 101(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 101(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 the National Institutes of Health and the National Library of Medicine, and, 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 CMS’ Systems Revitalization Plan: Provided further, That $56,991,000, to remain available until September 30, 2005, is for contract costs for Integrated General Ledger Accounting System: Provided further, That $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 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 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 such fiscal year with respect to non-Federal entities under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of 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 section 1851 of Public Law 97-248, for administrative expenses incurred pursuant to section 101(g) 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 Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 from Medicare+Choice organizations with risk-sharing contracts under title XIX of the Public Health Service Act, not to exceed the limitations under section 116(b) of such Act.

**Program Management**

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 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 unallotment to States 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 1991, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1991, $1,000,000,000 shall be for activities that implement section 658G, of which $272,672,000 shall be provided, the Runaway and Homeless Youth Block Grant Act of 1998, part B(1) of title IV, sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103-323, for making payments under the Community Services Block Grant Act, sections 439h, 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105-255, 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, the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107-286, div. A); Provided, That funds appropriated under this heading pursuant to section 2002 of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act, the Social Security Act, as amended, the Native American Programs of the Social Security Act, as amended, the Indian Education Act of 1974, title II of Public Law 95-255 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), and title XXI of the Children's Health Act of 1989 (Public Law 101-508) are for purposes and uses consistent with the intent of section 680 of the Community Services Block Grant Act of 1990, $2,069,729,000 shall be provided, the Early Childhood Care and Education Block Grant Act: Provided, That funds appropriated under this heading pursuant to section 658G of the Social Security Act, as amended, the Family Violence Prevention and Services Act, as amended, the Native American Programs of the Social Security Act, as amended, the Adoption and Safe Families Act of 1997 (Public Law 105-89), sections 1201 and 1211 of the Children's Health Act of 1989 (Public Law 101-508), and the Community Services Block Grant Act, sections 439h, 473A, and 477(i) of the Social Security Act, and title IV of Public Law 105-255, 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, the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), for carrying out section 462 of the Homeland Security Act of 2002 (Public Law 107-286, div. A); Provided, That funds appropriated under this heading pursuant to section 2002 of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act, the Social Security Act, as amended, the Native American Programs of the Social Security Act, as amended, the Adoption and Safe Families Act of 1997 (Public Law 105-89), and title XXI of the Children's Health Act of 1989 (Public Law 101-508) are for purposes and uses consistent with the intent of section 680 of the Community Services Block Grant Act of 1990, $2,069,729,000 shall be provided, the Early Childhood Care and Education Block Grant Act:

**RURAL SERVICE AGENCY**

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1991, $1,000,000,000 shall be for activities that implement section 658G, of which $272,672,000 shall be made available through the end of the current fiscal year for unallotment to States for the current fiscal year, such sums as may be necessary.

**REFUGEE AND ENTRANT ASSISTANCE**

For necessary expenses for refugee and entrant assistance activities authorized by title VII of the Social Security Act, to carry out section 2002 of the Social Security Act, as amended, the Native American Programs of the Social Security Act, as amended, the Adoption and Safe Families Act of 1997 (Public Law 105-89), and the Child Abuse Prevention and Treatment Act, $2,000,000 shall be for activities that implement section 658G, of which $272,672,000 shall be provided, the Runaway and Homeless Youth Act, notwithstanding the designation requirements of section 2602(e).
110 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, $15,000,000 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 amounts of any funds appropriated 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 Retirement and Insurance of Public Health Service Commissioned Officers 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. 424(b)), such amounts as may be required during the current fiscal year. The related to countering the biological threats to the biological and chemical, disease and chemical threats to civilian populations, $1,768,846,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,16,156,000; Office of the Secretary, $648,800,000; and Health Resources and Services Administration, $545,870,000: Provided further, That employees of the Centers for Disease Control and Prevention, the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND
For expenses necessary to support activities carried out in the public health and social services fields, including in particular, disease and chemical threats to civilian populations, $1,768,846,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,16,156,000; Office of the Secretary, $648,800,000; and Health Resources and Services Administration, $545,870,000: Provided further, That employees of the Centers for Disease Control and Prevention, the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account.

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 Act may be used to support programs authorized under this Act, except for funds specifically provided for in this Act, or for other uses specified in law by the Secretary 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 the House of Representatives detailing the planned uses of such funds.

SEC. 208. The Director of the Office of AIDS Research may transfer up to 3 percent among institutes, centers, and divisions of the National Institutes of Health, as specified by the Director, to carry out research activities that are consistent with the objectives of this Act.

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 National Institute of Allergy and Infectious Disease and the National Cancer Institute. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 223(b) 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 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: Provided further, That the Secretary may 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 providing the necessary 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 of child abuse, or neglect, including self-suspected or suspected child maltreatment, 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. 300gg-20) or to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300gg-20) or to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300gg-20) or to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300gg-20) if 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.

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 year that the State does not meet the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

SEC. 214. None of the funds appropriated in 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. 300gg-20) if the Secretary of Health and Human Services determines that the State has not committed 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.

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 year that the State does not meet the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.
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 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 regulations governing location, security, and other facility requirements and serve the purposes established by this Act. The Secretary of Health and Human Services shall be authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions participating in providing foreign, 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. 217. (a) Centers for Disease Control Prevention Grants.—No funds provided under this Act shall be spent for construction, renovation, or other facilities required to be carried out by the Centers for Disease Control and Prevention to employ professional management personnel. Such funds may be spent for construction, renovation, or other facilities required to be carried out by the Centers for Disease Control and Prevention (1) against an individual or entity that is not later than 3 months after the date of the enactment of this Act. If the Director of the Centers for Disease Control and Prevention determines that the authority provided in this section is exercised in a manner consistent with section 214, in order for the Centers for Disease Control and Prevention to carry out international health activities, including other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services shall be authorized to exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1996 (22 U.S.C. 2266c). (b) The Secretary of Health and Human Services shall consult with the Secretary of State of the Agency for International Development and the Director of the Centers for Disease Control and Prevention 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. 3027) and other applicable statutes administered by the Department of State. SEC. 218. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals. SEC. 217. (a) CLAIMS MANAGEMENT ACCOUNT.—The amount otherwise provided by this Act for “Centers for Medicare and Medicaid Services—Program Management” is hereby reduced by $49,982,000. (b) MEDICARE CLAIMS PROCESSING FEE.—(1) In general.—Notwithstanding section 1902(a)(4) of the Social Security Act, each claim and corresponding individual payment for 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 is not processed and must be returned by the medicare claims processing contractor 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, 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 be used only to defray the expenses of the Medicare claims processing contractor involved to the individual or entity for completion or correction. Such fees shall be available for obligations 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 an individual or entity for completion or correction. Such fees shall be available for obligations in a fiscal year only in the amount specified in the appropriation Act for such fiscal year.

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"), the McKinney-Vento Homeless Assistance Act, and the Civil Rights Act of 1964, 5,7,977,637,000, of which $4,206,772,000 shall become available on July 1, 2004, and remain available through September 30, 2005, and of which $1,438,000,000 shall become available on October 1, 2004, and shall remain available through September 30, 2005, for academic year 2004-2005. Provided, That $390,000,000 shall be for subpart I of part A of title VI of the ESEA; provided further, That no funds appropriated under this heading may be used to cover any amount out of section 5049 under the Elementary and Secondary Education Act.

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 A of title I, title II, and title III, of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 191, in cases of such compelling circumstances as the Secretary may determine, $7,513,000 for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall become available on July 1, 2003, and remain available through September 30, 2005, and shall be allocated and expended in the same manner as funds provided under the ESEA 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 such funds provided under the ESEA shall be used to develop and implement a National Accreditation and Recognition Program for Title I-eligible school systems. Provided further, That no funds appropriated under this heading may be used to cover any amount out of section 5049 under the Elementary and Secondary Education Act.

SAFE SCHOOLS AND CIVIL RIGHTS

For carrying out activities authorized by title I, part A of the Elementary and Secondary Education Act of 1965, $533,035,000, of which $138,949,000 shall become available on July 1, 2004, and remain available through September 30, 2005, of which $5,072,000,000 shall become available on October 1, 2004, and remain available through September 30, 2005, and of which $330,000,000 shall be available on July 1, 2004, and remain available through September 30, 2005, for academic year 2004-2005.

ENGLISH LANGUAGE ACQUISITION

For carrying out programs of financial assistance to federally affected schools authorized by the English Language Acquisition Act of 1965, $697,515,000, of which $560,543,000 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, $11,049,790,000, of which $5,690,762,000 shall become available 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 $31,400,000 shall be for Reporting for the Blind and Dyslexic to support the development of accessible electronic educational resources:

ENGLISH LANGUAGE ACQUISITION

For carrying out programs of financial assistance to federally affected schools authorized by the English Language Acquisition Act of 1965, $11,049,790,000, of which $5,690,762,000 shall become available 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.

SPEDホームレス対策基金

In FY 2004, $697,515,000 is made available to assist local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

ENGLISH LANGUAGE ACQUISITION

For carrying out programs of financial assistance to federally affected schools authorized by the English Language Acquisition Act of 1965, $11,049,790,000, of which $5,690,762,000 shall become available 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 $31,400,000 shall be for Reporting for the Blind and Dyslexic to support the development of accessible electronic educational resources.
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 621(f)(1)(B)(ii) of the Act.

REHABILITATION SERVICES AND DISABILITY PROGRAMS

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.

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. 4301 et seq.), $100,600,000, 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, the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1966 (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 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, and 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, as amended, $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 the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integral English literacy and civics education to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 213 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 calculations that take into account: (1) the average of the 3 most recent years for which Immigration and Naturalization Service data are available; and (2) the percentage of residents who are legal permanent residents for whom evidence of legal permanent residence is available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amount 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 Center 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 Act (20 U.S.C. 1230f et seq.), $36,500,000 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: Provided further, That funds made available to local educational agencies under this subpart shall be used only for activities established for 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, $34,247,432,000, which shall remain available until expended: Provided, That the Pell Grant for which a student shall be eligible during award year 2004–2005 shall be $4,050.

FEDERAL 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.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, subparts 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, section 101 of the Immigration Amendment of 1994, section 117 of the Carl D. Perkins Vocational and Technical Education Act, and the Mutual Educational and Cultural Exchange Act of 1961, $3,985,901,000, of which $2,000,000 for interest subsidies authorized by section 121 of the HEA shall remain available until expended: Provided, That from the total amount available, $9,955,000 shall be available through September 30, 2005, to be fund felowships 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 services as the establishment and operation of an agency to carry out an evaluation program, as appropriate: Provided further, That $434,494,000, of which $13,644,000, to remain available until expended, may be transferred between appropriations, but no such appropriation shall be increased by more than 5 percent: Provided further, That $175,000,000 for Federal administrative expenses authorized under title II, section 212 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.

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: Provided, That the funds provided in this Act shall be used to require, directly or indirectly, the transportation of any student so transported to 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 or from activities 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. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student so transported to 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 or from activities 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.

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 under this Act may be transferred between appropriations, but such appropriation shall be increased.
by more than 3 percent by any such transfer:
Provided, That the Appropriations Commit-
tees of both Houses of Congress are notified at least 15 days in advance of any transfer.

Third New Section: 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—Washington and the Armed Forces Retirement Home—Gulfport, not to exceed $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 mone-
tary awards 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 Communi-
cations 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 contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

Of the amounts made available to the Corpor-
ation 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 pro-
duction, development, and distribution, to be awarded by the Corporation in consultation with public radio and television licensees or permittees, or their design-
nated representatives, and up to $20,000,000 is available under section 307(h) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: Provided, That section 307(h)(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. 171–188). 1950 amendments to the Labor Management Relations Act, 1947 (29 U.S.C. 141–167), and other laws, $249,429,000: Provided, That no part of this appropriation shall be used 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 230 of the Labor-Management Relations Act, 1947, as amended, and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(1) of the Act of June 25, 1938 (29 U.S.C. 152), or in said definition employees engaged in the mainte-
nance and operation of ditches, canals, reservoirs, and waterways when maintained or operated for the purposes of irrigation, reclamation, and 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 emer-
gency boards appointed by the President, $1,421,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupa-
tional Safety and Health Review Commis-
sion (29 U.S.C. 661), $10,115,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Pay-
ments Account, authorized under section 196d of the Railroad Retirement Act of 1974, $819,000,000, which shall include amounts be-
coming 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 aver-
gage benefit received exceeds the amount re-
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 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, $30,300,000, 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 administra-
tion fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspect-
ger General for audit and review activities, as authorized by the In-
spector General Act of 1978, $238,126,000 to remain available until expended for activities authorized by the Social Security Act, section 122 of the Social Security Act, section 1805 of the Social Security Act, $7,774,000.

For carrying out the Museum and Library Services Act of 1996, $2,328,126,000 to remain available until expended.

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

For necessary expenses for the Federal Mine Safety and Health Review Commission which the product of recipients and the aver-

For expenses necessary for the Federal Mine Safety and Health Review Commission, section 396(k)(10) of the Communications Act of 1934, as amended, $2,830,000.
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 20(g)(1) of the Social Security Act, $30,230,000,000, to be available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the Secretary at the end of fiscal year 2003 shall be returned to the Treasury.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2004, $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 $8,241,800,000 may be expended, as authorized by section 20(g)(1) of the Social Security Act, from any one or all of the trust funds referred to herein: Provided, That not less than $800,000,000 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 necessary for that 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 713(b) 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 713(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.

In addition, $120,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 20(g)(1) of the Social Security Act, section 221(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 221(b)(3) of 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 2003 shall be available to the Secretary to fund 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

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, together with not to exceed $637,000,000, to be transferred and expended as authorized by section 20(g)(1) of the Social Security Act from the Federal Old-Age, Survivors, and Disability 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 Act, to be used with the funds in 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 to the House of Representatives 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 by the United States Institute of Peace Act, $17,200,000.

TITLES V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, Education, and Housing shall be 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 appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) Any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

(b) No part of any appropriation contained in this section 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 to support the hire, and ineligibility procedures described in or shipped to the United States that is not in or shipped to the United States that is not made with funds made available in this Act, pursuant to the debarment, suspension, or exclusion from participation in Federal programs as authorized in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 505. 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 funds received under this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly show the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal Federal money; (3) the percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 506. (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 a Federal grants.

SEC. 507. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result 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 or local government of funds that are not Federal funds for a State's or locality's contribution of Medicaid matching funds.

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 embryonic stem cells; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death to a degree that is greater than that which would be accepted if the research in question were performed on fetuses under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 290bb(b)).

For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46.208(a)(2) 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 zygotes.

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 Substance 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 the 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 422(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. 1320f-7) or, 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), unless such action is specified in the applicable standards.

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) The matter under the heading "Department of Education—Education for the Disadvantaged" in division G of Public Law 108-7 is amended—

(1) by striking "$4,651,199,000" and inserting "$6,895,199,000"; and

(2) by striking "$9,027,301,000" and inserting "$6,763,001,000".

(2) the amendments made by subsection (a) shall take effect on the date of enactment of this Act.

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 (2) 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 244(a) of such Act (20 U.S.C. 1074c(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.

The CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mrs. JOHNSON of Connecticut. Mr. Chairman, I raise a point of order against section 217(a) on page 57, paragraphs 7 through 25, and page 58, lines 1 through 24, of this bill, H.R. 2660, on the grounds that this provision vio-

lating clause 2(b) of House rule XXI be-

cause it is legislation included in a general appropriations bill.

The CHAIRMAN. Does anybody wish to be heard on the gentleman's point of order?

Mrs. JOHNSON of Connecticut. Mr. Chairman, I raise this point of order respectfully and regretfully, but it is important that this section be struck. In 2001, I helped author and pass in this House a requirement that providers be required as of this October to submit all Medicare claims electronically. But because most billing systems eliminate inaccurate and duplicate claims, the user fee is unnecessary, as Medicare will get dramatically fewer mistakes after October. Harnessing a new claims processing and billing technology is preferable to using a punitive, per-claim tax to reduce mistakes. In addition, current law gives small providers the leeway that they need. Hospitals with fewer than 25 full-time employees or a physician practice with fewer than 10 employees are exempted from this requirement.

In sum, the current law that goes into effect October 1 covers this matter and provides the proper small business exemption. But in addition, the issue of what is a clean claim can be a very controversial issue and intermediaries have enormous power in this matter.

Mr. REGULA. Mr. Chairman, we concede the point of order. I am just trying to save some time here.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman, and I would be happy to work with him to see if we can resolve this problem, because I appreciate the gentleman's dedication to giving CMS the administrative funds they are going to need to implement some of the reforms. I look forward to working with the gentleman on that.

Mr. REGULA. Mr. Chairman, we concede the point of order, and we will work together on the problem.

The CHAIRMAN. The point of order is conceded, it is sustained, and the provision is stricken.

AMENDMENT NO. 5 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment; the text of the amendment is as follows:

Amendment No. 5 offered by Mr. Bereuter

In the item relating to "DEPARTMENT OF HEALTH AND HUMAN SERVICES—AGENCY FOR HEALTHCARE RESEARCH AND QUALITY—HEALTHCARE RESEARCH AND QUALITY", insert before the period at the end of the following line:

Provided, That, of the funds made available under this heading, $12,000,000 shall be for the conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices under subparagraph (B) of section 921(b)(2) of the Public Health Service Act (42 U.S.C. 299b-21(b)(2)).

The CHAIRMAN. The gentleman from Nebraska (Mr. Bereuter) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. Bereuter).

Mr. BEREUTER. Mr. Chairman, I yield myself 4 minutes.

Mr. BEREUTER. Mr. Chairman, this amendment requires the Agency for Healthcare Research and Quality to spend $12 million for the conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products and devices under their existing authorization.

This is a priority-setting amendment that is intended to ensure that objective scientific research on prescription drugs continues or is accelerated in fiscal year 2004. This, unfortunately, may not be an increase in spending for this purpose, but the $12 million figure is the amount the agency estimates it currently spends on this effort to assess the efficacy of drugs.

This amendment does not require new money to be spent. Instead, the amendment earmarks $12 million for the total amount yielded to what is called the AHRQ for such research. The number will likely go up more, and in fiscal year 2005, it should, pending good results, be dramatically increased.

The amendment also demands accountability by requiring the agency to actually and productively spend such funds on this initiative.

Mr. Chairman, while the Food and Drug Administration is charged with assuring the safety of pharmaceuticals that are approved for the marketing, clinicians, patients, health plans, insurers, and those financing health care services need additional help in making informed choices among pharmaceuticals. They need objective scientific information regarding the effectiveness, quality, and cost effectiveness of new drugs in comparison with existing alternatives, especially when the new drugs cost much more than those that are now on the market.

While the responsibility for developing this type of scientific research was assigned to AHRQ and reinforced by two different authorizing acts, the Congress has never provided AHRQ with the adequate resources necessary to carry out that important mission. Additional pharmaceutical research assisted by the AHRQ would also be beneficial, for example, to the Medicaid program.

Specifically, AHRQ’s research can help State Medicaid programs better target their health care dollars. By a research initiative, for example, the AHRQ recently demonstrated that children with a common ailment, middle ear infection, recovered just as effectively after treatment by one of several antibiotics as they do from treatment with less expensive brand-name prod-

ucts. This is precisely the type of information that State Medicaid programs need to guide coverage decisions on a whole range of medical conditions, but
by and large such objective research findings do not exist for most health conditions.

Additional research on anti-inflammatory drugs, cholesterol treatment drugs, and drugs to treat other medical conditions would be beneficial in the development of Medicare prescription drug benefits. Perhaps the AHRQ should conduct research on the clinical appropriateness and cost effectiveness of the 50 drugs most frequently prescribed for senior citizens. The findings would be interesting and this Member believes that, overall, it would result in greater cost effectiveness, greater drug efficacy, and, therefore, lower cost to the patients and the American taxpayers.

Mr. Chairman, Americans deserve the best health care for their dollar. The goal of this amendment is to provide clinicians, patients, health plans, insurers, and others financing health care with the credible, objective information benefits, risks, and costs of prescription drugs so they can make informed decisions about the prescriptions they consume and prescribe.

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

Mr. BERURET. Mr. Chairman, I seek the time in opposition to the amendment. However, I am willing to accept the gentleman's amendment with the understanding that in preparation for conference we will learn more about its impact on the administration and the Members' priorities.

Mr. Chairman, I yield back the balance of my time.

Mr. BERURET. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, in deference to all, and the time constraints we are under, I will not take the full minute, but I do want to say that often very small amendments are extremely important. This amendment is absolutely key to reducing the costs of drugs.

There are many expensive products on the market that are no better than aspirin, and we need to be able to demonstrate that and provide senior citizens and all Americans with that information so they can choose the most cost-effective, medically effective pharmaceutical for their particular needs. I commend the gentleman from Nebraska on his amendment.

Mr. BERURET. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Nebraska has 1 minute remaining.

Mr. BERURET. Mr. Chairman, I yield myself the balance of my time, first of all, thank the gentlewoman for her comments, and I also thank the chairman for his comments and his remarks regarding securing information about the impact.

I do believe that the research estimate of $12 million probably includes not only contract services but also direct grants. I want to make sure that we have not too specifically prescribed the authorizing subsections so that we cover all the contracting and the grants that are made for this purpose. So it would be good to look at that, because last-minute information coming to us may have provided that when we were actually too very specific by specifying the types of research.

With that information, Mr. Chairman, I ask Members for their support on the amendment.

Mr. NETHERCUTT. Mr. Chairman, I support the gentleman from Nebraska's efforts to provide oversight to the AHRQ and others to make educated decisions about their health care needs. However, I have concerns with his amendment. Though the gentleman's amendment does not change the Agency for Healthcare Research and Quality basic statutory authority, it does increase funding for comparative and cost-effectiveness studies by the AHRQ. I am fearful that by earmarking new funds for this explicit purpose, it may set AHRQ in the wrong direction.

I support efforts to reduce prescription drug costs by educating patients about what medicines benefit them, allowing individual patients to make their own decisions about their health care needs. However, I fear that by promoting this amendment as a way to cut prescription drug costs it will turn comparative and cost-effectiveness studies into a means of implementing health care rationing by federal agencies such as the Centers for Medicare and Medicaid Services. An agency that calls itself a "big dumb price fixer." The answer to reducing health care costs is not by limiting patient access to the treatments they need.

I am concerned that government-run cost-effectiveness studies being promoted as a cost control tool will allow CMS to use these studies to pick and choose which medicines should and should not be available to patients. Making determinations in this way are biased against newer treatments that can cost more up-front but save more over time.

In short, this amendment encourages the federal government to direct medical care and promotes a "one-size-fits-all" approach to medicine which is bad for patients. I yield back the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BERURET).

The amendment was agreed to.

Amendment No. 6 offered by Mr. RAHALL.

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. RAHALL.

At the end of the bill (before the short title), insert the following:

Sec. 7. None of the funds made available in this Act may be used to implement any amendments to Department of Labor Mine Safety and Health Administration regulations parts 70, 75, and 90 of title 30, Code of Federal Regulations, as proposed on March 6, 2003.

The CHAIRMAN. Points of order are reserved; and pursuant to the order of the House of today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I yield myself much time to consume; and I do offer an amendment, which is printed in the Record as No. 6.

Mr. Chairman, I rise in recognition this afternoon of the ultimate sacrifice that thousands of our Nation's coal miners who have perished from the crippling disease known as pneumoconiosis, or black lung, have made to the energy security of this Nation.

Today, I rise to extend condolences to the families of coal miners who died as a result of years of inhaling coal dust in our Nation's mines. Today, I rise to give hope to those who on this day descend deep into the Earth to produce a coal which fostered the industrial revolution in this country and which now fires the technological revolution. I rise in humble gratitude to them, and I say, thank you.

And I rise in anger as well. Mr. Chairman, I rise in anger because despite the fact that the Congress in 1969 passed landmark legislation to put an end to black lung disease contracted over years of inhaling respirable coal dust in the mines, annually around 1,400 miners still perish from this disease.

Yet this administration, the Bush administration, incredibly has proposed a regulation which would allow a four-fold increase of respirable dust in the coal mines. If made final, that regulation would directly translate into more deaths among our Nation's coal miners.

I have asked that this proposed regulation be withdrawn. The United Mine Workers of America have asked that it be withdrawn. Hundreds, if not thousands, of rank-and-file miners across this country have asked that these regulations be withdrawn.

In response, the administration has simply extended the public comment period. It is not fair to the miners who have perished in this string of regulations. And why would it when the Assistant Secretary of Labor in charge of this issue was the very person who petitioned for these regulations when he served in the private sector? I imagine that.

Today I hope to give the coal miners a fighting chance by offering this amendment to block the Department of Labor from finalizing these ill-conceived proposed regulations. Enough is enough. Over 55,000 coal miners perished from black lung between 1969 and 1990, and still today 1,400 a year pass away as a result of it.

The poster to my right clearly illustrates what a coal miner faces from black lung. To the left is a healthy lung tissue. On the right, the far right, is a tissue sample of a 40-year-old coal miner. Compare that to the sample in the middle of a 90-year-old person.

To quote from the Louisville Courier-Journal which once described this disease in this manner, "It is as if the Titanic sank every year, and no ships
came to the rescue. While that long-ago disaster continues to fascinate the Nation, the miners slip into cold, early graves almost unnoticed."

This amendment would prohibit the Department of Labor from finalizing these rules while allowing continued research and development on devices such as personal dust monitors. I want to emphasize that last point. This amendment still allows the continued research and development on devices supported by both the industry and the Agency as PDMs or personal dust monitors. I am not stopping research and development of those devices from continuing. The intent of this amendment is to cause MSHA to withdraw the proposed rule and re-promulgate it in accordance with the letter and intent of the Mine Safety and Health Administration's ability to protect miners from coal dust exposure until October 2004.

The proposed amendment is unnecessary because the Agency has already moved to suspend regulatory action on these rules until testing of revolutionary coal dust monitoring technology is completed. As a result, this amendment is not only needless, but could work to delay improved coal dust rules for perhaps several years to come, and I think it must be rejected. To do otherwise would be a great disservice to the miners these rules are designed for. I urge a yes vote on the Rahall amendment.

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

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind Members that the use of audible electronic devices on the House floor is prohibited.

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 10 minutes.

Mr. REGULA. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, the amendment before us is unnecessary and potentially harmful. Simply put, it would restrict the Mine Safety and Health Administration's ability to protect miners from coal dust exposure until October 2004.

The proposed amendment is unnecessary because the Agency has already moved to suspend regulatory action on these rules until testing of revolutionary coal dust monitoring technology is completed. As a result, this amendment is not only needless, but could work to delay improved coal dust rules for perhaps several years to come, and I think it must be rejected. To do otherwise would be a great disservice to the miners these rules are designed for. I urge a yes vote on the Rahall amendment.

Mr. RAHALL. Mr. Chairman, I yield my time to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I would like to ask a question. As I listened to the remarks of the gentleman from West Virginia (Mr. RAHALL), I was struck by something the gentleman said. Did I hear that the Assistant Secretary of the Department of Labor who is in charge of the proposed rule regarding coal dust rules was the very person who petitioned for these regulations when he served in the private sector?

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the gentleman from Ohio is correct. The Assistant Secretary of Labor for Mine Health and Safety, David Lauriski, was the general manager of a coal company known as Energy West, and was the very person who filed in September 1997 a petition asking for the rulemaking he is now in charge of administering.

Mr. STRICKLAND. Mr. Chairman, that is incredible. This House should know of what I think is a direct conflict of interest. Does the gentleman have evidence to support what he is saying?

Mr. RAHALL. Mr. Chairman, I do. The Department of Labor's March 6 Federal Register notice publishing these proposed rules notes that Energy West petitioned the Secretary of Labor on this matter during September 1997 and states on page 10800, "This proposed rule responds to Energy West's petition for rulemaking."

In regard to further research and development into the PDMs, as I clearly stated in my opening comments on this amendment, I am in no way blocking continued research and development into the development of these PDMs. Both the unions and the companies have expressed the desire to continue. My amendment does not block research.

The amendment blocks MSHA from finalizing the proposed rule. It does not restrict MSHA from engaging in any other activity related to the proposed rule other than making it final. Second, there is nothing in the proposed rule that involves funding R&D into PDMs. The proposed rule does not contain funding, and if made final would not provide funds for PDM deployment. So for that reason I think my amendment is on solid ground, and I would urge the adoption thereof.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Chairman, I urge the adoption thereof.
Mr. STRICKLAND. Mr. Chairman, reclaiming my time, I thank the gentleman for exposing this conflict of interest. The fact of the matter is black lung disease continues to be a problem. It has not been eradicated. Over 1,400 coal miners still perish this year in this country. We have been working diligently to defend the American worker, while the President's administration which is pushing a proposed rule which could increase dust levels in the mines fourfold.

This is a case of the fox guarding the henhouse. In closing, I believe this is an insult to the working people of America. It can spell certain death to some of the bravest souls in this country. We should support this amendment so this proposed rule is withdrawn and done right.

Mr. RAHALL. Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. Norwood).

Mr. NORWOOD. Mr. Chairman, I have absolute proof that Dave Lauriski comes from the private sector, and I am delighted that he comes from the private sector to bring us new and innovative ideas on health and safety for our miners. I must oppose this amendment, and let me say that I do so, I believe, for the sakes of the health and safety of American miners.

An attempt to slow down the progress of what could be groundbreaking safety technology or hinder its widespread use is just wrong, and that is what this amendment does. This amendment basically is unnecessary because the Mine Safety and Health Administration acted on July 4 to suspend the proposed rule referred to in the Rahall amendment. I do not know the legal mumbo-jumbo, I just know they have absolutely postponed this rule for very good reasons. If we pass the amendment, it is not my intention to allow us, perhaps, to write a rule that involves the new technology that could be the technology that saves a lot of lives. This amendment carries with it certain unintended consequences that is going to run counter to the interests of promoting workers' health.

MSHA made the decision to postpone the implementation of the rule because of the first field test of new coal dust technology, called personal dust monitors, or PDMs, which are very expensive and could be very life-saving for miners. These tests showed such genuine promise that MSHA concluded that additional tests were needed before moving forward with the proposed rule. We need to do the study, do the testing and get this technology, and then be able to write the rule to put it into place.

Both the mining industry and unions both supported this decision. In fact, the Mine Workers president sent out a press release the day after MSHA postponed its proposal applauding that decision. Clearly, because the results of these field tests could cause MSHA to rewrite sections of its rule, to incorporate the technology of PDMs, MSHA needs the test results before it can move forward, and then it does need to be able to move forward. Again, that is not a delay. It is a positive move intended to advance technology that hopefully will be great for the mining community. Please do not confuse an arbitrary delay with a positive effort to move forward on technological advance.

In sum, this amendment is unnecessary. In fact, it represents a regulatory overkill. It is clear that MSHA has suspended and/or withdrawn its rule. We ought to congratulate them for the commonsense policy coming from MSHA. We ought to applaud the efforts and to get their new technology into the workplace as soon as possible.

But under the gentleman's amendment, MSHA would be prohibited until October 2004, from proceeding. I do not think that is in the right light. I think we are seeing here is some coal politics on the floor of the House. I think it is unfortunate. This is common sense policy coming from MSHA. We ought to congratulate them for the wisdom in suspending what they were going to do to look at this new technology. But if it works, why would we want to wait until October of 2004 to implement it? I would urge my colleagues to reject the amendment.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RAHALL. Mr. Chairman, I de-

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The question was taken; and the Chairman announced that the noes appeared to have it.
Pursuant to the order of the House today, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

The purpose of this amendment is to increase the content requirement of the Buy American Act from 50 percent to 65 percent. This is a very simple amendment. It recognizes the fact that America has a tremendous problem with regard to our loss of our manufacturing base. We are down to about 10 percent of our workforce that is actively engaged in manufacturing. Each year that falls by several percentage points. It is massive, 6% percent nationwide. And the congressional district that I represent, Rockford, Illinois, is at 11 percent and possibly even more because of the huge manufacturing loss we have in this country. So why not take the billions of dollars that we use in procurement by the Federal Government, and say, as we look at the stuff that we buy in this country, why not at least 65 percent of that be bought in America.

Mr. Chairman, I understand he is withdrawing it.

I yield myself such time as I may consume.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

Amendment offered by Mr. TANCREDO: Page 61 line 21, after the dollar amount, insert the following: "increased by $5,000,000".

Page 61 line 2, after the dollar amount, insert the following: "reduced by $5,000,000".

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TANCREDO

The text of the amendment is as follows:

Amendment offered by Mr. TANCREDO: Page 62 line 21, after the dollar amount, insert the following: "increased by $5,000,000".

Page 63 line 5, after the dollar amount, insert the following: "reduced by $5,000,000".

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. ANZULLO

Mr. ANZULLO. Mr. Chairman, I offer an amendment.

Amendment offered by Mr. ANZULLO: Page 61 line 2, after the dollar amount, insert the following: "reduced by $5,000,000".

Page 63 line 5, after the dollar amount, insert the following: "increased by $5,000,000".

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. ALLEN

Mr. ALLEN. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, this amendment would prohibit the Department of Education from penalizing a school for failing to meet the requirements of the No Child Left Behind Act unless that school receives Federal aid at the full authorized level. With the No Child Left Behind Act, Congress struck a grand bargain with our communities' schools. We asked schools to meet critical accountability standards, and in return we promised them Federal aid to help make those standards a reality.

But the underlying bill, the Labor-H R. 2000, provides essentially woefully insufficient funds for local school districts and States to meet those requirements. Congress is simply not fulfilling our share of the burden. We are not living up to our end of the bargain and the difference is $6.15 billion in fiscal 2004 alone. Fiscal 2004 alone, the shortfall here below what was authorized under the No Child Left Behind Act was $6.15 billion. That is impacting our States and municipalities in dramatic ways. Back home in Maine, when I talk to educators, I always hear the same thing: you have not fully funded special education. We are supporting that...
at the State level and at the Federal level, and now we get the mandates of No Child Left Behind and we have another burden.

States right now are in their worst budget crisis since World War II, and they are struggling to cope with virtually every State to work with the 50 school chiefs from around the country who were charged with implementing this. I congratulate them on their service to education and the great commitment they have made with the Secretary of Education, meet with the Department by January, and the agreement we made in January of 2001, when the Bush administration took office, exactly 11 States were in compliance with the 1994 act.

Mr. BOEHNER. Mr. Chairman, I yield myself 1 minute as I may consume.

This amendment is a sad attempt to return to the days of spending billions and billions of dollars and getting nothing in return. Since 1965, the Federal Government has spent over $300 billion in K through 12 education programs, and what have the results been? Zero. Nothing. And we worked in a bipartisan way on both sides of the aisle to bring real accountability to our schools to ensure that no child was left behind, and the agreement we made was that we would provide sufficient funding to put this into effect and we have been there and we have been doing it. So, if the $1.3 billion increase last year, the $666 million increase this year.

Or how about the almost $400 million that we have appropriated each of the 3 years to actually help the States implement the test, and the GAO came along and suggested a study on my behalf and others that said that the almost $400 million we are appropriating annually is sufficient money for the States to develop and implement the test.

What this really is is the first big step in the direction of making more excuses, more excuses why we cannot educate every child in America. We have been down this path before, and we have really been down the path the last 20 years. There have been all kinds of attempts to reform our schools in the last 20 years, and guess what happened? Somewhere along the way it got to be too difficult. "Oh, do not hold us accountable. And what happened? We have backed away every single time in virtually every single State.

The night that this bill was signed into law, I was over at Mount Vernon with the Secretary of Education, meeting with the 50 school chiefs from around the country who were charged with implementing this. I congratulated them on their service to education and the great commitment they were making to kids, and I talked about the heavy lifting that was going to be involved in implementing No Child Left Behind.

I also told them that, for the first time, do not come and ask the Federal Government for waivers. In the 1994 act, which many of the things that we called for in No Child Left Behind were enacted in 1994, in January of 2001, when the Bush administration took office, exactly 11 States were in compliance with the 1994 act.

Right now we are at the most historic moment of the Federal involve- ment in education, because right now all 50 States and the District of Columbia and Puerto Rico are in compliance with the new law. They were all required to have their State accountability plans in place and submitted to the Department by January, and the Department was to have all of them approved. And the Department of Education here in Washington sat down with virtually every State to work through their accountability plan and to work through a process that we were not necessarily upholding that was already happening in the States. There was an agreement and a celebration at the White House several weeks ago to celebrate this accomplishment of having all the States in compliance.

Now, could we spend more money? Yes. Are the States in difficult times? Yes. But I want to ask all of you, are we going to blink again? We have the trend of the last 20 years of the course of the history of this country because it was too hard to educate all of our kids, and I, for one, and I think the President and I think my good friend on the other side of the aisle, the gentleman from California (Mr. GEORGE MILLER), and TED KENNEDY in the other body have locked arms to say we are not going to blink.

We are not going to blink. The lives of poor kids in our country who get shuffled from one grade to the next will continue as they are if we blink. We all know what happens in our local schools. They move them from one grade to another, whether they learn anything or not. Kids graduate that cannot read or write or they cannot perform at some point in America, somebody has to stand up and say, enough is enough.

I would suggest to you that we are spending an additional $2.2 billion in the appropriation this year for elementary and secondary education programs. We are continuing to keep our commitment, and I would hope that my colleagues would stand up today and say, for the sake of these kids and the sake of poor kids in America, we are not going to blink again.

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

Mr. Chairman, wherever I go in the State of Maine, the school districts that are in my district and across the State, they are looking at the cost of developing the test, though it is pretty clear that they do not have the money to do that. They are not looking just at the cost of developing the test, they are looking at the cost of how to operate the test, and they are also faced with teacher quality mandates that are a real burden.

The General Accounting Office has estimated that for fiscal year 2004, that the administration requested $390 million in additional expenditures as estimated. What we are talking about here in different categories, and that is just one, is a failure of the Federal Government to meet the actual amount that our States and local municipalities have to spend.

Mr. Chairman, I yield 3 minutes to a gentleman from Kansas (Mr. Moore), who has worked with me on this amendment and who has other legislation pending along these lines.

Mr. MOORE. Mr. Chairman, I thank the gentleman for yielding me time.

More than 27 years ago Congress made a promise to our local school