

108TH CONGRESS
1ST SESSION

H. R. 246

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. REGULA introduced the following bill; which was referred to the Committee on Appropriations

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the
- 5 Departments of Labor, Health and Human Services, and
- 6 Education, and related agencies for the fiscal year ending
- 7 September 30, 2003, and for other purposes, namely:

1 TITLE I—DEPARTMENT OF LABOR

2 EMPLOYMENT AND TRAINING

3 ADMINISTRATION

4 TRAINING AND EMPLOYMENT SERVICES

5 For necessary expenses of the Workforce Investment

6 Act of 1998, including the purchase and hire of passenger

7 motor vehicles, the construction, alteration, and repair of

8 buildings and other facilities, and the purchase of real

9 property for training centers as authorized by the Work-

10 force Investment Act of 1998 and the Women in Appren-

11 ticeship and Nontraditional Occupations Act;

12 \$2,675,513,000 plus reimbursements, of which

13 \$1,601,498,000 is available for obligation for the period

14 July 1, 2003 through June 30, 2004, of which

15 \$1,045,465,000 is available for obligation for the period

16 April 1, 2003 through June 30, 2004 to carry out chapter

17 4 of the Workforce Investment Act of 1998; and of which

18 \$27,550,000 is available for the period July 1, 2003

19 through June 30, 2006 for necessary expenses of construc-

20 tion, rehabilitation, and acquisition of Job Corps centers:

21 *Provided*, That notwithstanding any other provision of

22 law, of the funds provided herein under section 137(c) of

23 the Workforce Investment Act of 1998, \$276,608,000

24 shall be for activities described in section 132(a)(2)(A) of

25 such Act and \$1,207,892,000 shall be for activities de-

1 scribed in section 132(a)(2)(B) of such Act: *Provided fur-*
2 *ther*, That \$9,098,000 shall be for carrying out section
3 172 of the Workforce Investment Act of 1998: *Provided*
4 *further*, That, notwithstanding any other provision of law
5 or related regulation, \$74,900,000 shall be for carrying
6 out section 167 of the Workforce Investment Act of 1998,
7 including \$4,786,000 for migrant and seasonal housing:
8 *Provided further*, That notwithstanding the transfer limi-
9 tation under section 133(b)(4) of the Workforce Invest-
10 ment Act of 1998, up to 40 percent of such funds may
11 be transferred by a local board if approved by the Gov-
12 ernor: *Provided further*, That notwithstanding sections
13 127(b)(1)(A) and 174(a)(2)(B) of such Act, no funds pro-
14 vided herein shall be available to carry out section 167
15 of such Act: *Provided further*, That no funds from any
16 other appropriation shall be used to provide meal services
17 at or for Job Corps centers.

18 For necessary expenses of the Workforce Investment
19 Act of 1998, including the purchase and hire of passenger
20 motor vehicles, the construction, alteration, and repair of
21 buildings and other facilities, and the purchase of real
22 property for training centers as authorized by the Work-
23 force Investment Act of 1998; \$2,463,000,000 plus reim-
24 bursements, of which \$2,363,000,000 is available for obli-
25 gation for the period October 1, 2003 through June 30,

1 2004, and of which \$100,000,000 is available for the pe-
2 riod October 1, 2003 through June 30, 2006, for nec-
3 essary expenses of construction, rehabilitation, and acqui-
4 sition of Job Corps centers.

5 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
6 AMERICANS

7 To carry out title V of the Older Americans Act of
8 1965, as amended, \$440,200,000.

9 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

10 For payments during the current fiscal year of trade
11 adjustment benefit payments and allowances under part
12 I; and for training, allowances for job search and reloca-
13 tion, and related State administrative expenses under part
14 II, subchapters B and D, chapter 2, title II of the Trade
15 Act of 1974, as amended, \$972,200,000, together with
16 such amounts as may be necessary to be charged to the
17 subsequent appropriation for payments for any period sub-
18 sequent to September 15 of the current year.

19 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
20 SERVICE OPERATIONS

21 For authorized administrative expenses,
22 \$143,452,000, together with not to exceed
23 \$3,475,451,000 (including not to exceed \$1,228,000
24 which may be used for amortization payments to States
25 which had independent retirement plans in their State em-

1 placement service agencies prior to 1980), which may be
2 expended from the Employment Security Administration
3 Account in the Unemployment Trust Fund including the
4 cost of administering section 51 of the Internal Revenue
5 Code of 1986, as amended, section 7(d) of the Wagner-
6 Peyser Act, as amended, the Trade Act of 1974, as
7 amended, the Immigration Act of 1990, and the Immigra-
8 tion and Nationality Act, as amended, and of which the
9 sums available in the allocation for activities authorized
10 by title III of the Social Security Act, as amended (42
11 U.S.C. 502–504), and the sums available in the allocation
12 for necessary administrative expenses for carrying out 5
13 U.S.C. 8501–8523, shall be available for obligation by the
14 States through December 31, 2003, except that funds
15 used for automation acquisitions shall be available for obli-
16 gation by the States through September 30, 2005; of
17 which \$143,452,000, together with not to exceed
18 \$773,283,000 of the amount which may be expended from
19 said trust fund, shall be available for obligation for the
20 period July 1, 2003 through June 30, 2004, to fund ac-
21 tivities under the Act of June 6, 1933, as amended, in-
22 cluding the cost of penalty mail authorized under 39
23 U.S.C. 3202(a)(1)(E) made available to States in lieu of
24 allotments for such purpose: *Provided*, That to the extent
25 that the Average Weekly Insured Unemployment (AWIU)

1 for fiscal year 2003 is projected by the Department of
2 Labor to exceed 4,526,000, an additional \$28,600,000
3 shall be available for obligation for every 100,000 increase
4 in the AWIU level (including a pro rata amount for any
5 increment less than 100,000) from the Employment Secu-
6 rity Administration Account of the Unemployment Trust
7 Fund: *Provided further*, That funds appropriated in this
8 Act which are used to establish a national one-stop career
9 center system, or which are used to support the national
10 activities of the Federal-State unemployment insurance
11 programs, may be obligated in contracts, grants or agree-
12 ments with non-State entities: *Provided further*, That
13 funds appropriated under this Act for activities authorized
14 under the Wagner-Peyser Act, as amended, and title III
15 of the Social Security Act, may be used by the States to
16 fund integrated Employment Service and Unemployment
17 Insurance automation efforts, notwithstanding cost alloca-
18 tion principles prescribed under Office of Management
19 and Budget Circular A-87.

20 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
21 OTHER FUNDS

22 For repayable advances to the Unemployment Trust
23 Fund as authorized by sections 905(d) and 1203 of the
24 Social Security Act, as amended, and to the Black Lung
25 Disability Trust Fund as authorized by section 9501(c)(1)

1 of the Internal Revenue Code of 1954, as amended; and
2 for nonrepayable advances to the Unemployment Trust
3 Fund as authorized by section 8509 of title 5, United
4 States Code, and to the “Federal unemployment benefits
5 and allowances” account, to remain available until Sep-
6 tember 30, 2004, \$463,000,000.

7 In addition, for making repayable advances to the
8 Black Lung Disability Trust Fund in the current fiscal
9 year after September 15, 2003, for costs incurred by the
10 Black Lung Disability Trust Fund in the current fiscal
11 year, such sums as may be necessary.

12 PROGRAM ADMINISTRATION

13 For expenses of administering employment and train-
14 ing programs, \$121,451,000, of which \$4,711,000 is to
15 administer welfare-to-work grants, together with not to ex-
16 ceed \$50,610,000, which may be expended from the Em-
17 ployment Security Administration Account in the Unem-
18 ployment Trust Fund.

19 PENSION AND WELFARE BENEFITS

20 ADMINISTRATION

21 SALARIES AND EXPENSES

22 For necessary expenses for the Pension and Welfare
23 Benefits Administration, \$117,044,000.

1 PENSION BENEFIT GUARANTY CORPORATION

2 PENSION BENEFIT GUARANTY CORPORATION FUND

3 The Pension Benefit Guaranty Corporation is author-
4 ized to make such expenditures, including financial assist-
5 ance authorized by section 104 of Public Law 96-364,
6 within limits of funds and borrowing authority available
7 to such Corporation, and in accord with law, and to make
8 such contracts and commitments without regard to fiscal
9 year limitations as provided by section 104 of the Govern-
10 ment Corporation Control Act, as amended (31 U.S.C.
11 9104), as may be necessary in carrying out the program
12 through September 30, 2003, for such Corporation: *Pro-*
13 *vided*, That not to exceed \$13,050,000 shall be available
14 for administrative expenses of the Corporation: *Provided*
15 *further*, That expenses of such Corporation in connection
16 with the termination of pension plans, for the acquisition,
17 protection or management, and investment of trust assets,
18 and for benefits administration services shall be consid-
19 ered as non-administrative expenses for the purposes here-
20 of, and excluded from the above limitation.

21 EMPLOYMENT STANDARDS ADMINISTRATION

22 SALARIES AND EXPENSES

23 For necessary expenses for the Employment Stand-
24 ards Administration, including reimbursement to State,
25 Federal, and local agencies and their employees for inspec-

1 tion services rendered, \$378,728,000, together with
2 \$2,029,000 which may be expended from the Special Fund
3 in accordance with sections 39(c), 44(d) and 44(j) of the
4 Longshore and Harbor Workers' Compensation Act: *Pro-*
5 *vided*, That \$2,000,000 shall be for the development of
6 an alternative system for the electronic submission of re-
7 ports required to be filed under the Labor-Management
8 Reporting and Disclosure Act of 1959, as amended, and
9 for a computer database of the information for each sub-
10 mission by whatever means, that is indexed and easily
11 searchable by the public via the Internet: *Provided further*,
12 That the Secretary of Labor is authorized to accept, re-
13 tain, and spend, until expended, in the name of the De-
14 partment of Labor, all sums of money ordered to be paid
15 to the Secretary of Labor, in accordance with the terms
16 of the Consent Judgment in Civil Action No. 91-0027 of
17 the United States District Court for the District of the
18 Northern Mariana Islands (May 21, 1992): *Provided fur-*
19 *ther*, That the Secretary of Labor is authorized to estab-
20 lish and, in accordance with 31 U.S.C. 3302, collect and
21 deposit in the Treasury fees for processing applications
22 and issuing certificates under sections 11(d) and 14 of the
23 Fair Labor Standards Act of 1938, as amended (29
24 U.S.C. 211(d) and 214) and for processing applications
25 and issuing registrations under title I of the Migrant and

1 Seasonal Agricultural Worker Protection Act (29 U.S.C.
2 1801 et seq.).

3 **SPECIAL BENEFITS**

4 (INCLUDING TRANSFER OF FUNDS)

5 For the payment of compensation, benefits, and ex-
6 penses (except administrative expenses) accruing during
7 the current or any prior fiscal year authorized by title 5,
8 chapter 81 of the United States Code; continuation of ben-
9 efits as provided for under the heading “Civilian War Ben-
10 efits” in the Federal Security Agency Appropriation Act,
11 1947; the Employees’ Compensation Commission Appro-
12 priation Act, 1944; sections 4(c) and 5(f) of the War
13 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
14 cent of the additional compensation and benefits required
15 by section 10(h) of the Longshore and Harbor Workers’
16 Compensation Act, as amended, \$163,000,000, together
17 with such amounts as may be necessary to be charged to
18 the subsequent year appropriation for the payment of
19 compensation and other benefits for any period subse-
20 quent to August 15 of the current year: *Provided*, That
21 amounts appropriated may be used under section 8104 of
22 title 5, United States Code, by the Secretary of Labor to
23 reimburse an employer, who is not the employer at the
24 time of injury, for portions of the salary of a reemployed,
25 disabled beneficiary: *Provided further*, That balances of re-

1 imbursements unobligated on September 30, 2002, shall
2 remain available until expended for the payment of com-
3 pensation, benefits, and expenses: *Provided further*, That
4 in addition there shall be transferred to this appropriation
5 from the Postal Service and from any other corporation
6 or instrumentality required under section 8147(c) of title
7 5, United States Code, to pay an amount for its fair share
8 of the cost of administration, such sums as the Secretary
9 determines to be the cost of administration for employees
10 of such fair share entities through September 30, 2003:
11 *Provided further*, That of those funds transferred to this
12 account from the fair share entities to pay the cost of ad-
13 ministration of the Federal Employees' Compensation Act,
14 \$36,986,000 shall be made available to the Secretary as
15 follows: (1) for the operation of and enhancement to the
16 automated data processing systems, including document
17 imaging and conversion to a paperless office, \$24,928,000;
18 (2) for medical bill review and periodic roll management,
19 \$11,356,000; (3) for communications redesign, \$702,000;
20 and (4) the remaining funds shall be paid into the Treas-
21 ury as miscellaneous receipts: *Provided further*, That the
22 Secretary may require that any person filing a notice of
23 injury or a claim for benefits under chapter 81 of title
24 5, United States Code, or 33 U.S.C. 901 et seq., provide
25 as part of such notice and claim, such identifying informa-

1 tion (including Social Security account number) as such
2 regulations may prescribe.

3 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

4 OCCUPATIONAL ILLNESS COMPENSATION FUND

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses to administer the Energy
7 Employees Occupational Illness Compensation Act,
8 \$104,867,000, to remain available until expended: *Pro-*
9 *vided*, That the Secretary of Labor is authorized to trans-
10 fer to any Executive agency with authority under the En-
11 ergy Employees Occupational Illness Compensation Act,
12 including within the Department of Labor, such sums as
13 may be necessary in fiscal year 2003 to carry out those
14 authorities: *Provided further*, That the Secretary may re-
15 quire that any person filing a claim for benefits under the
16 Act provide as part of such claim, such identifying infor-
17 mation (including Social Security account number) as may
18 be prescribed.

19 BLACK LUNG DISABILITY TRUST FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 Beginning in fiscal year 2003 and thereafter, such
22 sums as may be necessary from the Black Lung Disability
23 Trust Fund, to remain available until expended, for pay-
24 ment of all benefits authorized by section 9501(d)(1), (2),
25 (4), and (7) of the Internal Revenue Code of 1954, as

1 amended; and interest on advances, as authorized by sec-
2 tion 9501(c)(2) of that Act. In addition, the following
3 amounts shall be available from the Fund for fiscal year
4 2003 for expenses of operation and administration of the
5 Black Lung Benefits program, as authorized by section
6 9501(d)(5): \$34,151,000 for transfer to the Employment
7 Standards Administration, “Salaries and Expenses”;
8 \$24,033,000 for transfer to Departmental Management,
9 “Salaries and Expenses”; \$345,000 for transfer to De-
10 partmental Management, “Office of Inspector General”;
11 and \$356,000 for payments into miscellaneous receipts for
12 the expenses of the Department of Treasury.

13 **OCCUPATIONAL SAFETY AND HEALTH**

14 **ADMINISTRATION**

15 **SALARIES AND EXPENSES**

16 For necessary expenses for the Occupational Safety
17 and Health Administration, \$444,194,000, including not
18 to exceed \$89,747,000 which shall be the maximum
19 amount available for grants to States under section 23(g)
20 of the Occupational Safety and Health Act (the “Act”),
21 which grants shall be no less than 50 percent of the costs
22 of State occupational safety and health programs required
23 to be incurred under plans approved by the Secretary
24 under section 18 of the Act; and, in addition, notwith-
25 standing 31 U.S.C. 3302, the Occupational Safety and

1 Health Administration may retain up to \$750,000 per fis-
2 cal year of training institute course tuition fees, otherwise
3 authorized by law to be collected, and may utilize such
4 sums for occupational safety and health training and edu-
5 cation grants: *Provided*, That, notwithstanding 31 U.S.C.
6 3302, the Secretary of Labor is authorized, during the fis-
7 cal year ending September 30, 2003, to collect and retain
8 fees for services provided to Nationally Recognized Test-
9 ing Laboratories, and may utilize such sums, in accord-
10 ance with the provisions of 29 U.S.C. 9a, to administer
11 national and international laboratory recognition pro-
12 grams that ensure the safety of equipment and products
13 used by workers in the workplace: *Provided further*, That
14 none of the funds appropriated under this paragraph shall
15 be obligated or expended to prescribe, issue, administer,
16 or enforce any standard, rule, regulation, or order under
17 the Act which is applicable to any person who is engaged
18 in a farming operation which does not maintain a tem-
19 porary labor camp and employs 10 or fewer employees:
20 *Provided further*, That no funds appropriated under this
21 paragraph shall be obligated or expended to administer or
22 enforce any standard, rule, regulation, or order under the
23 Act with respect to any employer of 10 or fewer employees
24 who is included within a category having an occupational
25 injury lost workday case rate, at the most precise Stand-

1 ard Industrial Classification Code for which such data are
2 published, less than the national average rate as such
3 rates are most recently published by the Secretary, acting
4 through the Bureau of Labor Statistics, in accordance
5 with section 24 of that Act (29 U.S.C. 673), except—

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

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

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

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

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

4 *Provided further*, That the foregoing proviso shall not
5 apply to any person who is engaged in a farming operation
6 which does not maintain a temporary labor camp and em-
7 ploys 10 or fewer employees.

8 MINE SAFETY AND HEALTH ADMINISTRATION

9 SALARIES AND EXPENSES

10 For necessary expenses for the Mine Safety and
11 Health Administration, \$254,323,000, including purchase
12 and bestowal of certificates and trophies in connection
13 with mine rescue and first-aid work, and the hire of pas-
14 senger motor vehicles; including up to \$1,000,000 for
15 mine rescue and recovery activities, which shall be avail-
16 able only to the extent that fiscal year 2003 obligations
17 for these activities exceed \$1,000,000; in addition, not to
18 exceed \$750,000 may be collected by the National Mine
19 Health and Safety Academy for room, board, tuition, and
20 the sale of training materials, otherwise authorized by law
21 to be collected, to be available for mine safety and health
22 education and training activities, notwithstanding 31
23 U.S.C. 3302; and, in addition, the Mine Safety and Health
24 Administration may retain up to \$1,000,000 from fees col-
25 lected for the approval and certification of equipment, ma-

1 terials, and explosives for use in mines, and may utilize
2 such sums for such activities; the Secretary is authorized
3 to accept lands, buildings, equipment, and other contribu-
4 tions from public and private sources and to prosecute
5 projects in cooperation with other agencies, Federal,
6 State, or private; the Mine Safety and Health Administra-
7 tion is authorized to promote health and safety education
8 and training in the mining community through cooperative
9 programs with States, industry, and safety associations;
10 and any funds available to the department may be used,
11 with the approval of the Secretary, to provide for the costs
12 of mine rescue and survival operations in the event of a
13 major disaster.

14 BUREAU OF LABOR STATISTICS

15 SALARIES AND EXPENSES

16 For necessary expenses for the Bureau of Labor Sta-
17 tistics, including advances or reimbursements to State,
18 Federal, and local agencies and their employees for serv-
19 ices rendered, \$415,855,000, together with not to exceed
20 \$72,029,000, which may be expended from the Employ-
21 ment Security Administration Account in the Unemploy-
22 ment Trust Fund; and \$10,280,000 which shall be avail-
23 able for obligation for the period July 1, 2003 through
24 June 30, 2004, for Occupational Employment Statistics.

1 OFFICE OF DISABILITY EMPLOYMENT POLICY

2 SALARIES AND EXPENSES

3 For necessary expenses for the Office of Disability
4 Employment Policy to provide leadership, develop policy
5 and initiatives, and award grants furthering the objective
6 of eliminating barriers to the training and employment of
7 people with disabilities, \$42,500,000.

8 DEPARTMENTAL MANAGEMENT

9 SALARIES AND EXPENSES

10 For necessary expenses for Departmental Management,
11 including the hire of three sedans, and including
12 the management or operation, through contracts, grants
13 or other arrangements of Departmental activities con-
14 ducted by or through the Bureau of International Labor
15 Affairs, including bilateral and multilateral technical as-
16 sistance and other international labor activities,
17 \$55,000,000, for the acquisition of Departmental informa-
18 tion technology, architecture, infrastructure, equipment,
19 software and related needs which will be allocated by the
20 Department's Chief Information Officer in accordance
21 with the Department's capital investment management
22 process to assure a sound investment strategy;
23 \$294,103,000; together with not to exceed \$310,000,
24 which may be expended from the Employment Security
25 Administration Account in the Unemployment Trust

1 Fund: *Provided*, That no funds made available by this Act
2 may be used by the Solicitor of Labor to participate in
3 a review in any United States court of appeals of any deci-
4 sion made by the Benefits Review Board under section 21
5 of the Longshore and Harbor Workers' Compensation Act
6 (33 U.S.C. 921) where such participation is precluded by
7 the decision of the United States Supreme Court in Direc-
8 tor, Office of Workers' Compensation Programs v. New-
9 port News Shipbuilding, 115 S. Ct. 1278 (1995), notwith-
10 standing any provisions to the contrary contained in Rule
11 15 of the Federal Rules of Appellate Procedure: *Provided*
12 *further*, That no funds made available by this Act may
13 be used by the Secretary of Labor to review a decision
14 under the Longshore and Harbor Workers' Compensation
15 Act (33 U.S.C. 901 et seq.) that has been appealed and
16 that has been pending before the Benefits Review Board
17 for more than 12 months: *Provided further*, That any such
18 decision pending a review by the Benefits Review Board
19 for more than 1 year shall be considered affirmed by the
20 Benefits Review Board on the 1-year anniversary of the
21 filing of the appeal, and shall be considered the final order
22 of the Board for purposes of obtaining a review in the
23 United States courts of appeals: *Provided further*, That
24 these provisions shall not be applicable to the review or

1 appeal of any decision issued under the Black Lung Bene-
2 fits Act (30 U.S.C. 901 et seq.).

3 VETERANS EMPLOYMENT AND TRAINING

4 Not to exceed \$185,537,000 may be derived from the
5 Employment Security Administration Account in the Un-
6 employment Trust Fund to carry out the provisions of 38
7 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and
8 Public Law 103–353, and which shall be available for obli-
9 gation by the States through December 31, 2003. To
10 carry out the Stewart B. McKinney Homeless Assistance
11 Act and section 168 of the Workforce Investment Act of
12 1998, \$24,800,000, of which \$7,300,000 shall be available
13 for obligation for the period July 1, 2003 through June
14 30, 2004.

15 OFFICE OF INSPECTOR GENERAL

16 For salaries and expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, as amended, \$56,659,000, together
19 with not to exceed \$5,597,000, which may be expended
20 from the Employment Security Administration Account in
21 the Unemployment Trust Fund.

22 GENERAL PROVISIONS

23 SEC. 101. None of the funds appropriated in this title
24 for the Job Corps shall be used to pay the compensation
25 of an individual, either as direct costs or any proration

1 as an indirect cost, at a rate in excess of Executive Level
2 II.

3 (TRANSFER OF FUNDS)

4 SEC. 102. Not to exceed 1 percent of any discre-
5 tionary funds (pursuant to the Balanced Budget and
6 Emergency Deficit Control Act of 1985, as amended)
7 which are appropriated for the current fiscal year for the
8 Department of Labor in this Act may be transferred be-
9 tween appropriations, but no such appropriation shall be
10 increased by more than 3 percent by any such transfer:
11 *Provided*, That the Appropriations Committees of both
12 Houses of Congress are notified at least 15 days in ad-
13 vance of any transfer.

14 TITLE II—DEPARTMENT OF HEALTH AND
15 HUMAN SERVICES

16 HEALTH RESOURCES AND SERVICES
17 ADMINISTRATION

18 HEALTH RESOURCES AND SERVICES

19 For carrying out titles II, III, IV, VII, VIII, X, XII,
20 XIX, and XXVI of the Public Health Service Act, section
21 427(a) of the Federal Coal Mine Health and Safety Act,
22 title V, and sections 1128E and 1820 of the Social Secu-
23 rity Act, the Health Care Quality Improvement Act of
24 1986, as amended, the Native Hawaiian Health Care Act
25 of 1988, as amended, the Cardiac Arrest Survival Act of
26 2000, and the Poison Control Center Enhancement and

1 Awareness Act, \$5,885,497,000, of which \$30,000,000
2 from general revenues, notwithstanding section 1820(j) of
3 the Social Security Act, shall be available for carrying out
4 the Medicare rural hospital flexibility grants program
5 under section 1820 of such Act: *Provided*, That of the
6 funds made available under this heading, \$250,000 shall
7 be available until expended for facilities renovations at the
8 Gillis W. Long Hansen's Disease Center: *Provided further*,
9 That in addition to fees authorized by section 427(b) of
10 the Health Care Quality Improvement Act of 1986, fees
11 shall be collected for the full disclosure of information
12 under the Act sufficient to recover the full costs of oper-
13 ating the National Practitioner Data Bank, and shall re-
14 main available until expended to carry out that Act: *Pro-
15 vided further*, That fees collected for the full disclosure of
16 information under the "Health Care Fraud and Abuse
17 Data Collection Program", authorized by section
18 1128E(d)(2) of the Social Security Act, shall be sufficient
19 to recover the full costs of operating the program, and
20 shall remain available until expended to carry out that
21 Act: *Provided further*, That no more than \$25,000,000 is
22 available for carrying out the provisions of Public Law
23 104-73: *Provided further*, That of the funds made avail-
24 able under this heading, \$265,275,000 shall be for the
25 program under title X of the Public Health Service Act

1 to provide for voluntary family planning projects: *Provided*
2 *further*, That amounts provided to said projects under
3 such title shall not be expended for abortions, that all
4 pregnancy counseling shall be nondirective, and that such
5 amounts shall not be expended for any activity (including
6 the publication or distribution of literature) that in any
7 way tends to promote public support or opposition to any
8 legislative proposal or candidate for public office: *Provided*
9 *further*, That \$659,000,000 shall be for State AIDS Drug
10 Assistance Programs authorized by section 2616 of the
11 Public Health Service Act: *Provided further*, That
12 \$60,000,000 is available for special projects of regional
13 and national significance under section 501(a)(2) of the
14 Social Security Act, which shall not be counted toward
15 compliance with the allocation required in section
16 502(a)(1) of such Act, and which shall be used only for
17 making competitive grants to provide abstinence education
18 (as defined in section 510(b)(2) of such Act) to adoles-
19 cents and for evaluations (including longitudinal evalua-
20 tions) of activities under the grants and for Federal costs
21 of administering the grants: *Provided further*, That grants
22 under the immediately preceding proviso shall be made
23 only to public and private entities which agree that, with
24 respect to an adolescent to whom the entities provide ab-
25 stinence education under such grant, the entities will not

1 provide to that adolescent any other education regarding
2 sexual conduct, except that, in the case of an entity ex-
3 pressly required by law to provide health information or
4 services the adolescent shall not be precluded from seeking
5 health information or services from the entity in a dif-
6 ferent setting than the setting in which the abstinence
7 education was provided: *Provided further*, That the funds
8 expended for such evaluations may not exceed 3.5 percent
9 of such amount.

10 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

11 ACCOUNT

12 Such sums as may be necessary to carry out the pur-
13 pose of the program, as authorized by title VII of the Pub-
14 lic Health Service Act, as amended. For administrative ex-
15 penses to carry out the guaranteed loan program, includ-
16 ing section 709 of the Public Health Service Act,
17 \$3,914,000.

18 VACCINE INJURY COMPENSATION PROGRAM TRUST

19 FUND

20 For payments from the Vaccine Injury Compensation
21 Program Trust Fund, such sums as may be necessary for
22 claims associated with vaccine-related injury or death with
23 respect to vaccines administered after September 30,
24 1988, pursuant to subtitle 2 of title XXI of the Public
25 Health Service Act, to remain available until expended:

1 *Provided*, That for necessary administrative expenses, not
2 to exceed \$2,991,000 shall be available from the Trust
3 Fund to the Secretary of Health and Human Services.

4 CENTERS FOR DISEASE CONTROL AND

5 PREVENTION

6 DISEASE CONTROL, RESEARCH, AND TRAINING

7 To carry out titles II, III, VII, XI, XV, XVII, XIX,
8 XXI, and XXVI of the Public Health Service Act, sections
9 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal
10 Mine Safety and Health Act of 1977, sections 20, 21, and
11 22 of the Occupational Safety and Health Act of 1970,
12 title IV of the Immigration and Nationality Act, and sec-
13 tion 501 of the Refugee Education Assistance Act of 1980;
14 including insurance of official motor vehicles in foreign
15 countries; and hire, maintenance, and operation of air-
16 craft, \$4,288,857,000, of which \$200,000,000 shall re-
17 main available until expended for equipment and construc-
18 tion and renovation of facilities, and of which
19 \$183,763,000 for international HIV/AIDS shall remain
20 available until September 30, 2004, and in addition, such
21 sums as may be derived from authorized user fees, which
22 shall be credited to this account: *Provided*, That in addi-
23 tion to amounts provided herein, up to \$46,982,000 shall
24 be available from amounts available under section 241 of
25 the Public Health Service Act to carry out the National

1 Center for Health Statistics surveys: *Provided further,*
2 That none of the funds made available for injury preven-
3 tion and control at the Centers for Disease Control and
4 Prevention may be used, in whole or in part, to advocate
5 or promote gun control: *Provided further,* That the Direc-
6 tor may redirect the total amount made available under
7 authority of Public Law 101-502, section 3, dated Novem-
8 ber 3, 1990, to activities the Director may so designate:
9 *Provided further,* That the Congress is to be notified
10 promptly of any such transfer: *Provided further,* That not
11 to exceed \$10,000,000 may be available for making grants
12 under section 1509 of the Public Health Service Act to
13 not more than 15 States: *Provided further,* That notwith-
14 standing any other provision of law, a single contract or
15 related contracts for development and construction of fa-
16 cilities may be employed which collectively include the full
17 scope of the project: *Provided further,* That the solicitation
18 and contract shall contain the clause "availability of
19 funds" found at 48 CFR 52.232-18.

20 NATIONAL INSTITUTES OF HEALTH

21 NATIONAL CANCER INSTITUTE

22 For carrying out section 301 and title IV of the Pub-
23 lic Health Service Act with respect to cancer,
24 \$4,299,493,000.

1 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE
2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to cardiovascular, lung,
4 and blood diseases, and blood and blood products,
5 \$2,698,391,000.

6 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

7 RESEARCH

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to dental disease,
10 \$360,528,000.

11 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE
12 AND KIDNEY DISEASES

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to diabetes and diges-
15 tive and kidney disease, \$1,532,394,000.

16 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
17 AND STROKE

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to neurological dis-
20 orders and stroke, \$1,372,256,000.

1 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

2 DISEASES

3 (INCLUDING TRANSFER OF FUNDS)

4 For carrying out section 301 and title IV of the Pub-
5 lic Health Service Act with respect to allergy and infec-
6 tious diseases, \$2,674,213,000.

7 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to general medical
10 sciences, \$1,742,596,000.

11 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN

12 DEVELOPMENT

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to child health and
15 human development, \$1,159,405,000.

16 NATIONAL EYE INSTITUTE

17 For carrying out section 301 and title IV of the Pub-
18 lic Health Service Act with respect to eye diseases and
19 visual disorders, \$600,796,000.

20 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

21 SCIENCES

22 For carrying out sections 301 and 311 and title IV
23 of the Public Health Service Act with respect to environ-
24 mental health sciences, \$589,701,000.

1 NATIONAL INSTITUTE ON AGING

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to aging,
4 \$939,608,000.

5 NATIONAL INSTITUTE OF ARTHRITIS AND
6 MUSCULOSKELETAL AND SKIN DISEASES

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to arthritis and mus-
9 culoskeletal and skin diseases, \$474,392,000.

10 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
11 COMMUNICATION DISORDERS

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to deafness and other
14 communication disorders, \$351,376,000.

15 NATIONAL INSTITUTE OF NURSING RESEARCH
16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to nursing research,
18 \$130,044,000.

19 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
20 ALCOHOLISM

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to alcohol abuse and
23 alcoholism, \$401,933,000.

1 NATIONAL INSTITUTE ON DRUG ABUSE
2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to drug abuse,
4 \$912,489,000.

5 NATIONAL INSTITUTE OF MENTAL HEALTH
6 For carrying out section 301 and title IV of the Pub-
7 lic Health Service Act with respect to mental health,
8 \$1,290,274,000.

9 NATIONAL HUMAN GENOME RESEARCH INSTITUTE
0 For carrying out section 301 and title IV of the Pub-
1 lic Health Service Act with respect to human genome re-
2 search, \$431,985,000.

13 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
14 BIOENGINEERING
15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to biomedical imaging
17 and bioengineering research, \$140,973,000.

18 NATIONAL CENTER FOR RESEARCH RESOURCES
19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to research resources
21 and general research support grants, \$1,015,395,000:
22 *Provided*, That none of these funds shall be used to pay
23 recipients of the general research support grants program
24 any amount for indirect expenses in connection with such
25 grants.

1 NATIONAL CENTER FOR COMPLEMENTARY AND
2 ALTERNATIVE MEDICINE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to complementary and
5 alternative medicine, \$105,212,000.

6 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH 7 DISPARITIES

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to minority health and
10 health disparities research, \$151,062,000.

11 JOHN E. FOGARTY INTERNATIONAL CENTER

12 For carrying out the activities at the John E.
13 Fogarty International Center, \$57,064,000.

14 NATIONAL LIBRARY OF MEDICINE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to health information
17 communications, \$277,273,000, of which \$4,000,000 shall
18 be available until expended for improvement of informa-
19 tion systems: *Provided*, That in fiscal year 2003, the Li-
20 brary may enter into personal services contracts for the
21 provision of services in facilities owned, operated, or con-
22 structed under the jurisdiction of the National Institutes
23 of Health.

1 OFFICE OF THE DIRECTOR

2 (INCLUDING TRANSFER OF FUNDS)

3 For carrying out the responsibilities of the Office of
4 the Director, National Institutes of Health,
5 \$2,476,111,000, of which \$2,240,711,000 shall be avail-
6 able for the Director of NIH to transfer to any National
7 Institutes of Health appropriation: *Provided*, That funding
8 shall be available for the purchase of not to exceed 29 pas-
9 senger motor vehicles for replacement only: *Provided fur-*
10 *ther*, That the Director may direct up to 1 percent of the
11 total amount made available in this or any other Act to
12 all National Institutes of Health appropriations to activi-
13 ties the Director may so designate: *Provided further*, That
14 no such appropriation shall be decreased by more than 1
15 percent by any such transfers and that the Congress is
16 promptly notified of the transfer: *Provided further*, That
17 the National Institutes of Health is authorized to collect
18 third party payments for the cost of clinical services that
19 are incurred in National Institutes of Health research fa-
20 cilities and that such payments shall be credited to the
21 National Institutes of Health Management Fund: *Pro-*
22 *vided further*, That all funds credited to the National Insti-
23 tutes of Health Management Fund shall remain available
24 for 1 fiscal year after the fiscal year in which they are
25 deposited: *Provided further*, That up to \$500,000 shall be

1 available to carry out section 499 of the Public Health
2 Service Act.

3 BUILDINGS AND FACILITIES

4 (INCLUDING TRANSFER OF FUNDS)

5 For the study of, construction of, renovation of, and
6 acquisition of equipment for, facilities of or used by the
7 National Institutes of Health, including the acquisition of
8 real property, \$296,100,000, to remain available until ex-
9 pended.

10 SUBSTANCE ABUSE AND MENTAL HEALTH

11 SERVICES ADMINISTRATION

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

13 For carrying out titles V and XIX of the Public
14 Health Service Act with respect to substance abuse and
15 mental health services, the Protection and Advocacy for
16 Mentally Ill Individuals Act of 1986, and section 301 of
17 the Public Health Service Act with respect to program
18 management, \$3,167,897,000.

19 AGENCY FOR HEALTHCARE RESEARCH AND

20 QUALITY

21 HEALTHCARE RESEARCH AND QUALITY

22 For carrying out titles III and IX of the Public
23 Health Service Act, and part A of title XI of the Social
24 Security Act, \$2,600,000; in addition, amounts received
25 from Freedom of Information Act fees, reimbursable and

1 interagency agreements, and the sale of data shall be cred-
2 ited to this appropriation and shall remain available until
3 expended: *Provided*, That the amount made available pur-
4 suant to section 927(c) of the Public Health Service Act
5 shall not exceed \$296,145,000.

6 **CENTERS FOR MEDICARE AND MEDICAID**

7 **SERVICES**

8 **GRANTS TO STATES FOR MEDICAID**

9 For carrying out, except as otherwise provided, titles
10 XI and XIX of the Social Security Act, \$112,090,218,000,
11 to remain available until expended.

12 For making, after May 31, 2003, payments to States
13 under title XIX of the Social Security Act for the last
14 quarter of fiscal year 2003 for unanticipated costs, in-
15 curred for the current fiscal year, such sums as may be
16 necessary.

17 For making payments to States or in the case of sec-
18 tion 1928 on behalf of States under title XIX of the Social
19 Security Act for the first quarter of fiscal year 2004,
20 \$51,861,386,000, to remain available until expended.

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

1 PAYMENTS TO HEALTH CARE TRUST FUNDS

2 For payment to the Federal Hospital Insurance and
3 the Federal Supplementary Medical Insurance Trust
4 Funds, as provided under section 1844 of the Social Secu-
5 rity Act, sections 103(c) and 111(d) of the Social Security
6 Amendments of 1965, section 278(d) of Public Law 97-
7 248, and for administrative expenses incurred pursuant
8 to section 201(g) of the Social Security Act,
9 \$81,462,700,000.

10 PROGRAM MANAGEMENT

11 For carrying out, except as otherwise provided, titles
12 XI, XVIII, XIX, and XXI of the Social Security Act, titles
13 XIII and XXVII of the Public Health Service Act, the
14 Medicare, Medicaid, and SCHIP Benefits Improvement
15 and Protection Act of 2000, and the Clinical Laboratory
16 Improvement Amendments of 1988, not to exceed
17 \$2,550,488,000, to be transferred from the Federal Hos-
18 pital Insurance and the Federal Supplementary Medical
19 Insurance Trust Funds, as authorized by section 201(g)
20 of the Social Security Act; together with all funds collected
21 in accordance with section 353 of the Public Health Serv-
22 ice Act and section 1857(e)(2) of the Social Security Act,
23 and such sums as may be collected from authorized user
24 fees and the sale of data, which shall remain available
25 until expended, and together with administrative fees col-

1 lected relative to Medicare overpayment recovery activities,
2 which shall remain available until expended: *Provided*,
3 That all funds derived in accordance with 31 U.S.C. 9701
4 from organizations established under title XIII of the Pub-
5 lic Health Service Act shall be credited to and available
6 for carrying out the purposes of this appropriation: *Pro-*
7 *vided further*, That from amounts appropriated under this
8 heading, \$13,000,000 shall be available for production and
9 distribution of informational materials on infant and tod-
10 dler health care to expectant parents and to parents and
11 guardians enrolled in Medicaid: *Provided further*, That
12 from amounts appropriated under this heading,
13 \$3,000,000 for the managed care system redesign shall
14 remain available until expended: *Provided further*, That
15 \$51,000,000, to remain available until September 30,
16 2004, is for contract costs for the Healthcare Integrated
17 General Ledger Accounting System: *Provided further*,
18 That the Secretary of Health and Human Services is di-
19 rected to collect fees in fiscal year 2003 from Medi-
20 care + Choice organizations pursuant to section
21 1857(e)(2) of the Social Security Act and from eligible
22 organizations with risk-sharing contracts under section
23 1876 of that Act pursuant to section 1876(k)(4)(D) of
24 that Act: *Provided further*, That to the extent Medicare
25 claims volume is projected by the Centers for Medicare

1 and Medicaid Services (CMS) to exceed 223,500,000 Part
2 A claims and/or 870,000,000 Part B claims, an additional
3 \$46,800,000 shall be available for obligation for every
4 50,000,000 increase in Medicare claims volume (including
5 a pro rata amount for any increment less than
6 50,000,000) from the Federal Hospital Insurance and the
7 Federal Supplementary Medical Insurance Trust Fund:
8 *Provided further*, That, for the current fiscal year, not
9 more than \$700,000,000 may be made available under
10 section 1817(k)(4) of the Social Security Act (42 U.S.C.
11 1395i(k)(4)) from the Health Care Fraud and Abuse Con-
12 trol Account of the Federal Hospital Insurance Trust
13 Fund to carry out the Medicare Integrity Program under
14 section 1893 of such Act.

15 **HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
16 GUARANTEE FUND**

17 For carrying out subsections (d) and (e) of section
18 1308 of the Public Health Service Act, any amounts re-
19 ceived by the Secretary in connection with loans and loan
20 guarantees under title XIII of the Public Health Service
21 Act, to be available without fiscal year limitation for the
22 payment of outstanding obligations. During fiscal year
23 2003, no commitments for direct loans or loan guarantees
24 shall be made.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 PAYMENTS TO STATES FOR CHILD SUPPORT

3 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

4 For making payments to States or other non-Federal
5 entities under titles I, IV–D, X, XI, XIV, and XVI of the
6 Social Security Act and the Act of July 5, 1960 (24
7 U.S.C. ch. 9), \$2,475,800,000, to remain available until
8 expended; and for such purposes for the first quarter of
9 fiscal year 2004, \$1,100,000,000, to remain available until
10 expended.

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

23 For making, after May 31 of the current fiscal year,
24 payments to States or other non-Federal entities under
25 titles I, IV–D, X, XI, XIV, and XVI of the Social Security

1 Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for
2 the last 3 months of the current fiscal year for unantici-
3 pated costs, incurred for the current fiscal year, such sums
4 as may be necessary.

5 LOW INCOME HOME ENERGY ASSISTANCE

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

8 REFUGEE AND ENTRANT ASSISTANCE

9 For making payments for refugee and entrant assist-
10 ance activities authorized by title IV of the Immigration
11 and Nationality Act and section 501 of the Refugee Edu-
12 cation Assistance Act of 1980 (Public Law 96-422),
13 \$436,724,000: *Provided*, That funds appropriated pursu-
14 ant to section 414(a) of the Immigration and Nationality
15 Act for fiscal year 2003 shall be available for the costs
16 of assistance provided and other activities through Sep-
17 tember 30, 2005: *Provided further*, That up to
18 \$10,000,000 is available to carry out the Trafficking Vic-
19 tims Protection Act of 2000.

20 For carrying out section 5 of the Torture Victims Re-
21 lief Act of 1998 (Public Law 105-320), \$10,000,000.

22 PAYMENTS TO STATES FOR THE CHILD CARE AND

23 DEVELOPMENT BLOCK GRANT

24 For carrying out sections 658A through 658R of the
25 Omnibus Budget Reconciliation Act of 1981 (The Child

1 Care and Development Block Grant Act of 1990),
2 \$2,099,994,000 shall be used to supplement, not supplant
3 state general revenue funds for child care assistance for
4 low-income families: *Provided*, That \$19,120,000 shall be
5 available for child care resource and referral and school-
6 aged child care activities, of which \$1,000,000 shall be for
7 the Child Care Aware toll free hotline: *Provided further*,
8 That, in addition to the amounts required to be reserved
9 by the States under section 658G, \$272,672,000 shall be
10 reserved by the States for activities authorized under sec-
11 tion 658G, of which \$100,000,000 shall be for activities
12 that improve the quality of infant and toddler care: *Pro-
13 vided further*, That \$10,000,000 shall be for use by the
14 Secretary for child care research, demonstration, and eval-
15 uation activities.

16 SOCIAL SERVICES BLOCK GRANT

17 For making grants to States pursuant to section
18 2002 of the Social Security Act, \$1,700,000,000: *Pro-
19 vided*, That notwithstanding subparagraph (B) of section
20 404(d)(2) of such Act, the applicable percent specified
21 under such subparagraph for a State to carry out State
22 programs pursuant to title XX of such Act shall be 10
23 percent.

1 CHILDREN AND FAMILIES SERVICES PROGRAMS

2 For carrying out, except as otherwise provided, the
3 Runaway and Homeless Youth Act, the Developmental
4 Disabilities Assistance and Bill of Rights Act, the Head
5 Start Act, the Child Abuse Prevention and Treatment Act,
6 sections 310 and 316 of the Family Violence Prevention
7 and Services Act, as amended, the Native American Pro-
8 grams Act of 1974, title II of Public Law 95–266 (adop-
9 tion opportunities), the Adoption and Safe Families Act
10 of 1997 (Public Law 105–89), sections 1201 and 1211
11 of the Children’s Health Act of 2000, the Abandoned In-
12 fants Assistance Act of 1988, sections 413, 429A, 1110,
13 and 1115 of the Social Security Act, and sections 40155,
14 40211, and 40241 of Public Law 103–322; for making
15 payments under the Community Services Block Grant Act,
16 sections 473A and 477(i) of the Social Security Act, and
17 title IV of Public Law 105–285, and for necessary admin-
18 istrative expenses to carry out said Acts and titles I, IV,
19 X, XI, XIV, XVI, and XX of the Social Security Act, the
20 Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budg-
21 et Reconciliation Act of 1981, title IV of the Immigration
22 and Nationality Act, section 501 of the Refugee Education
23 Assistance Act of 1980, section 5 of the Torture Victims
24 Relief Act of 1998 (Public Law 105–320), sections 40155,
25 40211, and 40241 of Public Law 103–322, and section

1 126 and titles IV and V of Public Law 100-485,
2 \$8,467,062,000, of which \$43,000,000, to remain avail-
3 able until September 30, 2004, shall be for grants to
4 States for adoption incentive payments, as authorized by
5 section 473A of title IV of the Social Security Act (42
6 U.S.C. 670-679) and may be made for adoptions com-
7 pleted in fiscal years 2001 and 2002; of which
8 \$658,164,000 shall be for making payments under the
9 Community Services Block Grant Act; and of which
10 \$6,667,533,000 shall be for making payments under the
11 Head Start Act, of which \$1,400,000,000 shall become
12 available October 1, 2003 and remain available through
13 September 30, 2004: *Provided*, That to the extent Com-
14 munity Services Block Grant funds are distributed as
15 grant funds by a State to an eligible entity as provided
16 under the Act, and have not been expended by such entity,
17 they shall remain with such entity for carryover into the
18 next fiscal year for expenditure by such entity consistent
19 with program purposes: *Provided further*, That
20 \$88,133,000 shall be for activities authorized by the Run-
21 away and Homeless Youth Act, notwithstanding the allo-
22 cation requirements of section 388(a) of such Act, of
23 which \$39,739,900 is for the transitional living program:
24 *Provided further*, That \$30,000,000 is for a compassion
25 capital fund to provide grants to charitable organizations

1 to emulate model social service programs and to encourage
2 research on the best practices of social service organiza-
3 tions: *Provided further*, That the Secretary shall establish
4 procedures regarding the disposition of intangible property
5 which permits grant funds, or intangible assets acquired
6 with funds authorized under section 680 of the Commu-
7 nity Services Block Grant Act, as amended, to become the
8 sole property of such grantees after a period of not more
9 than 12 years after the end of the grant for purposes and
10 uses consistent with the original grant: *Provided further*,
11 That funds appropriated for section 680(a)(2) of the Com-
12 munity Services Block Grant Act, as amended, shall be
13 available for financing construction and rehabilitation and
14 loans or investments in private business enterprises owned
15 by community development corporations.

PROMOTING SAFE AND STABLE FAMILIES

17 For carrying out section 436 of the Social Security
18 Act, \$305,000,000; and for section 437, \$70,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND

ADOPTION ASSISTANCE

21 For making payments to States or other non-Federal
22 entities under title IV-E of the Social Security Act,
23 \$4,855,000,000.

1 For making payments to States or other non-Federal
2 entities under title IV-E of the Act, for the first quarter
3 of fiscal year 2004, \$1,745,600,000.

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

9 ADMINISTRATION ON AGING

10 AGING SERVICES PROGRAMS

11 For carrying out, to the extent not otherwise pro-
12 vided, the Older Americans Act of 1965, as amended, and
13 section 398 of the Public Health Service Act,
14 \$1,355,844,000, of which \$5,000,000 shall be available for
15 activities regarding medication management, screening,
16 and education to prevent incorrect medication and adverse
17 drug reactions; and of which \$149,670,000 shall be allo-
18 cated to States consistent with the formula in section 311
19 of the Older Americans Act of 1965.

20 OFFICE OF THE SECRETARY

21 GENERAL DEPARTMENTAL MANAGEMENT

22 For necessary expenses, not otherwise provided, for
23 general departmental management, including hire of six
24 sedans, and for carrying out titles III, XVII, and XX of
25 the Public Health Service Act, and the United States-Mex-

1 ico Border Health Commission Act, \$352,600,000, to
2 gether with \$5,851,000 to be transferred and expended
3 as authorized by section 201(g)(1) of the Social Security
4 Act from the Hospital Insurance Trust Fund and the Sup-
5 plemental Medical Insurance Trust Fund: *Provided*, That
6 of the funds made available under this heading for car-
7 rying out title XX of the Public Health Service Act,
8 \$11,885,000 shall be for activities specified under section
9 2003(b)(2), of which \$10,157,000 shall be for prevention
10 service demonstration grants under section 510(b)(2) of
11 title V of the Social Security Act, as amended, without
12 application of the limitation of section 2010(c) of said title
13 XX: *Provided further*, That of this amount, \$50,000,000
14 is for minority AIDS prevention and treatment activities;
15 and \$20,000,000 shall be for an Information Technology
16 Security and Innovation Fund for Department-wide activi-
17 ties involving cybersecurity, information technology secu-
18 rity, and related innovation projects.

OFFICE OF INSPECTOR GENERAL

20 For expenses necessary for the Office of Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, as amended, \$37,300,000: *Provided*,
23 That, of such amount, necessary sums are available for
24 providing protective services to the Secretary and inves-

- 1 tigating non-payment of child support cases for which non-
- 2 payment is a Federal offense under 18 U.S.C. 228.

3 OFFICE FOR CIVIL RIGHTS

4 For expenses necessary for the Office for Civil
5 Rights, \$30,328,000, together with not to exceed
6 \$3,314,000 to be transferred and expended as authorized
7 by section 201(g)(1) of the Social Security Act from the
8 Hospital Insurance Trust Fund and the Supplemental
9 Medical Insurance Trust Fund.

10 POLICY RESEARCH

11 For carrying out, to the extent not otherwise pro-
12 vided, research studies under section 1110 of the Social
13 Security Act and title III of the Public Health Service Act,
14 \$2,499,000: *Provided*, That in addition to amounts pro-
15 vided herein, \$18,000,000 shall be available from amounts
16 available under section 241 of the Public Health Service
17 Act to carry out national health or human services re-
18 search and evaluation activities: *Provided further*, That the
19 expenditure of any funds available under section 241 of
20 the Public Health Service Act are subject to the require-
21 ments of section 205 of this Act.

22 MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

23 For medical benefits of Public Health Service Com-
24 missioned Officers as authorized by law, and for medical
25 care of dependents and retired personnel under the De-

1 pendants' Medical Care Act (10 U.S.C. ch. 55), such
2 amounts as may be required during the current fiscal year.

3 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

4 FUND

5 For expenses necessary to support activities related
6 to countering potential biological, disease and chemical
7 threats to civilian populations, \$2,507,184,000: *Provided*,
8 That this amount is distributed as follows: Centers for
9 Disease Control and Prevention, \$1,522,944,000, of which
10 \$300,000,000 shall remain available until expended for
11 the National Pharmaceutical Stockpile; Office of the Sec-
12 retary, \$152,240,000; Health Resources and Services Ad-
13 ministration, \$572,000,000; Substance Abuse and Mental
14 Health Services Administration, \$10,000,000; and Na-
15 tional Institute of Allergy and Infectious Diseases,
16 \$250,000,000, to remain available until expended; *Pro-
17 vided further*, That at the discretion of the Secretary, these
18 amounts may be transferred between categories subject to
19 normal reprogramming procedures.

20 GENERAL PROVISIONS

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

1 SEC. 202. The Secretary shall make available through
2 assignment not more than 60 employees of the Public
3 Health Service to assist in child survival activities and to
4 work in AIDS programs through and with funds provided
5 by the Agency for International Development, the United
6 Nations International Children's Emergency Fund or the
7 World Health Organization.

8 SEC. 203. None of the funds appropriated under this
9 Act may be used to implement section 399F(b) of the Pub-
10 lic Health Service Act or section 1503 of the National In-
11 stitutes of Health Revitalization Act of 1993, Public Law
12 103-43.

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

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

1 submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned
2 uses of such funds.

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

11 (TRANSFER OF FUNDS)

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

25 SEC. 208. The Director of the National Institutes of
26 Health, jointly with the Director of the Office of AIDS

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

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

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

24 SEC. 211. None of the funds appropriated by this Act
25 (including funds appropriated to any trust fund) may be

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

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

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

1 of Health and Human Services by May 1, 2003 that the
2 State will commit additional State funds, in accordance
3 with subsection (b), to ensure compliance with State laws
4 prohibiting the sale of tobacco products to individuals
5 under 18 years of age.

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

13 (c) The State is to maintain State expenditures in
14 fiscal year 2003 for tobacco prevention programs and for
15 compliance activities at a level that is not less than the
16 level of such expenditures maintained by the State for fis-
17 cal year 2002, and adding to that level the additional
18 funds for tobacco compliance activities required under
19 subsection (a). The State is to submit a report to the Sec-
20 retary on all fiscal year 2002 State expenditures and all
21 fiscal year 2003 obligations for tobacco prevention and
22 compliance activities by program activity by July 31,
23 2003.

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

1 funds required by the certification described in subsection
2 (a) as late as July 31, 2003.

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

7 SEC. 214. In order for the Centers for Disease Con-
8 trol and Prevention to carry out international health ac-
9 tivities, including HIV/AIDS and other infectious disease,
10 chronic and environmental disease, and other health ac-
11 tivities abroad during fiscal year 2003, the Secretary of
12 Health and Human Services is authorized to—

13 (1) utilize the authorities contained in sub-
14 section 2(c) of the State Department Basic Authori-
15 ties Act of 1956, as amended; and

16 (2) utilize the authorities contained in 22
17 U.S.C. 291 and 292 and directly or through contract
18 or cooperative agreement to lease, alter or renovate
19 facilities in foreign countries, to carry out programs
20 supported by this appropriation notwithstanding
21 PHS Act section 307.

22 In exercising the authority set forth in paragraphs (1) and
23 (2), the Secretary of Health and Human Services shall
24 consult with the Department of State to assure that
25 planned activities are within the legal strictures of the

1 State Department Basic Authorities Act of 1956, as
2 amended, and other applicable parts of title 22, United
3 States Code.

4 SEC. 215. The Division of Federal Occupational
5 Health may utilize personal services contracting to employ
6 professional management/administrative and occupational
7 health professionals.

8 SEC. 216. The Director of the National Institutes of
9 Health may transfer up to \$100,000,000 from National
10 Institutes of Health appropriations to International As-
11 sistance Programs, “Global Fund to Fight HIV/AIDS,
12 Malaria, and Tuberculosis”, to remain available until ex-
13 pended.

14 **TITLE III—DEPARTMENT OF EDUCATION**

15 **EDUCATION FOR THE DISADVANTAGED**

16 For carrying out title I of the Elementary and Sec-
17 ondary Education Act of 1965 (“ESEA”) and section
18 418A of the Higher Education Act of 1965,
19 \$12,936,900,000, of which \$5,892,199,000 shall become
20 available on July 1, 2003, and shall remain available
21 through September 30, 2004, and of which
22 \$6,883,301,000 shall become available on October 1,
23 2003, and shall remain available through September 30,
24 2004, for academic year 2003–2004: *Provided*, That
25 \$235,000,000 shall be available for comprehensive school

1 reform grants under part F of the ESEA: *Provided fur-*
2 *ther*, That \$7,172,971,000 shall be available for basic
3 grants under section 1124: *Provided further*, That up to
4 \$3,500,000 of these funds shall be available to the Sec-
5 retary of Education on October 1, 2002, to obtain updated
6 local educational-agency-level census poverty data from
7 the Bureau of the Census: *Provided further*, That
8 \$1,365,031,000 shall be available for concentration grants
9 under section 1124A: *Provided further*, That
10 \$1,518,499,000 shall be available for targeted grants
11 under section 1125: *Provided further*, That \$793,499,000
12 shall be available for education finance incentive grants
13 under section 1125A.

14 **IMPACT AID**

15 For carrying out programs of financial assistance to
16 federally affected schools authorized by title VIII of the
17 Elementary and Secondary Education Act of 1965,
18 \$1,185,000,000, of which \$1,022,000,000 shall be for
19 basic support payments under section 8003(b),
20 \$50,000,000 shall be for payments for children with dis-
21 abilities under section 8003(d), \$45,000,000 shall be for
22 construction under section 8007 and shall remain avail-
23 able through September 30, 2004, \$60,000,000 shall be
24 for Federal property payments under section 8002, and

1 \$8,000,000, to remain available until expended, shall be
2 for facilities maintenance under section 8008.

3 SCHOOL IMPROVEMENT PROGRAMS

4 For carrying out school improvement activities au-
5 thorized by titles II, IV, V, subpart 1 of part A of title
6 VI, and parts B and C of title VII of the Elementary and
7 Secondary Education Act of 1965 (“ESEA”); the McKin-
8 ney-Vento Homeless Assistance Act; and the Civil Rights
9 Act of 1964, \$7,347,584,000, of which \$500,000,000 shall
10 become available October 1, 2002, and shall remain avail-
11 able through September 30, 2004, of which
12 \$3,558,017,000 shall become available on July 1, 2003,
13 and remain available through September 30, 2004, and
14 of which \$2,265,000,000 shall become available on Octo-
15 ber 1, 2003, and shall remain available through September
16 30, 2004, for academic year 2003–2004: *Provided*, That
17 of the funds made available for subpart 2 of part A of
18 title IV of the ESEA, \$10,000,000, to remain available
19 until expended, shall be for the Project School Emergency
20 Response to Violence program to provide education-related
21 services to local educational agencies in which the learning
22 environment has been disrupted due to a violent or trau-
23 matic crisis: *Provided further*, That \$387,000,000 shall be
24 for subpart 1 of part A of title VI of the ESEA.

1 INDIAN EDUCATION

2 For expenses necessary to carry out, to the extent
3 not otherwise provided, title VII, part A of the Elementary
4 and Secondary Education Act of 1965, \$122,368,000.

5 ENGLISH LANGUAGE ACQUISITION

6 For carrying out title III, part A of the ESEA,
7 \$665,000,000, of which \$469,000,000 shall become avail-
8 able on July 1, 2003, and shall remain available through
9 September 30, 2004.

10 SPECIAL EDUCATION

11 For carrying out the Individuals with Disabilities
12 Education Act, \$9,187,804,000, of which \$4,335,233,000
13 shall become available for obligation on July 1, 2003, and
14 shall remain available through September 30, 2004, and
15 of which \$5,072,000,000 shall become available on Octo-
16 ber 1, 2003, and shall remain available through September
17 30, 2004, for academic year 2003–2004: *Provided*, That
18 the amount for section 611(c) of the Act shall be equal
19 to the amount available for that section in the Department
20 of Education Appropriations Act, 2002, increased by the
21 amount of inflation as specified in section 611(f)(1)(B)(ii)
22 of the Act.

23 REHABILITATION SERVICES AND DISABILITY RESEARCH

24 For carrying out, to the extent not otherwise pro-
25 vided, the Rehabilitation Act of 1973, the Assistive Tech-

1 nology Act of 1998, and the Helen Keller National Center
2 Act, \$2,956,676,000, of which \$45,218,000 shall remain
3 available through September 30, 2004: *Provided further*,
4 That the funds provided for title I of the Assistive Tech-
5 nology Act of 1998 (“the AT Act”) shall be allocated not-
6 withstanding section 105(b)(1) of the AT Act: *Provided*
7 *further*, That each State shall be provided \$50,000 for ac-
8 tivities under section 102 of the AT Act: *Provided further*,
9 That \$15,218,000 shall be used to support grants for up
10 to 3 years to States under title III of the AT Act, of which
11 the Federal share shall not exceed 75 percent in the first
12 year, 50 percent in the second year, and 25 percent in
13 the third year, and that the requirements in section
14 301(c)(2) and section 302 of that Act shall not apply to
15 such grants.

16 SPECIAL INSTITUTIONS FOR PERSONS WITH 17 DISABILITIES

18 AMERICAN PRINTING HOUSE FOR THE BLIND
19 For carrying out the Act of March 3, 1879, as
20 amended (20 U.S.C. 101 et seq.), \$15,500,000.

21 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF
22 For the National Technical Institute for the Deaf
23 under titles I and II of the Education of the Deaf Act
24 of 1986 (20 U.S.C. 4301 et seq.), \$53,500,000, of which
25 \$1,600,000 shall be for construction and shall remain

1 available until expended, and of which not less than
2 \$1,000,000 shall be used for the endowment program as
3 authorized under section 207: *Provided*, That such
4 \$1,000,000 is available until expended.

5 GALLAUDET UNIVERSITY

6 For the Kendall Demonstration Elementary School,
7 the Model Secondary School for the Deaf, and the partial
8 support of Gallaudet University under titles I and II of
9 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
10 et seq.), \$95,000,000, of which not less than \$1,000,000
11 shall be used for the endowment program as authorized
12 under section 207: *Provided*, That such \$1,000,000 is
13 available until expended.

14 VOCATIONAL AND ADULT EDUCATION

15 For carrying out, to the extent not otherwise pro-
16 vided, the Carl D. Perkins Vocational and Applied Tech-
17 nology Education Act, and the Adult Education and Fam-
18 ily Literacy Act, \$1,919,560,000 of which \$1,122,060,000
19 shall become available on July 1, 2003 and shall remain
20 available through September 30, 2004 and of which
21 \$791,000,000 shall become available on October 1, 2003
22 and shall remain available through September 30, 2004:
23 *Provided*, That of the amount provided for Adult Edu-
24 cation State Grants, \$70,000,000 shall be made available
25 for integrated English literacy and civics education serv-

ices to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than \$60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$9,500,000 shall be for national leadership activities under section 243 and \$6,560,000 shall be for the National Institute for Literacy under section 242.

STUDENT FINANCIAL ASSISTANCE

22 For carrying out subparts 1, 3, and 4 of part A, sec-
23 tion 428K, part C and part E of title IV of the Higher
24 Education Act of 1965, as amended, \$13,171,610,000,
25 which shall remain available through September 30, 2004.

1 The maximum Pell Grant for which a student shall
2 be eligible during award year 2002–2003 shall be \$4,000.

3 HIGHER EDUCATION

4 For carrying out, to the extent not otherwise pro-
5 vided, section 121 and titles II, III, IV, V, VI, and VII
6 of the Higher Education Act of 1965, as amended, section
7 1543 of the Higher Education Amendments of 1992, title
8 VIII of the Higher Education Amendments of 1998
9 (“HEA”), and the Mutual Educational and Cultural Ex-
10 change Act of 1961, \$1,903,553,000, of which \$3,000,000
11 for interest subsidies authorized by section 121 of the
12 HEA, shall remain available until expended: *Provided*,
13 That \$10,000,000, to remain available through September
14 30, 2004, shall be available to fund fellowships for aca-
15 demic year 2004–2005 under part A, subpart 1 of title
16 VII of said Act, under the terms and conditions of part
17 A, subpart 1: *Provided further*, That \$1,000,000 is for
18 data collection and evaluation activities for programs
19 under the HEA, including such activities needed to comply
20 with the Government Performance and Results Act of
21 1993: *Provided further*, That notwithstanding any other
22 provision of law, funds made available in this Act to carry
23 out title VI of the HEA and section 102(b)(6) of the Mu-
24 tual Educational and Cultural Exchange Act of 1961 may
25 be used to support visits and study in foreign countries

1 by individuals who are participating in advanced foreign
2 language training and international studies in areas that
3 are vital to United States national security and who plan
4 to apply their language skills and knowledge of these coun-
5 tries in the fields of government, the professions, or inter-
6 national development: *Provided further*, That up to one
7 percent of the funds referred to in the preceding proviso
8 may be used for program evaluation, national outreach,
9 and information dissemination activities: *Provided further*,
10 That the funds provided for part B of title VII of the HEA
11 may be used, at the discretion of the Secretary of Edu-
12 cation, to fund continuation awards under title VII, part
13 D of said Act.

HOWARD UNIVERSITY

15 For partial support of Howard University (20 U.S.C.
16 121 et seq.), \$240,000,000, of which not less than
17 \$3,600,000 shall be for a matching endowment grant pur-
18 suant to the Howard University Endowment Act (Public
19 Law 98-480) and shall remain available until expended.

20 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

PROGRAM

22 For Federal administrative expenses authorized
23 under section 121 of the Higher Education Act of 1965,
24 \$762,000 to carry out activities related to existing facility

1 loans entered into under the Higher Education Act of
2 1965.

3 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

4 CAPITAL FINANCING PROGRAM ACCOUNT

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

11 For administrative expenses to carry out the Histori-
12 cally Black College and University Capital Financing Pro-
13 gram entered into pursuant to title III, part D of the
14 Higher Education Act of 1965, as amended, \$208,000.

15 EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

16 For carrying out activities authorized by the Edu-
17 cational Research, Development, Dissemination, and Im-
18 provement Act of 1994, including part E; the National
19 Education Statistics Act of 1994, including sections 411
20 and 412, \$397,887,000.

21 DEPARTMENTAL MANAGEMENT

22 PROGRAM ADMINISTRATION

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

1 lumbia and hire of three passenger motor vehicles,
2 \$411,795,000, of which \$12,795,000, to remain available
3 until expended, shall be for building alterations and re-
4 lated expenses for the modernization of the Mary E.
5 Switzer Building in Washington, D.C.

6 OFFICE FOR CIVIL RIGHTS

7 For expenses necessary for the Office for Civil
8 Rights, as authorized by section 203 of the Department
9 of Education Organization Act, \$86,276,000.

10 OFFICE OF THE INSPECTOR GENERAL

11 For expenses necessary for the Office of the Inspector
12 General, as authorized by section 212 of the Department
13 of Education Organization Act, \$41,000,000.

14 STUDENT AID ADMINISTRATION

15 For Federal administrative expenses (in addition to
16 funds made available under section 458), to carry out part
17 D of title I, and subparts 1, 3, and 4 of part A, and parts
18 B, C, D, and E of title IV of the Higher Education Act
19 of 1965, as amended, \$105,388,000.

20 GENERAL PROVISIONS

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

1 in order to carry out a plan of racial desegregation of any
2 school or school system.

3 SEC. 302. None of the funds contained in this Act
4 shall be used to require, directly or indirectly, the trans-
5 portation of any student to a school other than the school
6 which is nearest the student's home, except for a student
7 requiring special education, to the school offering such
8 special education, in order to comply with title VI of the
9 Civil Rights Act of 1964. For the purpose of this section
10 an indirect requirement of transportation of students in-
11 cludes the transportation of students to carry out a plan
12 involving the reorganization of the grade structure of
13 schools, the pairing of schools, or the clustering of schools,
14 or any combination of grade restructuring, pairing or clus-
15 tering. The prohibition described in this section does not
16 include the establishment of magnet schools.

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

20 (TRANSFER OF FUNDS)

21 SEC. 304. Not to exceed 1 percent of any discre-
22 tionary funds (pursuant to the Balanced Budget and
23 Emergency Deficit Control Act of 1985, as amended)
24 which are appropriated for the Department of Education
25 in this Act may be transferred between appropriations, but
26 no such appropriation shall be increased by more than 3

1 percent by any such transfer: *Provided*, That the App-
2 priations Committees of both Houses of Congress are noti-
3 fied at least 15 days in advance of any transfer.

4 **TITLE IV—RELATED AGENCIES**

5 **ARMED FORCES RETIREMENT HOME**

6 For expenses necessary for the Armed Forces Retire-
7 ment Home to operate and maintain the Armed Forces
8 Retirement Home—Washington and the Armed Forces
9 Retirement Home—Gulfport, to be paid from funds avail-
10 able in the Armed Forces Retirement Home Trust Fund,
11 \$67,340,000 of which \$5,712,000 shall remain available
12 until expended for construction and renovation of the
13 physical plants at the Armed Forces Retirement Home—
14 Washington and the Armed Forces Retirement Home—
15 Gulfport.

16 **CORPORATION FOR NATIONAL AND**

17 **COMMUNITY SERVICE**

18 **DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING**
19 **EXPENSES**

20 For expenses necessary for the Corporation for Na-
21 tional and Community Service to carry out the provisions
22 of the Domestic Volunteer Service Act of 1973, as amend-
23 ed, \$350,331,000: *Provided*, That none of the funds made
24 available to the Corporation for National and Community
25 Service in this Act shall be used to provide stipends or

1 other monetary incentives to volunteers or volunteer lead-
2 ers whose incomes exceed 125 percent of the national pov-
3 erty level.

4 **CORPORATION FOR PUBLIC BROADCASTING**

5 **(INCLUDING RESCISSION)**

6 For payment to the Corporation for Public Broad-
7 casting, as authorized by the Communications Act of
8 1934, an amount which shall be available within limita-
9 tions specified by that Act, for the fiscal year 2005,
10 \$380,000,000: *Provided*, That no funds made available to
11 the Corporation for Public Broadcasting by this Act shall
12 be used to pay for receptions, parties, or similar forms
13 of entertainment for Government officials or employees:
14 *Provided further*, That none of the funds contained in this
15 paragraph shall be available or used to aid or support any
16 program or activity from which any person is excluded,
17 or is denied benefits, or is discriminated against, on the
18 basis of race, color, national origin, religion, or sex: *Pro-*
19 *vided further*, That, for fiscal year 2003, in addition to
20 the amounts provided above, \$25,000,000, for costs re-
21 lated to digital program production, development, and dis-
22 tribution, associated with the transition of public broad-
23 casting to digital broadcasting, to be awarded as deter-
24 mined by the Corporation in consultation with public radio
25 and television licensees or permittees, or their designated

1 representations: *Provided further*, That, of the funds ap-
2 propriated under this heading for fiscal year 2003 in the
3 Departments of Labor, Health, and Human Services, and
4 Education, and Related Agencies Appropriations Act,
5 2001 (as enacted into law by Public Law 106-554),
6 \$15,000,000 is rescinded.

7 **FEDERAL MEDIATION AND CONCILIATION**

8 **SERVICE**

9 **SALARIES AND EXPENSES**

10 For expenses necessary for the Federal Mediation
11 and Conciliation Service to carry out the functions vested
12 in it by the Labor Management Relations Act, 1947 (29
13 U.S.C. 171-180, 182-183), including hire of passenger
14 motor vehicles; for expenses necessary for the Labor-Man-
15 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
16 for expenses necessary for the Service to carry out the
17 functions vested in it by the Civil Service Reform Act,
18 Public Law 95-454 (5 U.S.C. ch. 71), \$40,718,000, in-
19 cluding \$1,500,000, to remain available through Sep-
20 tember 30, 2004, for activities authorized by the Labor-
21 Management Cooperation Act of 1978 (29 U.S.C. 175a):
22 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
23 charged, up to full-cost recovery, for special training ac-
24 tivities and other conflict resolution services and technical
25 assistance, including those provided to foreign govern-

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

11 FEDERAL MINE SAFETY AND HEALTH REVIEW

12 COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary for the Federal Mine Safety
15 and Health Review Commission (30 U.S.C. 801 et seq.),
16 \$7,127,000.

17 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

18 For carrying out the Museum and Library Services
19 Act, \$210,000,000, of which \$10,000,000 shall remain
20 available until expended for the Laura Bush Recruiting
21 and Educating Librarians for the 21st Century Initiative.

22 MEDICARE PAYMENT ADVISORY COMMISSION

23 SALARIES AND EXPENSES

24 For expenses necessary to carry out section 1805 of
25 the Social Security Act, \$8,250,000, to be transferred to

1 this appropriation from the Federal Hospital Insurance
2 and the Federal Supplementary Medical Insurance Trust
3 Funds.

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

7 For necessary expenses for the National Commission
8 on Libraries and Information Science, established by the
9 Act of July 20, 1970 (Public Law 91-345, as amended),
10 \$1,000,000.

11 NATIONAL COUNCIL ON DISABILITY
12 SALARIES AND EXPENSES

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

16 NATIONAL LABOR RELATIONS BOARD
17 SALARIES AND EXPENSES

18 For expenses necessary for the National Labor Rela-
19 tions Board to carry out the functions vested in it by the
20 Labor-Management Relations Act, 1947, as amended (29
21 U.S.C. 141-167), and other laws, \$226,618,000: *Pro-*
22 *vided*, That no part of this appropriation shall be available
23 to organize or assist in organizing agricultural laborers or
24 used in connection with investigations, hearings, direc-
25 tives, or orders concerning bargaining units composed of

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

11 NATIONAL MEDIATION BOARD

12 SALARIES AND EXPENSES

13 For expenses necessary to carry out the provisions
14 of the Railway Labor Act, as amended (45 U.S.C. 151–
15 188), including emergency boards appointed by the Presi-
16 dent, \$11,203,000.

17 OCCUPATIONAL SAFETY AND HEALTH REVIEW

18 COMMISSION

19 SALARIES AND EXPENSES

20 For expenses necessary for the Occupational Safety
21 and Health Review Commission (29 U.S.C. 661),
22 \$9,577,000.

1 RAILROAD RETIREMENT BOARD

2 DUAL BENEFITS PAYMENTS ACCOUNTS

3 For payment to the Dual Benefits Payments Ac-
4 count, authorized under section 15(d) of the Railroad Re-
5 tirement Act of 1974, \$132,000,000, which shall include
6 amounts becoming available in fiscal year 2003 pursuant
7 to section 224(c)(1)(B) of Public Law 98-76; and in addi-
8 tion an amount, not to exceed 2 percent of the amount
9 provided herein shall be available proportional to the
10 amount by which the product of recipients and the average
11 benefit received exceeds \$132,000,000: *Provided*, That the
12 total amount provided herein shall be credited in 12 ap-
13 proximately equal amounts on the first day of each month
14 in the fiscal year.

15 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

16 ACCOUNTS

17 For payment to the accounts established in the
18 Treasury for the payment of benefits under the Railroad
19 Retirement Act for interest earned on unnegotiated
20 checks, \$150,000, to remain available through September
21 30, 2004, which shall be the maximum amount available
22 for payment pursuant to section 417 of Public Law 98-
23 76.

24 LIMITATION ON ADMINISTRATION

25 For necessary expenses for the Railroad Retirement
26 Board for administration of the Railroad Retirement Act

1 and the Railroad Unemployment Insurance Act,
2 \$100,000,000, to be derived in such amounts as deter-
3 mined by the Board from the railroad retirement accounts
4 and from moneys credits to the railroad unemployment in-
5 surance administration fund.

6 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

7 For expenses necessary for the Office of Inspector
8 General for audit, investigatory and review activities, as
9 authorized by the Inspector General Act of 1978, as
10 amended, not more than \$6,300,000, to be derived from
11 the railroad retirement accounts and railroad unemploy-
12 ment insurance account: *Provided further*, That none of
13 the funds made available in any other paragraph of this
14 Act may be transferred to the Office; used to carry out
15 any such transfer; used to provide any office space, equip-
16 ment, office supplies, communications facilities or services,
17 maintenance services, or administrative services for the
18 Office; used to pay any salary, benefit, or award for any
19 personnel of the Office; used to pay any other operating
20 expense of the Office; or used to reimburse the Office for
21 any service provided, or expense incurred, by the Office.

22 SOCIAL SECURITY ADMINISTRATION

23 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

24 For payment to the Federal Old-Age and Survivors
25 Insurance and the Federal Disability Insurance trust

1 funds, as provided under sections 201(m), 228(g), and
2 1131(b)(2) of the Social Security Act, \$20,400,000.

3 SPECIAL BENEFITS FOR DISABLED COAL MINERS

4 For carrying out title IV of the Federal Mine Safety
5 and Health Act of 1977, \$300,177,000, to remain avail-
6 able until expended.

7 For making, after July 31 of the current fiscal year,
8 benefit payments to individuals under title IV of the Fed-
9 eral Mine Safety and Health Act of 1977, for costs in-
10 curred in the current fiscal year, such amounts as may
11 be necessary.

12 For making benefit payments under title IV of the
13 Federal Mine Safety and Health Act of 1977 for the first
14 quarter of fiscal year 2004, \$97,000,000, to remain avail-
15 able until expended

16 SUPPLEMENTAL SECURITY INCOME PROGRAM

17 For carrying out titles XI and XVI of the Social Se-
18 curity Act, section 401 of Public Law 92–603, section 212
19 of Public Law 93–66, as amended, and section 405 of
20 Public Law 95–216, including payment to the Social Secu-
21 rity trust funds for administrative expenses incurred pur-
22 suant to section 201(g)(1) of the Social Security Act,
23 \$23,906,392,000, to remain available until expended: *Pro-*
24 *vided*, That any portion of the funds provided to a State

1 in the current fiscal year and not obligated by the State
2 during that year shall be returned to the Treasury.

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

7 For making benefit payments under title XVI of the
8 Social Security Act for the first quarter of fiscal year
9 2004, \$11,080,000,000, to remain available until ex-
10 pended.

11 **LIMITATION ON ADMINISTRATIVE EXPENSES**

12 For necessary expenses, including the hire of two pas-
13 senger motor vehicles, and not to exceed \$15,000 for offi-
14 cial reception and representation expenses, not more than
15 \$7,825,000,000 may be expended, as authorized by sec-
16 tion 201(g)(1) of the Social Security Act, from any one
17 or all of the trust funds referred to therein: *Provided*, That
18 not less than \$1,800,000 shall be for the Social Security
19 Advisory Board: *Provided further*, That unobligated bal-
20 ances of funds provided under this paragraph at the end
21 of fiscal year 2003 not needed for fiscal year 2003 shall
22 remain available through fiscal year 2004 to invest in the
23 Social Security Administration information technology
24 and telecommunications hardware and software infra-
25 structure, including related equipment and non-payroll ad-

1 ministrative expenses associated solely with this informa-
2 tion technology and telecommunications infrastructure:
3 *Provided further*, That reimbursement to the trust funds
4 under this heading for expenditures for official time for
5 employees of the Social Security Administration pursuant
6 to section 7131 of title 5, United States Code, and for
7 facilities or support services for labor organizations pursu-
8 ant to policies, regulations, or procedures referred to in
9 section 7135(b) of such title shall be made by the Sec-
10 retary of the Treasury, with interest, from amounts in the
11 general fund not otherwise appropriated, as soon as pos-
12 sible after such expenditures are made.

13 In addition, \$111,000,000 to be derived from admin-
14 istration fees in excess of \$5.00 per supplementary pay-
15 ment collected pursuant to section 1616(d) of the Social
16 Security Act or section 212(b)(3) of Public Law 93–66,
17 which shall remain available until expended. To the extent
18 that the amounts collected pursuant to such section
19 1616(d) or 212(b)(3) in fiscal year 2003 exceed
20 \$111,000,000, the amounts shall be available in fiscal year
21 2004 only to the extent provided in advance in appropria-
22 tions Acts.

23 From funds previously appropriated for this purpose,
24 any unobligated balances at the end of fiscal year 2002
25 shall be available to continue Federal-State partnerships

1 which will evaluate means to promote Medicare buy-in pro-
2 grams targeted to elderly and disabled individuals under
3 titles XVIII and XIX of the Social Security Act.

4 **OFFICE OF INSPECTOR GENERAL**

5 **(INCLUDING TRANSFER OF FUNDS)**

6 For expenses necessary for the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, as amended, \$21,000,000, together
9 with not to exceed \$62,000,000, to be transferred and ex-
10 pended as authorized by section 201(g)(1) of the Social
11 Security Act from the Federal Old-Age and Survivors In-
12 surance Trust Fund and the Federal Disability Insurance
13 Trust Fund.

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

1 UNITED STATES INSTITUTE OF PEACE

2 OPERATING EXPENSES

3 For necessary expenses of the United States Institute
4 of Peace as authorized in the United States Institute of
5 Peace Act, \$15,104,000.

6 TITLE V—GENERAL PROVISIONS

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

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

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

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

7 SEC. 504. The Secretaries of Labor and Education
8 are authorized to make available not to exceed \$28,000
9 and \$20,000, respectively, from funds available for sala-
10 ries and expenses under titles I and III, respectively, for
11 official reception and representation expenses; the Direc-
12 tor of the Federal Mediation and Conciliation Service is
13 authorized to make available for official reception and rep-
14 resentation expenses not to exceed \$2,500 from the funds
15 available for "Salaries and expenses, Federal Mediation
16 and Conciliation Service"; and the Chairman of the Na-
17 tional Mediation Board is authorized to make available for
18 official reception and representation expenses not to ex-
19 ceed \$2,500 from funds available for "Salaries and ex-
20 penses, National Mediation Board".

21 SEC. 505. Notwithstanding any other provision of
22 this Act, no funds appropriated under this Act shall be
23 used to carry out any program of distributing sterile nee-
24 dles or syringes for the hypodermic injection of any illegal
25 drug.

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

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

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

21 SEC. 507. When issuing statements, press releases,
22 requests for proposals, bid solicitations and other docu-
23 ments describing projects or programs funded in whole or
24 in part with Federal money, all grantees receiving Federal
25 funds included in this Act, including but not limited to

1 State and local governments and recipients of Federal re-
2 search grants, shall clearly state: (1) the percentage of the
3 total costs of the program or project which will be financed
4 with Federal money; (2) the dollar amount of Federal
5 funds for the project or program; and (3) percentage and
6 dollar amount of the total costs of the project or program
7 that will be financed by non-governmental sources.

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

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

17 (c) The term "health benefits coverage" means the
18 package of services covered by a managed care provider
19 or organization pursuant to a contract or other arrange-
20 ment.

21 SEC. 509. (a) The limitations established in the pre-
22 ceding section shall not apply to an abortion—
23 (1) if the pregnancy is the result of an act of
24 rape or incest; or

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

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

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

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

23 (2) research in which a human embryo or em-
24 bryos are destroyed, discarded, or knowingly sub-
25 jected to risk of injury or death greater than that

1 allowed for research on fetuses in utero under 45
2 CFR 46.208(a)(2) and section 498(b) of the Public
3 Health Service Act (42 U.S.C. 289g(b)).

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

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

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

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

24 (1) such entity is otherwise a contractor with
25 the United States and is subject to the requirement

1 in section 4212(d) of title 38, United States Code,
2 regarding submission of an annual report to the Sec-
3 retary of Labor concerning employment of certain
4 veterans; and

5 (2) such entity has not submitted a report as
6 required by that section for the most recent year for
7 which such requirement was applicable to such enti-
8 ty.

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

17 SEC. 514. None of the funds made available in this
18 Act may be transferred to any department, agency, or in-
19 strumentality of the United States Government, except
20 pursuant to a transfer made by, or transfer authority pro-
21 vided in, this Act or any other appropriation Act.

22 This Act may be cited as the "Departments of Labor,
23 Health and Human Services, and Education, and Related
24 Agencies Appropriations Act, 2003".