

108TH CONGRESS
1ST SESSION

H. R. 2618

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2003

Mr. OBEY 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, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and
6 Education, and related agencies for the fiscal year ending
7 September 30, 2004, and for other purposes, namely:

1 TITLE I—DEPARTMENT OF LABOR

2 EMPLOYMENT AND TRAINING ADMINISTRATION

3 TRAINING AND EMPLOYMENT SERVICES

4 For necessary expenses of the Workforce Investment
5 Act of 1998, including the purchase and hire of passenger
6 motor vehicles, the construction, alteration, and repair of
7 buildings and other facilities, and the purchase of real
8 property for training centers as authorized by such Act;
9 \$2,614,039,000 plus reimbursements, of which
10 \$1,582,858,000 is available for obligation for the period
11 July 1, 2004 through June 30, 2005, except that amounts
12 determined by the Secretary of Labor to be necessary pur-
13 suant to sections 173(a)(4)(A) and 174(c) of such Act
14 shall be available from October 1, 2003 until expended;
15 of which \$1,000,965,000 is available for obligation for the
16 period April 1, 2004 through June 30, 2005; and of which
17 \$30,216,000 is available for the period July 1, 2004
18 through June 30, 2007 for necessary expenses of construc-
19 tion, rehabilitation, and acquisition of Job Corps centers:
20 *Provided*, That notwithstanding any other provision of
21 law, of the funds provided herein under section 137(c) of
22 such Act, \$305,993,000 shall be for activities described
23 in section 132(a)(2)(A) of such Act and \$1,155,152,000
24 shall be for activities described in section 132(a)(2)(B) of
25 such Act: *Provided further*, That, notwithstanding any

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

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

13 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
 14 AMERICANS

15 To carry out title V of the Older Americans Act of
 16 1965, as amended, \$440,200,000.

17 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

18 For payments during the current fiscal year of trade
 19 adjustment benefit payments and allowances under part
 20 I; and for training, allowances for job search and reloca-
 21 tion, and related State administrative expenses under part
 22 II, subchapters B and D, chapter 2, title II of the Trade
 23 Act of 1974, as amended (including the benefits and serv-
 24 ices described under sections 123(c)(2) and 151(b) and
 25 (c) of the Trade Adjustment Assistance Reform Act of
 26 2002 (Public Law 107–210)), \$1,338,200,000, together

1 with such amounts as may be necessary to be charged to
2 the subsequent appropriation for payments for any period
3 subsequent to September 15 of the current year.

4 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
5 SERVICE OPERATIONS

6 For authorized administrative expenses,
7 \$142,520,000, together with not to exceed
8 \$3,472,861,000 (including not to exceed \$1,228,000
9 which may be used for amortization payments to States
10 which had independent retirement plans in their State em-
11 ployment service agencies prior to 1980), which may be
12 expended from the Employment Security Administration
13 Account in the Unemployment Trust Fund including the
14 cost of administering section 51 of the Internal Revenue
15 Code of 1986, as amended, section 7(d) of the Wagner-
16 Peyser Act, as amended, the Trade Act of 1974, as
17 amended, the Immigration Act of 1990, and the Immigra-
18 tion and Nationality Act, as amended, and of which the
19 sums available in the allocation for activities authorized
20 by title III of the Social Security Act, as amended (42
21 U.S.C. 502–504), and the sums available in the allocation
22 for necessary administrative expenses for carrying out 5
23 U.S.C. 8501–8523, shall be available for obligation by the
24 States through December 31, 2004, except that funds
25 used for automation acquisitions shall be available for obli-
26 gation by the States through September 30, 2006; of

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

6 For repayable advances to the Unemployment Trust
7 Fund as authorized by sections 905(d) and 1203 of the
8 Social Security Act, as amended, and to the Black Lung
9 Disability Trust Fund as authorized by section 9501(c)(1)
10 of the Internal Revenue Code of 1954, as amended; and
11 for nonrepayable advances to the Unemployment Trust
12 Fund as authorized by section 8509 of title 5, United
13 States Code, and to the “Federal unemployment benefits
14 and allowances” account, to remain available until Sep-
15 tember 30, 2005, \$467,000,000.

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

For expenses of administering employment and training programs, \$115,824,000, including \$2,393,000 to administer welfare-to-work grants, together with not to exceed \$56,503,000, which may be expended from the Em-

1 ployment Security Administration Account in the Unem-
2 ployment Trust Fund.

3 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

4 SALARIES AND EXPENSES

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

7 PENSION BENEFIT GUARANTY CORPORATION

8 PENSION BENEFIT GUARANTY CORPORATION FUND

9 The Pension Benefit Guaranty Corporation is author-
10 ized to make such expenditures, including financial assist-
11 ance authorized by section 104 of Public Law 96–364,
12 within limits of funds and borrowing authority available
13 to such Corporation, and in accord with law, and to make
14 such contracts and commitments without regard to fiscal
15 year limitations as provided by section 104 of the Govern-
16 ment Corporation Control Act, as amended (31 U.S.C.
17 9104), as may be necessary in carrying out the program
18 through September 30, 2004, for such Corporation: *Pro-*
19 *vided*, That none of the funds available to the Corporation
20 for fiscal year 2004 shall be available for obligations for
21 administrative expenses in excess of \$228,772,000: *Pro-*
22 *vided further*, That obligations in excess of such amount
23 may be incurred after approval by the Office of Manage-
24 ment and Budget and the Committees on Appropriations
25 of the House and the Senate.

1 EMPLOYMENT STANDARDS ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Employment Stand-
4 ards Administration, including reimbursement to State,
5 Federal, and local agencies and their employees for inspec-
6 tion services rendered, \$395,697,000, together with
7 \$2,056,000 which may be expended from the Special Fund
8 in accordance with sections 39(c), 44(d) and 44(j) of the
9 Longshore and Harbor Workers' Compensation Act: *Pro-*
10 *vided*, That \$1,250,000 shall be for the development of
11 an alternative system for the electronic submission of re-
12 ports required to be filed under the Labor-Management
13 Reporting and Disclosure Act of 1959, as amended, and
14 for a computer database of the information for each sub-
15 mission by whatever means, that is indexed and easily
16 searchable by the public via the Internet: *Provided further*,
17 That the Secretary of Labor is authorized to accept, re-
18 tain, and spend, until expended, in the name of the De-
19 partment of Labor, all sums of money ordered to be paid
20 to the Secretary of Labor, in accordance with the terms
21 of the Consent Judgment in Civil Action No. 91-0027 of
22 the United States District Court for the District of the
23 Northern Mariana Islands (May 21, 1992): *Provided fur-*
24 *ther*, That the Secretary of Labor is authorized to estab-
25 lish and, in accordance with 31 U.S.C. 3302, collect and

1 deposit in the Treasury fees for processing applications
 2 and issuing certificates under sections 11(d) and 14 of the
 3 Fair Labor Standards Act of 1938, as amended (29
 4 U.S.C. 211(d) and 214) and for processing applications
 5 and issuing registrations under title I of the Migrant and
 6 Seasonal Agricultural Worker Protection Act (29 U.S.C.
 7 1801 et seq.).

8 SPECIAL BENEFITS

9 (INCLUDING TRANSFER OF FUNDS)

10 For the payment of compensation, benefits, and ex-
 11 penses (except administrative expenses) accruing during
 12 the current or any prior fiscal year authorized by title 5,
 13 chapter 81 of the United States Code; continuation of ben-
 14 efits as provided for under the heading “Civilian War Ben-
 15 efits” in the Federal Security Agency Appropriation Act,
 16 1947; the Employees’ Compensation Commission Appro-
 17 priation Act, 1944; sections 4(c) and 5(f) of the War
 18 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
 19 cent of the additional compensation and benefits required
 20 by section 10(h) of the Longshore and Harbor Workers’
 21 Compensation Act, as amended, \$163,000,000, together
 22 with such amounts as may be necessary to be charged to
 23 the subsequent year appropriation for the payment of
 24 compensation and other benefits for any period subse-
 25 quent to August 15 of the current year: *Provided*, That
 26 amounts appropriated may be used under section 8104 of

1 title 5, United States Code, by the Secretary of Labor to
2 reimburse an employer, who is not the employer at the
3 time of injury, for portions of the salary of a reemployed,
4 disabled beneficiary: *Provided further*, That balances of re-
5 imbursements unobligated on September 30, 2002, shall
6 remain available until expended for the payment of com-
7 pensation, benefits, and expenses: *Provided further*, That
8 in addition there shall be transferred to this appropriation
9 from the Postal Service and from any other corporation
10 or instrumentality required under section 8147(c) of title
11 5, United States Code, to pay an amount for its fair share
12 of the cost of administration, such sums as the Secretary
13 determines to be the cost of administration for employees
14 of such fair share entities through September 30, 2004:
15 *Provided further*, That of those funds transferred to this
16 account from the fair share entities to pay the cost of ad-
17 ministration of the Federal Employees' Compensation Act,
18 \$39,315,000 shall be made available to the Secretary as
19 follows: (1) for enhancement and maintenance of the auto-
20 mated data processing systems and telecommunications
21 systems, \$11,618,000; (2) for automated workload proc-
22 essing operations, including document imaging, central-
23 ized mail intake, and medical bill processing, \$14,496,000;
24 (3) for periodic roll management and medical review,
25 \$13,210,000; and (4) the remaining funds shall be paid

1 into the Treasury as miscellaneous receipts: *Provided fur-*
 2 *ther*, That the Secretary may require that any person fil-
 3 ing a notice of injury or a claim for benefits under chapter
 4 81 of title 5, United States Code, or 33 U.S.C. 901 et
 5 seq., provide as part of such notice and claim, such identi-
 6 fying information (including Social Security account num-
 7 ber) as such regulations may prescribe.

8 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

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

20 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

21 OCCUPATIONAL ILLNESS COMPENSATION FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to administer the Energy
 24 Employees Occupational Illness Compensation Act,
 25 \$55,074,000, to remain available until expended: *Pro-*
 26 *vided*, That the Secretary of Labor is authorized to trans-

1 fer to any executive agency with authority under the En-
 2 ergy Employees Occupational Illness Compensation Act,
 3 including within the Department of Labor, such sums as
 4 may be necessary in fiscal year 2004 to carry out those
 5 authorities: *Provided further*, That the Secretary may re-
 6 quire that any person filing a claim for benefits under the
 7 Act provide as part of such claim, such identifying infor-
 8 mation (including Social Security account number) as may
 9 be prescribed.

10 BLACK LUNG DISABILITY TRUST FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 Beginning in fiscal year 2004 and thereafter, such
 13 sums as may be necessary from the Black Lung Disability
 14 Trust Fund, to remain available until expended, for pay-
 15 ment of all benefits authorized by section 9501(d)(1), (2),
 16 (4), and (7) of the Internal Revenue Code of 1954, as
 17 amended; and interest on advances, as authorized by sec-
 18 tion 9501(c)(2) of that Act. In addition, the following
 19 amounts shall be available from the Fund for fiscal year
 20 2004 for expenses of operation and administration of the
 21 Black Lung Benefits program, as authorized by section
 22 9501(d)(5): \$32,004,000 for transfer to the Employment
 23 Standards Administration, “Salaries and Expenses”;
 24 \$23,401,000 for transfer to Departmental Management,
 25 “Salaries and Expenses”; \$338,000 for transfer to De-
 26 partmental Management, “Office of Inspector General”;

1 and \$356,000 for payments into miscellaneous receipts for
2 the expenses of the Department of the Treasury.

3 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
4 SALARIES AND EXPENSES

5 For necessary expenses for the Occupational Safety
6 and Health Administration, \$462,356,000, including not
7 to exceed \$91,747,000 which shall be the maximum
8 amount available for grants to States under section 23(g)
9 of the Occupational Safety and Health Act (the “Act”),
10 which grants shall be no less than 50 percent of the costs
11 of State occupational safety and health programs required
12 to be incurred under plans approved by the Secretary
13 under section 18 of the Act; and, in addition, notwith-
14 standing 31 U.S.C. 3302, the Occupational Safety and
15 Health Administration may retain up to \$750,000 per fis-
16 cal year of training institute course tuition fees, otherwise
17 authorized by law to be collected, and may utilize such
18 sums for occupational safety and health training and edu-
19 cation grants: *Provided*, That, notwithstanding 31 U.S.C.
20 3302, the Secretary of Labor is authorized, during the fis-
21 cal year ending September 30, 2004, to collect and retain
22 fees for services provided to Nationally Recognized Test-
23 ing Laboratories, and may utilize such sums, in accord-
24 ance with the provisions of 29 U.S.C. 9a, to administer
25 national and international laboratory recognition pro-

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

- 20 (1) to provide, as authorized by such Act, con-
21 sultation, technical assistance, educational and train-
22 ing services, and to conduct surveys and studies;
23 (2) to conduct an inspection or investigation in
24 response to an employee complaint, to issue a cita-
25 tion for violations found during such inspection, and

1 to assess a penalty for violations which are not cor-
2 rected within a reasonable abatement period and for
3 any willful violations found;

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

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

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

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

17 *Provided further*, That the foregoing proviso shall not
18 apply to any person who is engaged in a farming operation
19 which does not maintain a temporary labor camp and em-
20 ploys 10 or fewer employees: *Provided further*, That not
21 less than \$3,200,000 shall be used to extend funding for
22 the Institutional Competency Building training grants
23 which commenced in September 2000, for program activi-
24 ties for the period of September 30, 2004 to September

1 30, 2005, provided that a grantee has demonstrated satis-
2 factory performance.

3 MINE SAFETY AND HEALTH ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Mine Safety and
6 Health Administration, \$276,826,000, including purchase
7 and bestowal of certificates and trophies in connection
8 with mine rescue and first-aid work, and the hire of pas-
9 senger motor vehicles; including up to \$1,000,000 for
10 mine rescue and recovery activities, which shall be avail-
11 able only to the extent that fiscal year 2004 obligations
12 for these activities exceed \$1,000,000; in addition, not to
13 exceed \$750,000 may be collected by the National Mine
14 Health and Safety Academy for room, board, tuition, and
15 the sale of training materials, otherwise authorized by law
16 to be collected, to be available for mine safety and health
17 education and training activities, notwithstanding 31
18 U.S.C. 3302; and, in addition, the Mine Safety and Health
19 Administration may retain up to \$1,000,000 from fees col-
20 lected for the approval and certification of equipment, ma-
21 terials, and explosives for use in mines, and may utilize
22 such sums for such activities; the Secretary is authorized
23 to accept lands, buildings, equipment, and other contribu-
24 tions from public and private sources and to prosecute
25 projects in cooperation with other agencies, Federal,

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

9 BUREAU OF LABOR STATISTICS

10 SALARIES AND EXPENSES

11 For necessary expenses for the Bureau of Labor Sta-
12 tistics, including advances or reimbursements to State,
13 Federal, and local agencies and their employees for serv-
14 ices rendered, \$442,547,000, together with not to exceed
15 \$75,110,000, which may be expended from the Employ-
16 ment Security Administration Account in the Unemploy-
17 ment Trust Fund; and \$2,570,000 which shall be available
18 for obligation for the period July 1, 2004 through Sep-
19 tember 30, 2004, for Occupational Employment Statistics,
20 and \$5,400,000 to be used to fund the mass layoff statis-
21 tics program under section 15 of the Wagner-Peyser Act
22 (29 U.S.C. 491-2).

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, \$47,333,000.

8 DEPARTMENTAL MANAGEMENT

9 SALARIES AND EXPENSES

10 For necessary expenses for Departmental Manage-
11 ment, 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, of which
17 the funds designated to carry out bilateral assistance
18 under the international child labor initiative shall be avail-
19 able for obligation through September 30, 2005, and
20 \$48,565,000, for the acquisition of Departmental informa-
21 tion technology, architecture, infrastructure, equipment,
22 software and related needs which will be allocated by the
23 Department's Chief Information Officer in accordance
24 with the Department's capital investment management
25 process to assure a sound investment strategy;

1 \$387,801,000; together with not to exceed \$317,000,
2 which may be expended from the Employment Security
3 Administration Account in the Unemployment Trust
4 Fund: *Provided*, That no funds made available by this Act
5 may be used by the Solicitor of Labor to participate in
6 a review in any United States court of appeals of any deci-
7 sion made by the Benefits Review Board under section 21
8 of the Longshore and Harbor Workers' Compensation Act
9 (33 U.S.C. 921) where such participation is precluded by
10 the decision of the United States Supreme Court in Direc-
11 tor, Office of Workers' Compensation Programs v. New-
12 port News Shipbuilding, 115 S. Ct. 1278 (1995), notwith-
13 standing any provisions to the contrary contained in Rule
14 15 of the Federal Rules of Appellate Procedure: *Provided*
15 *further*, That no funds made available by this Act may
16 be used by the Secretary of Labor to review a decision
17 under the Longshore and Harbor Workers' Compensation
18 Act (33 U.S.C. 901 et seq.) that has been appealed and
19 that has been pending before the Benefits Review Board
20 for more than 12 months: *Provided further*, That any such
21 decision pending a review by the Benefits Review Board
22 for more than 1 year shall be considered affirmed by the
23 Benefits Review Board on the 1-year anniversary of the
24 filing of the appeal, and shall be considered the final order
25 of the Board for purposes of obtaining a review in the

1 United States courts of appeals: *Provided further*, That
2 these provisions shall not be applicable to the review or
3 appeal of any decision issued under the Black Lung Bene-
4 fits Act (30 U.S.C. 901 et seq.).

5 VETERANS EMPLOYMENT AND TRAINING

6 Not to exceed \$193,443,000 may be derived from the
7 Employment Security Administration Account in the Un-
8 employment Trust Fund to carry out the provisions of 38
9 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and
10 Public Law 103–353, and which shall be available for obli-
11 gation by the States through December 31, 2004, of which
12 \$2,000,000 is for the National Veterans’ Employment and
13 Training Services Institute. To carry out the Homeless
14 Veterans Reintegration Programs (38 U.S.C. 2021) and
15 the Veterans Workforce Investment Programs (29 U.S.C.
16 2913), \$26,550,000, of which \$7,550,000 shall be avail-
17 able for obligation for the period July 1, 2004 through
18 June 30, 2005.

19 OFFICE OF INSPECTOR GENERAL

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

1 WORKING CAPITAL FUND

2 For the acquisition of a new core accounting system
3 for the Department of Labor, including hardware and
4 software infrastructure and the costs associated with im-
5 plementation thereof, \$18,000,000.

6 GENERAL PROVISIONS

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

12 (TRANSFER OF FUNDS)

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

23 SEC. 103. In accordance with Executive Order No.
24 13126, none of the funds appropriated or otherwise made
25 available pursuant to this Act shall be obligated or ex-
26 pended for the procurement of goods mined, produced,

1 manufactured, or harvested or services rendered, whole or
 2 in part, by forced or indentured child labor in industries
 3 and host countries already identified by the United States
 4 Department of Labor prior to enactment of this Act.

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

7 TITLE II—DEPARTMENT OF HEALTH AND
 8 HUMAN SERVICES

9 HEALTH RESOURCES AND SERVICES ADMINISTRATION

10 HEALTH RESOURCES AND SERVICES

11 For carrying out titles II, III, IV, VII, VIII, X, XII,
 12 XIX, and XXVI of the Public Health Service Act, section
 13 427(a) of the Federal Coal Mine Health and Safety Act,
 14 title V, and sections 1128E, 711, and 1820 of the Social
 15 Security Act, the Health Care Quality Improvement Act
 16 of 1986, as amended, the Native Hawaiian Health Care
 17 Act of 1988, as amended, the Cardiac Arrest Survival Act
 18 of 2000, and the Poison Control Center Enhancement and
 19 Awareness Act, \$6,639,413,000, of which \$39,740,000
 20 from general revenues, notwithstanding section 1820(j) of
 21 the Social Security Act, shall be available for carrying out
 22 the Medicare rural hospital flexibility grants program
 23 under section 1820 of such Act: *Provided*, That of the
 24 funds made available under this heading, \$248,000 shall
 25 be available until expended for facilities renovations at the

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

1 legislative proposal or candidate for public office: *Provided*
2 *further*, That \$785,759,000 shall be for State AIDS Drug
3 Assistance Programs authorized by section 2616 of the
4 Public Health Service Act: *Provided further*, That, not-
5 withstanding section 502(a)(1) of the Social Security Act,
6 not to exceed \$117,831,000 is available for carrying out
7 special projects of regional and national significance pur-
8 suant to section 501(a)(2) of such Act: *Provided further*,
9 That \$65,000,000 is available for special projects of re-
10 gional and national significance under section 501(a)(2)
11 of the Social Security Act, which shall not be counted to-
12 ward compliance with the allocation required in section
13 502(a)(1) of such Act, and which shall be used only for
14 making competitive grants to provide abstinence education
15 (as defined in section 510(b)(2) of such Act) to adoles-
16 cents and for evaluations (including longitudinal evalua-
17 tions) of activities under the grants and for Federal costs
18 of administering the grants: *Provided further*, That grants
19 under the immediately preceding proviso shall be made
20 only to public and private entities which agree that, with
21 respect to an adolescent to whom the entities provide ab-
22 stinence education under such grant, the entities will not
23 provide to that adolescent any other education regarding
24 sexual conduct, except that, in the case of an entity ex-
25 pressly required by law to provide health information or

1 services the adolescent shall not be precluded from seeking
2 health information or services from the entity in a dif-
3 ferent setting than the setting in which the abstinence
4 education was provided: *Provided further*, That the funds
5 expended for such evaluations may not exceed 3.5 percent
6 of such amount.

7 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM
8 ACCOUNT

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

15 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

1 CENTERS FOR DISEASE CONTROL AND PREVENTION

2 DISEASE CONTROL, RESEARCH, AND TRAINING

3 To carry out titles II, III, VII, XI, XV, XVII, XIX,
4 XXI, and XXVI of the Public Health Service Act, sections
5 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal
6 Mine Safety and Health Act of 1977, sections 20, 21, and
7 22 of the Occupational Safety and Health Act of 1970,
8 title IV of the Immigration and Nationality Act, and sec-
9 tion 501 of the Refugee Education Assistance Act of 1980;
10 including purchase and insurance of official motor vehicles
11 in foreign countries; and hire, maintenance, and operation
12 of aircraft, \$4,803,927,000, of which \$206,000,000 shall
13 remain available until expended for equipment, and con-
14 struction and renovation of facilities, and of which
15 \$293,763,000 for international HIV/AIDS shall remain
16 available until September 30, 2005, including not less
17 than \$150,000,000, to remain available until expended,
18 for the “International Mother and Child HIV Prevention
19 Initiative”, and in addition, such sums as may be derived
20 from authorized user fees, which shall be credited to this
21 account: *Provided*, That in addition to amounts provided
22 herein, \$13,226,000 shall be available from amounts avail-
23 able under section 241 of the Public Health Service Act
24 to carry out the National Center for Health Statistics sur-
25 veys: *Provided further*, That none of the funds made avail-

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

1 NATIONAL INSTITUTES OF HEALTH

2 NATIONAL CANCER INSTITUTE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to cancer,
5 \$4,816,568,000.

6 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to cardiovascular, lung,
9 and blood diseases, and blood and blood products,
10 \$2,930,136,000.

11 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
12 RESEARCH

13 For carrying out section 301 and title IV of the Pub-
14 lic Health Service Act with respect to dental disease,
15 \$389,780,000.

16 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
17 KIDNEY DISEASES

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to diabetes and diges-
20 tive and kidney disease, \$1,701,959,000.

21 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
22 AND STROKE

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to neurological dis-
25 orders and stroke, \$1,527,588,000.

11 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

15 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
16 DEVELOPMENT

20 NATIONAL EYE INSTITUTE

•HR 2618 IH

6 NATIONAL INSTITUTE ON AGING

10 NATIONAL INSTITUTE OF ARTHRITIS AND
11 MUSCULOSKELETAL AND SKIN DISEASES

15 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
16 COMMUNICATION DISORDERS

20 NATIONAL INSTITUTE OF NURSING RESEARCH

•HR 2618 IH

6 NATIONAL INSTITUTE ON DRUG ABUSE

10 NATIONAL INSTITUTE OF MENTAL HEALTH

14 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

18 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
19 BIOENGINEERING

23 NATIONAL CENTER FOR RESEARCH RESOURCES

•HR 2618 IH

1 *Provided*, That none of these funds shall be used to pay
 2 recipients of the general research support grants program
 3 any amount for indirect expenses in connection with such
 4 grants: *Provided further*, That \$123,154,000 shall be for
 5 extramural facilities construction grants.

6 NATIONAL CENTER FOR COMPLEMENTARY AND
 7 ALTERNATIVE MEDICINE

8 For carrying out section 301 and title IV of the Pub-
 9 lic Health Service Act with respect to complementary and
 10 alternative medicine, \$118,944,000.

11 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
 12 DISPARITIES

13 For carrying out section 301 and title IV of the Pub-
 14 lic Health Service Act with respect to minority health and
 15 health disparities research, \$194,781,000.

16 JOHN E. FOGARTY INTERNATIONAL CENTER

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

19 NATIONAL LIBRARY OF MEDICINE

20 For carrying out section 301 and title IV of the Pub-
 21 lic Health Service Act with respect to health information
 22 communications, \$323,390,000, of which \$4,000,000 shall
 23 be available until expended for improvement of informa-
 24 tion systems: *Provided*, That in fiscal year 2004, the Li-
 25 brary may enter into personal services contracts for the
 26 provision of services in facilities owned, operated, or con-

1 structed under the jurisdiction of the National Institutes
2 of Health.

3 OFFICE OF THE DIRECTOR

4 (INCLUDING TRANSFER OF FUNDS)

5 For carrying out the responsibilities of the Office of
6 the Director, National Institutes of Health, \$453,743,000:
7 *Provided*, That funding shall be available for the purchase
8 of not to exceed 29 passenger motor vehicles for replace-
9 ment only: *Provided further*, That the Director may direct
10 up to 1 percent of the total amount made available in this
11 or any other Act to all National Institutes of Health ap-
12 propriations to activities the Director may so designate:
13 *Provided further*, That no such appropriation shall be de-
14 creased by more than 1 percent by any such transfers and
15 that the Congress is promptly notified of the transfer: *Pro-*
16 *vided further*, That the National Institutes of Health is
17 authorized to collect third party payments for the cost of
18 clinical services that are incurred in National Institutes
19 of Health research facilities and that such payments shall
20 be credited to the National Institutes of Health Manage-
21 ment Fund: *Provided further*, That all funds credited to
22 the National Institutes of Health Management Fund shall
23 remain available for 1 fiscal year after the fiscal year in
24 which they are deposited: *Provided further*, That up to
25 \$500,000 shall be available to carry out section 499 of
26 the Public Health Service Act.

1 BUILDINGS AND FACILITIES
2 (INCLUDING TRANSFER OF FUNDS)

3 For the study of, construction of, renovation of, and
4 acquisition of equipment for, facilities of or used by the
5 National Institutes of Health, including the acquisition of
6 real property, \$216,300,000, to remain available until ex-
7 pended.

8 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
9 ADMINISTRATION

10 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

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

21 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY
22 HEALTHCARE RESEARCH AND QUALITY

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

1 and the sale of data shall be credited to this appropriation
 2 and shall remain available until expended: *Provided*, That
 3 the amount made available pursuant to section 927(c) of
 4 the Public Health Service Act shall not exceed
 5 \$303,695,000.

6 CENTERS FOR MEDICARE AND MEDICAID SERVICES

7 GRANTS TO STATES FOR MEDICAID

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

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

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

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

24 PAYMENTS TO HEALTH CARE TRUST FUNDS

25 For payment to the Federal Hospital Insurance and
 26 the Federal Supplementary Medical Insurance Trust

1 Funds, as provided under section 1844 of the Social Secu-
2 rity Act, sections 103(c) and 111(d) of the Social Security
3 Amendments of 1965, section 278(d) of Public Law 97–
4 248, and for administrative expenses incurred pursuant
5 to section 201(g) of the Social Security Act,
6 \$95,084,100,000.

7 PROGRAM MANAGEMENT

8 For carrying out, except as otherwise provided, titles
9 XI, XVIII, XIX, and XXI of the Social Security Act, titles
10 XIII and XXVII of the Public Health Service Act, and
11 the Clinical Laboratory Improvement Amendments of
12 1988, not to exceed \$2,698,025,000, to be transferred
13 from the Federal Hospital Insurance and the Federal Sup-
14 plementary Medical Insurance Trust Funds, as authorized
15 by section 201(g) of the Social Security Act; together with
16 all funds collected in accordance with section 353 of the
17 Public Health Service Act and section 1857(e)(2) of the
18 Social Security Act, and such sums as may be collected
19 from authorized user fees and the sale of data, which shall
20 remain available until expended, and together with admin-
21 istrative fees collected relative to Medicare overpayment
22 recovery activities, which shall remain available until ex-
23 pended: *Provided*, That all funds derived in accordance
24 with 31 U.S.C. 9701 from organizations established under
25 title XIII of the Public Health Service Act shall be cred-
26 ited to and available for carrying out the purposes of this

1 appropriation: *Provided further*, That \$65,000,000, to re-
 2 main available until September 30, 2005, is for contract
 3 costs for the CMS Systems Revitalization Plan: *Provided*
 4 *further*, That \$56,991,000, to remain available until Sep-
 5 tember 30, 2005, is for contract costs for the Healthcare
 6 Integrated General Ledger Accounting System: *Provided*
 7 *further*, That not less than \$129,000,000 shall be for proc-
 8 essing Medicare appeals: *Provided further*, That the Sec-
 9 retary of Health and Human Services is directed to collect
 10 fees in fiscal year 2004 from Medicare + Choice organiza-
 11 tions pursuant to section 1857(e)(2) of the Social Security
 12 Act and from eligible organizations with risk-sharing con-
 13 tracts under section 1876 of that Act pursuant to section
 14 1876(k)(4)(D) of that 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 2004, 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), \$3,292,970,000, to remain available until
8 expended; and for such purposes for the first quarter of
9 fiscal year 2005, \$1,200,000,000, 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 for
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, \$2,250,000,000.

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), and
13 for carrying out section 5 of the Torture Victims Relief
14 Act of 1998 (Public Law 105–320), \$461,853,000, of
15 which up to \$10,000,000 is available to carry out the
16 Trafficking Victims Protection Act of 2000 (Public Law
17 106–386, div. A): *Provided*, That funds appropriated pur-
18 suant to section 414(a) of the Immigration and Nation-
19 ality Act for fiscal year 2004 shall be available for the
20 costs of assistance provided and other activities through
21 September 30, 2006.

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
26 Care and Development Block Grant Act of 1990),

1 \$2,200,000,000 shall be used to supplement, not supplant
 2 State general revenue funds for child care assistance for
 3 low-income families: *Provided*, That \$19,120,000 shall be
 4 available for child care resource and referral and school-
 5 aged child care activities, of which \$1,000,000 shall be for
 6 the Child Care Aware toll free hotline: *Provided further*,
 7 That, in addition to the amounts required to be reserved
 8 by the States under section 658G, \$272,672,000 shall be
 9 reserved by the States for activities authorized under sec-
 10 tion 658G, of which \$100,000,000 shall be for activities
 11 that improve the quality of infant and toddler care: *Pro-*
 12 *vided further*, That \$9,864,000 shall be for use by the Sec-
 13 retary for child care research, demonstration, and evalua-
 14 tion activities.

15 SOCIAL SERVICES BLOCK GRANT

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

23 DISABLED VOTER SERVICES

24 For necessary expenses to carry out programs as au-
 25 thorized by the Help America Vote Act of 2002,
 26 \$15,000,000, of which \$13,000,000 shall be for payments

1 to States to promote disabled voter access, and of which
 2 \$2,000,000 shall be for payments to States for disabled
 3 voters protection and advocacy systems.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For carrying out, except as otherwise provided, the
 6 Runaway and Homeless Youth Act, the Developmental
 7 Disabilities Assistance and Bill of Rights Act, the Head
 8 Start Act, the Child Abuse Prevention and Treatment Act,
 9 sections 310 and 316 of the Family Violence Prevention
 10 and Services Act, as amended, the Native American Pro-
 11 grams Act of 1974, title II of Public Law 95–266 (adop-
 12 tion opportunities), the Adoption and Safe Families Act
 13 of 1997 (Public Law 105–89), sections 1201 and 1211
 14 of the Children’s Health Act of 2000, the Abandoned In-
 15 fants Assistance Act of 1988, the Early Learning Oppor-
 16 tunities Act, part B(1) of title IV and sections 413, 429A,
 17 1110, and 1115 of the Social Security Act, and sections
 18 40155, 40211, and 40241 of Public Law 103–322; for
 19 making payments under the Community Services Block
 20 Grant Act, sections 439(h), 473A, and 477(i) of the Social
 21 Security Act, and title IV of Public Law 105–285, and
 22 for necessary administrative expenses to carry out said
 23 Acts and titles I, IV, X, XI, XIV, XVI, and XX of the
 24 Social Security Act, the Act of July 5, 1960 (24 U.S.C.
 25 ch. 9), the Omnibus Budget Reconciliation Act of 1981,
 26 title IV of the Immigration and Nationality Act, section

1 501 of the Refugee Education Assistance Act of 1980, sec-
2 tion 5 of the Torture Victims Relief Act of 1998 (Public
3 Law 105–320), sections 40155, 40211, and 40241 of Pub-
4 lic Law 103–322, and section 126 and titles IV and V
5 of Public Law 100–485, \$8,742,968,000, of which
6 \$43,000,000, to remain available until September 30,
7 2005, shall be for grants to States for adoption incentive
8 payments, as authorized by section 473A of title IV of the
9 Social Security Act (42 U.S.C. 670–679) and may be
10 made for adoptions completed in fiscal years 2001 and
11 2002; of which \$6,815,570,000 shall be for making pay-
12 ments under the Head Start Act, of which \$1,400,000,000
13 shall become available October 1, 2004 and remain avail-
14 able through September 30, 2005; and of which
15 \$735,860,000 shall be for making payments under the
16 Community Services Block Grant Act: *Provided*, That not
17 less than \$7,250,000 shall be for section 680(3)(B) of the
18 Community Services Block Grant Act, as amended: *Pro-*
19 *vided further*, That in addition to amounts provided here-
20 in, \$6,000,000 shall be available from amounts available
21 under section 241 of the Public Health Service Act to
22 carry out the provisions of section 1110 of the Social Secu-
23 rity Act: *Provided further*, That to the extent Community
24 Services Block Grant funds are distributed as grant funds
25 by a State to an eligible entity as provided under the Act,

1 and have not been expended by such entity, they shall re-
2 main with such entity for carryover into the next fiscal
3 year for expenditure by such entity consistent with pro-
4 gram purposes: *Provided further*, That the Secretary shall
5 establish procedures regarding the disposition of intan-
6 gible property which permits grant funds, or intangible as-
7 sets acquired with funds authorized under section 680 of
8 the Community Services Block Grant Act, as amended, to
9 become the sole property of such grantees after a period
10 of not more than 12 years after the end of the grant for
11 purposes and uses consistent with the original grant: *Pro-*
12 *vided further*, That funds appropriated for section
13 680(a)(2) of the Community Services Block Grant Act,
14 as amended, shall be available for financing construction
15 and rehabilitation and loans or investments in private
16 business enterprises owned by community development
17 corporations: *Provided further*, That \$88,043,000 shall be
18 for activities authorized by the Runaway and Homeless
19 Youth Act, notwithstanding the allocation requirements of
20 section 388(a) of such Act, of which \$26,413,000 is for
21 the transitional living program: *Provided further*, That
22 \$35,000,000 is for a compassion capital fund to provide
23 grants to charitable organizations to emulate model social
24 service programs and to encourage research on the best
25 practices of social service organizations.

1 PROMOTING SAFE AND STABLE FAMILIES

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

4 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

5 ASSISTANCE

6 For making payments to States or other non-Federal
7 entities under title IV–E of the Social Security Act,
8 \$5,068,300,000.

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

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

17 ADMINISTRATION ON AGING

18 AGING SERVICES PROGRAMS

19 For carrying out, to the extent not otherwise pro-
20 vided, the Older Americans Act of 1965, as amended, and
21 section 398 of the Public Health Service Act,
22 \$1,449,495,000, of which \$5,000,000 shall be available for
23 activities regarding medication management, screening,
24 and education to prevent incorrect medication and adverse
25 drug reactions; and of which \$2,842,000 shall remain

1 available until September 30, 2006, for the White House
2 Conference on Aging.

3 OFFICE OF THE SECRETARY

4 GENERAL DEPARTMENTAL MANAGEMENT

5 For necessary expenses, not otherwise provided, for
6 general departmental management, including hire of six
7 sedans, and for carrying out titles III, XVII, and XX of
8 the Public Health Service Act, and the United States-Mex-
9 ico Border Health Commission Act, \$343,284,000, to-
10 gether with \$5,813,000 to be transferred and expended
11 as authorized by section 201(g)(1) of the Social Security
12 Act from the Hospital Insurance Trust Fund and the Sup-
13 plemental Medical Insurance Trust Fund: *Provided*, That
14 of the funds made available under this heading for car-
15 rying out title XX of the Public Health Service Act,
16 \$11,885,000 shall be for activities specified under section
17 2004(b)(2), of which \$10,157,000 shall be for prevention
18 service demonstration grants under section 510(b)(2) of
19 title V of the Social Security Act, as amended, without
20 application of the limitation of section 2010(c) of said title
21 XX: *Provided further*, That of this amount, \$49,675,000
22 is for minority AIDS prevention and treatment activities;
23 \$18,400,000 shall be for an Information Technology Secu-
24 rity and Innovation Fund for Department-wide activities
25 involving cybersecurity, information technology security,

1 and related innovation projects; and \$5,000,000 is to as-
 2 sist Afghanistan in the development of maternal and child
 3 health clinics, consistent with section 103(a)(4)(H) of the
 4 Afghanistan Freedom Support Act of 2002.

5 OFFICE OF INSPECTOR GENERAL

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

13 OFFICE FOR CIVIL RIGHTS

14 For expenses necessary for the Office for Civil
 15 Rights, \$30,936,000, together with not to exceed
 16 \$3,314,000 to be transferred and expended as authorized
 17 by section 201(g)(1) of the Social Security Act from the
 18 Hospital Insurance Trust Fund and the Supplemental
 19 Medical Insurance Trust Fund.

20 POLICY RESEARCH

21 For carrying out, to the extent not otherwise pro-
 22 vided, research studies under section 1110 of the Social
 23 Security Act and title III of the Public Health Service Act,
 24 \$2,483,000: *Provided*, That in addition to amounts pro-
 25 vided herein, \$18,000,000 shall be available from amounts
 26 available under section 241 of the Public Health Service

1 Act to carry out national health or human services re-
2 search and evaluation activities: *Provided further*, That the
3 expenditure of any funds available under section 241 of
4 the Public Health Service Act are subject to the require-
5 ments of section 205 of this Act.

6 RETIREMENT PAY AND MEDICAL BENEFITS FOR
7 COMMISSIONED OFFICERS

8 For retirement pay and medical benefits of Public
9 Health Service Commissioned Officers as authorized by
10 law, for payments under the Retired Serviceman's Family
11 Protection Plan and Survivor Benefit Plan, for medical
12 care of dependents and retired personnel under the De-
13 pendents' Medical Care Act (10 U.S.C. ch. 55 and 56),
14 and for payments pursuant to section 229(b) of the Social
15 Security Act (42 U.S.C. 429(b)), such amounts as may
16 be required during the current fiscal year. The following
17 are definitions for the medical benefits of the Public
18 Health Service Commissioned Officers that apply to 10
19 U.S.C. chapter 56, section 1116(c). The source of funds
20 for the monthly accrual payments into the Department of
21 Defense Medicare-Eligible Retiree Health Care Fund shall
22 be the Retirement Pay and Medical Benefits for Commis-
23 sioned Officers account. For purposes of this Act, the term
24 "pay of members" shall be construed to be synonymous
25 with retirement payments to United States Public Health
26 Service officers who are retired for age, disability, or

1 length of service; payments to survivors of deceased offi-
 2 cers; medical care to active duty and retired members and
 3 dependents and beneficiaries; and for payments to the So-
 4 cial Security Administration for military service credits;
 5 all of which payments are provided for by the Retirement
 6 Pay and Medical Benefits for Commissioned Officers ac-
 7 count.

8 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
 9 FUND

10 For expenses necessary to support activities related
 11 to countering potential biological, disease and chemical
 12 threats to civilian populations, \$1,896,846,000: *Provided*,
 13 That this amount is distributed as follows: Centers for
 14 Disease Control and Prevention, \$1,286,156,000; Office
 15 of the Secretary, \$64,820,000; and Health Resources and
 16 Services Administration; \$545,870,000; *Provided further*,
 17 That at the discretion of the Secretary, these amounts
 18 may be transferred between categories subject to normal
 19 reprogramming procedures: *Provided further*, That em-
 20 ployees of the Centers for Disease Control and Prevention
 21 or the Public Health Service, both civilian and Commis-
 22 sioned Officers, detailed to States, municipalities or other
 23 organizations under authority of section 214 of the Public
 24 Health Service Act for purposes related to homeland secu-
 25 rity, shall be treated as non-Federal employees for report-
 26 ing purposes only and shall not be included within any

1 personnel ceiling applicable to the Agency, Service, or the
2 Department of Health and Human Services during the pe-
3 riod of detail or assignment.

4 In addition, for activities to ensure a year-round in-
5 fluenza vaccine production capacity and the development
6 and implementation of rapidly expandable influenza vac-
7 cine production technologies, \$100,000,000, to remain
8 available until expended.

9 GENERAL PROVISIONS

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

14 SEC. 202. The Secretary shall make available through
15 assignment not more than 60 employees of the Public
16 Health Service to assist in child survival activities and to
17 work in AIDS programs through and with funds provided
18 by the Agency for International Development, the United
19 Nations International Children's Emergency Fund or the
20 World Health Organization.

21 SEC. 203. None of the funds appropriated under this
22 Act may be used to implement section 399F(b) of the Pub-
23 lic Health Service Act or section 1503 of the National In-
24 stitutes of Health Revitalization Act of 1993, Public Law
25 103-43.

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

25 SEC. 207. Not to exceed 1 percent of any discre-
26 tionary funds (pursuant to the Balanced Budget and

1 Emergency Deficit Control Act of 1985, as amended)
2 which are appropriated for the current fiscal year for the
3 Department of Health and Human Services in this or any
4 other Act may be transferred between appropriations, but
5 no such appropriation shall be increased by more than 3
6 percent by any such transfer: *Provided*, That an appro-
7 priation may be increased by up to an additional 2 percent
8 subject to approval by the House and Senate Committees
9 on Appropriations: *Provided further*, That the Appropria-
10 tions Committees of both Houses of Congress are notified
11 at least 15 days in advance of any transfer.

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

19 SEC. 209. Of the amounts made available in this Act
20 for the National Institutes of Health, the amount for re-
21 search related to the human immunodeficiency virus, as
22 jointly determined by the Director of the National Insti-
23 tutes of Health and the Director of the Office of AIDS
24 Research, shall be made available to the “Office of AIDS
25 Research” account. The Director of the Office of AIDS

1 Research shall transfer from such account amounts nec-
2 essary to carry out section 2353(d)(3) of the Public
3 Health Service Act.

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

12 SEC. 211. None of the funds appropriated by this Act
13 (including funds appropriated to any trust fund) may be
14 used to carry out the Medicare+Choice program if the
15 Secretary denies participation in such program to an oth-
16 erwise eligible entity (including a Provider Sponsored Or-
17 ganization) because the entity informs the Secretary that
18 it will not provide, pay for, provide coverage of, or provide
19 referrals for abortions: *Provided*, That the Secretary shall
20 make appropriate prospective adjustments to the capita-
21 tion payment to such an entity (based on an actuarially
22 sound estimate of the expected costs of providing the serv-
23 ice to such entity's enrollees): *Provided further*, That noth-
24 ing in this section shall be construed to change the Medi-
25 care program's coverage for such services and a

1 Medicare+Choice organization described in this section
2 shall be responsible for informing enrollees where to obtain
3 information about all Medicare covered services.

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

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

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

1 (c) The State is to maintain State expenditures in
2 fiscal year 2004 for tobacco prevention programs and for
3 compliance activities at a level that is not less than the
4 level of such expenditures maintained by the State for fis-
5 cal year 2003, and adding to that level the additional
6 funds for tobacco compliance activities required under
7 subsection (a). The State is to submit a report to the Sec-
8 retary on all fiscal year 2003 State expenditures and all
9 fiscal year 2004 obligations for tobacco prevention and
10 compliance activities by program activity by July 31,
11 2004.

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

16 (e) None of the funds appropriated by this Act may
17 be used to withhold substance abuse funding pursuant to
18 section 1926 from a territory that receives less than
19 \$1,000,000.

20 SEC. 214. In order for the Centers for Disease Con-
21 trol and Prevention to carry out international health ac-
22 tivities, including HIV/AIDS and other infectious disease,
23 chronic and environmental disease, and other health ac-
24 tivities abroad during fiscal year 2004, the Secretary of
25 Health and Human Services is authorized to provide such

1 funds by advance or reimbursement to the Secretary of
2 State as may be necessary to pay the costs of acquisition,
3 lease, alteration, renovation, and management of facilities
4 outside of the United States for the use of the Department
5 of Health and Human Services. The Department of State
6 shall cooperate fully with the Secretary of Health and
7 Human Services to ensure that the Department of Health
8 and Human Services has secure, safe, functional facilities
9 that comply with applicable regulation governing location,
10 setback, and other facilities requirements and serve the
11 purposes established by this Act. The Secretary of Health
12 and Human Services is authorized, in consultation with
13 the Secretary of State, through grant or cooperative agree-
14 ment, to make available to public or nonprofit private in-
15 stitutions or agencies in participating foreign countries,
16 funds to acquire, lease, alter, or renovate facilities in those
17 countries as necessary to conduct programs of assistance
18 for international health activities, including activities re-
19 lating to HIV/AIDS and other infectious diseases, chronic
20 and environmental diseases, and other health activities
21 abroad.

22 SEC. 215. (a) In addition to the authority provided
23 in section 214, in order for the Centers for Disease Con-
24 trol and Prevention to carry out international health ac-
25 tivities, including HIV/AIDS and other infectious disease,

1 chronic and environmental disease, and other health ac-
 2 tivities abroad during fiscal year 2004, the Secretary of
 3 Health and Human Services may exercise authority equiv-
 4 alent to that available to the Secretary of State in section
 5 2(c) of the State Department Basic Authorities Act of
 6 1956 (22 U.S.C. 2669(c)).

7 (b) The Secretary of Health and Human Services
 8 shall consult with the Secretary of State and relevant
 9 Chief of Mission to ensure that the authority provided in
 10 this section is exercised in a manner consistent with sec-
 11 tion 207 of the Foreign Service Act of 1980 (22 U.S.C.
 12 3927) and other applicable statutes administered by the
 13 Department of State.

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

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

22 (b) MEDICARE CLAIMS PROCESSING FEE.—

23 (1) IN GENERAL.—Notwithstanding section
 24 1842(c)(4) of the Social Security Act, each claim
 25 submitted by an individual or entity furnishing items

1 or services for which payment may be made under
2 part A or part B of title XVIII of such Act is sub-
3 ject to a processing fee of \$2.50 if the claim—

4 (A) duplicates, in whole or in part, another
5 claim submitted by the same individual or enti-
6 ty; or

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

11 (2) DEDUCTION AND TRANSFER.—The Sec-
12 retary of Health and Human Services shall deduct
13 any fees assessed pursuant to paragraph (1) against
14 an individual or entity from amounts otherwise pay-
15 able from a trust fund under such title to such indi-
16 vidual or entity, and shall transfer the amount so
17 deducted from such trust fund to the Program Man-
18 agement account of the Centers for Medicare &
19 Medicaid Services.

20 (3) AVAILABILITY.—Fees collected under this
21 subsection shall remain available until expended.
22 Such fees shall be available for obligation in a fiscal
23 year only in the amount specified in the appropria-
24 tion Act for such fiscal year.

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

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

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

16 SEC. 218. The amount appropriated in this Act for
17 “Centers for Disease Control and Prevention—Disease
18 Control, Research, and Training” is hereby reduced by
19 \$49,982,000, to be derived from the amounts made avail-
20 able for administrative and related information technology
21 expenses: *Provided*, That the Director of the Centers for
22 Disease Control and Prevention shall determine the alloca-
23 tion of the reduction among Agency activities, and shall
24 submit to the Committees on Appropriations a report
25 specifying the proposed allocation.

1 This title may be cited as the “Department of Health
2 and Human Services Appropriations Act, 2004”.

3 TITLE III—DEPARTMENT OF EDUCATION

4 EDUCATION FOR THE DISADVANTAGED

5 For carrying out title I of the Elementary and Sec-
6 ondary Education Act of 1965 (“ESEA”) and section
7 418A of the Higher Education Act of 1965,
8 \$14,841,311,000, of which \$7,277,510,000 shall become
9 available on July 1, 2004, and shall remain available
10 through September 30, 2005, and of which
11 \$7,383,301,000 shall become available on October 1,
12 2004, and shall remain available through September 30,
13 2005, for academic year 2004–2005: *Provided*, That
14 \$7,607,282,000 shall be available for basic grants under
15 section 1124: *Provided further*, That up to \$3,500,000 of
16 these funds shall be available to the Secretary of Edu-
17 cation on October 1, 2003, to obtain updated educational-
18 agency-level census poverty data from the Bureau of the
19 Census: *Provided further*, That \$1,365,031,000 shall be
20 available for concentration grants under section 1124A:
21 *Provided further*, That \$1,920,239,000 shall be available
22 for targeted grants under section 1125: *Provided further*,
23 That \$1,791,759,000 shall be available for education fi-
24 nance incentive grants under section 1125A: *Provided fur-*
25 *ther*, That \$235,000,000 shall be available for comprehen-

1 sive school reform grants under part F of the ESEA: *Pro-*
 2 *vided further*, That from the \$9,500,000 available to carry
 3 out part E of title I, up to \$1,000,000 shall be available
 4 to the Secretary of Education to provide technical assist-
 5 ance to State and local educational agencies concerning
 6 part A of title I.

7 IMPACT AID

8 For carrying out programs of financial assistance to
 9 federally affected schools authorized by title VIII of the
 10 Elementary and Secondary Education Act of 1965,
 11 \$1,403,324,000, of which \$1,192,000,000 shall be for
 12 basic support payments under section 8003(b),
 13 \$66,668,000 shall be for payments for children with dis-
 14 abilities under section 8003(d), \$54,708,000 shall be for
 15 construction under section 8007 and shall remain avail-
 16 able through September 30, 2005, \$72,000,000 shall be
 17 for Federal property payments under section 8002, and
 18 \$17,948,000, to remain available until expended, shall be
 19 for facilities maintenance under section 8008.

20 SCHOOL IMPROVEMENT PROGRAMS

21 For carrying out school improvement activities au-
 22 thorized by title II, part B of title IV, part A and subpart
 23 6 of part D of title V, parts A and B of title VI, and
 24 parts B and C of title VII of the Elementary and Sec-
 25 ondary Education Act of 1965 (“ESEA”); part B of title

1 II of the Higher Education Act; the McKinney-Vento
2 Homeless Assistance Act; and the Civil Rights Act of
3 1964, \$6,141,812,000, of which \$4,490,947,000 shall be-
4 come available on July 1, 2004, and remain available
5 through September 30, 2005, and of which
6 \$1,435,000,000 shall become available on October 1,
7 2004, and shall remain available through September 30,
8 2005, for academic year 2004–2005: *Provided*, That funds
9 made available to carry out part C of title VII of the
10 ESEA may be used for construction: *Provided further*,
11 That funds made available to carry out part B of title
12 VII of the ESEA may be used for construction, renovation
13 and modernization of any elementary school, secondary
14 school, or structure related to an elementary school or sec-
15 ondary school, run by the Department of Education of the
16 State of Hawaii, that serves a predominantly Native Ha-
17 waiian student body: *Provided further*, That \$390,000,000
18 shall be for subpart 1 of part A of title VI of the ESEA:
19 *Provided further*, That no funds appropriated under this
20 heading may be used to carry out section 5494 of the
21 ESEA.

22 INDIAN EDUCATION

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

1 INNOVATION AND IMPROVEMENT

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

17 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

18 For carrying out civic and physical education activi-
19 ties, safe and drug-free schools and communities pro-
20 grams, and partnerships in character education programs,
21 authorized by subpart 3 of part C of title II, part A of
22 title IV, and subparts 2, 3, and 10 of part D of title V
23 of the Elementary and Secondary Education Act of 1965
24 (“ESEA”), \$820,068,000, of which \$138,949,000 shall
25 become available on July 1, 2004 and remain available

1 through September 30, 2005, and of which \$330,000,000
 2 shall become available on October 1, 2004 and shall re-
 3 main available through September 30, 2005 for the aca-
 4 demic year 2004–2005: *Provided*, That \$468,949,000
 5 shall be available for subpart 1 of part A of title IV and
 6 \$155,180,000 shall be available for subpart 2 of part A
 7 of title IV, of which \$4,968,000, to remain available until
 8 expended, shall be for the Project School Emergency Re-
 9 sponse to Violence program to provide education-related
 10 services to local educational agencies in which the learning
 11 environment has been disrupted due to a violent or trau-
 12 matic crisis: *Provided further*, That of the amount made
 13 available for subpart 3 of part C of title II of the ESEA,
 14 up to \$12,000,000 may be used to carry out section 2345
 15 of the ESEA and \$3,000,000 shall be used by the Center
 16 for Civic Education to implement a comprehensive pro-
 17 gram to improve public knowledge, understanding, and
 18 support of the Congress and the State legislatures.

19 ENGLISH LANGUAGE ACQUISITION

20 For carrying out title III, part A of the Elementary
 21 and Secondary Education Act of 1965, \$750,000,000, of
 22 which \$626,258,000 shall become available on July 1,
 23 2004, and shall remain available through September 30,
 24 2005.

SPECIAL EDUCATION

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

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$2,999,165,000: *Provided*, That the funds provided

1 for title I of the Assistive Technology Act of 1998 (“the
2 AT Act”) shall be allocated notwithstanding section
3 105(b)(1) of the AT Act.

4 SPECIAL INSTITUTIONS FOR PERSONS WITH
5 DISABILITIES

6 AMERICAN PRINTING HOUSE FOR THE BLIND

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

9 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

10 For the National Technical Institute for the Deaf
11 under titles I and II of the Education of the Deaf Act
12 of 1986 (20 U.S.C. 4301 et seq.), \$53,867,000, of which
13 \$367,000 shall be for construction and shall remain avail-
14 able until expended: *Provided*, That from the total amount
15 available, the Institute may at its discretion use funds for
16 the endowment program as authorized under section 207.

17 GALLAUDET UNIVERSITY

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

1 VOCATIONAL AND ADULT EDUCATION

2 For carrying out, to the extent not otherwise pro-
3 vided, the Carl D. Perkins Vocational and Applied Tech-
4 nology Education Act, the Adult Education and Family
5 Literacy Act, and subpart 4 of part D of title V of the
6 Elementary and Secondary Education Act of 1965
7 (“ESEA”), \$2,094,475,000, of which \$1,294,725,000
8 shall become available on July 1, 2004 and shall remain
9 available through September 30, 2005 and of which
10 \$791,000,000 shall become available on October 1, 2004
11 and shall remain available through September 30, 2005:
12 *Provided*, That of the amount provided for Adult Edu-
13 cation State Grants, \$70,000,000 shall be made available
14 for integrated English literacy and civics education serv-
15 ices to immigrants and other limited English proficient
16 populations: *Provided further*, That of the amount re-
17 served for integrated English literacy and civics education,
18 notwithstanding section 211 of the Adult Education and
19 Family Literacy Act, 65 percent shall be allocated to
20 States based on a State’s absolute need as determined by
21 calculating each State’s share of a 10-year average of the
22 Immigration and Naturalization Service data for immi-
23 grants admitted for legal permanent residence for the 10
24 most recent years, and 35 percent allocated to States that
25 experienced growth as measured by the average of the 3

1 most recent years for which Immigration and Naturaliza-
 2 tion Service data for immigrants admitted for legal perma-
 3 nent residence are available, except that no State shall be
 4 allocated an amount less than \$60,000: *Provided further*,
 5 That of the amounts made available for the Adult Edu-
 6 cation and Family Literacy Act, \$9,438,000 shall be for
 7 national leadership activities under section 243 and
 8 \$6,517,000 shall be for the National Institute for Literacy
 9 under section 242: *Provided further*, That \$175,000,000
 10 shall be available to support the activities authorized
 11 under subpart 4 of part D of title V of the ESEA, of which
 12 up to 5 percent shall become available October 1, 2003,
 13 for evaluation, technical assistance, school networking,
 14 peer review of applications, and program outreach activi-
 15 ties and of which not less than 95 percent shall become
 16 available on July 1, 2004, and remain available through
 17 September 30, 2005, for grants to local educational agen-
 18 cies: *Provided further*, That funds made available to local
 19 educational agencies under this subpart shall be used only
 20 for activities related to establishing smaller learning com-
 21 munities in high schools.

22 STUDENT FINANCIAL ASSISTANCE

23 For carrying out subparts 1, 3 and 4 of part A, sec-
 24 tion 428K, part C and part E of title IV of the Higher

1 Education Act of 1965, as amended, \$14,911,432,000,
 2 which shall remain available through September 30, 2005.

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

5 HIGHER EDUCATION

6 For carrying out, to the extent not otherwise pro-
 7 vided, section 121 and titles II, III, IV, V, VI, and VII
 8 of the Higher Education Act of 1965 (“HEA”), as amend-
 9 ed, section 1543 of the Higher Education Amendments
 10 of 1992, title VIII of the Higher Education Amendments
 11 of 1998, section 117 of the Carl D. Perkins Vocational
 12 and Technical Education Act, and the Mutual Educational
 13 and Cultural Exchange Act of 1961, \$1,985,991,000, of
 14 which \$2,000,000 for interest subsidies authorized by sec-
 15 tion 121 of the HEA, shall remain available until ex-
 16 pended: *Provided*, That \$9,935,000, to remain available
 17 through September 30, 2005, shall be available to fund
 18 fellowships for academic year 2005–2006 under part A,
 19 subpart 1 of title VII of said Act, under the terms and
 20 conditions of part A, subpart 1: *Provided further*, That
 21 \$994,000 is for data collection and evaluation activities
 22 for programs under the HEA, including such activities
 23 needed to comply with the Government Performance and
 24 Results Act of 1993: *Provided further*, That notwith-
 25 standing any other provision of law, funds made available

1 in this Act to carry out title VI of the HEA and section
2 102(b)(6) of the Mutual Educational and Cultural Ex-
3 change Act of 1961 may be used to support visits and
4 study in foreign countries by individuals who are partici-
5 pating in advanced foreign language training and inter-
6 national studies in areas that are vital to United States
7 national security and who plan to apply their language
8 skills and knowledge of these countries in the fields of gov-
9 ernment, the professions, or international development:
10 *Provided further*, That up to 1 percent of the funds re-
11 ferred to in the preceding proviso may be used for pro-
12 gram evaluation, national outreach, and information dis-
13 semination activities: *Provided further*, That notwith-
14 standing any other provision of law or any regulation, the
15 Secretary of Education shall not require the use of a re-
16 stricted indirect cost rate for grants issued pursuant to
17 section 117 of the Carl D. Perkins Vocational and Applied
18 Technology Education Act.

19 HOWARD UNIVERSITY

20 For partial support of Howard University (20 U.S.C.
21 121 et seq.), \$242,770,000, of which not less than
22 \$3,600,000 shall be for a matching endowment grant pur-
23 suant to the Howard University Endowment Act (Public
24 Law 98–480) and shall remain available until expended.

1 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
2 PROGRAM

3 For Federal administrative expenses authorized
4 under section 121 of the Higher Education Act of 1965,
5 \$774,000 to carry out activities related to existing facility
6 loans entered into under the Higher Education Act of
7 1965.

8 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
9 CAPITAL FINANCING PROGRAM ACCOUNT

10 The aggregate principal amount of outstanding bonds
11 insured pursuant to section 344 of title III, part D of the
12 Higher Education Act of 1965 shall not exceed
13 \$357,000,000, and the cost, as defined in section 502 of
14 the Congressional Budget Act of 1974, of such bonds shall
15 not exceed zero.

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

20 INSTITUTE OF EDUCATION SCIENCES

21 For carrying out activities authorized by Public Law
22 107–279, \$500,599,000: *Provided*, That of the amount
23 appropriated, \$185,000,000 shall be available for obliga-
24 tion through September 30, 2005.

1 DEPARTMENTAL MANAGEMENT

2 PROGRAM ADMINISTRATION

3 For carrying out, to the extent not otherwise pro-
4 vided, the Department of Education Organization Act, in-
5 cluding rental of conference rooms in the District of Co-
6 lumbia and hire of three passenger motor vehicles,
7 \$434,494,000, of which \$13,644,000, to remain available
8 until expended, shall be for building alterations and re-
9 lated expenses for the relocation of Department staff to
10 Potomac Center Plaza in Washington, D.C.

11 OFFICE FOR CIVIL RIGHTS

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

15 OFFICE OF THE INSPECTOR GENERAL

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

19 STUDENT AID ADMINISTRATION

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

1 GENERAL PROVISIONS

2 SEC. 301. No funds appropriated in this Act may be
3 used for the transportation of students or teachers (or for
4 the purchase of equipment for such transportation) in
5 order to overcome racial imbalance in any school or school
6 system, or for the transportation of students or teachers
7 (or for the purchase of equipment for such transportation)
8 in order to carry out a plan of racial desegregation of any
9 school or school system.

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

5 SEC. 304. Not to exceed 1 percent of any discre-
6 tionary funds (pursuant to the Balanced Budget and
7 Emergency Deficit Control Act of 1985, as amended)
8 which are appropriated for the Department of Education
9 in this Act may be transferred between appropriations, but
10 no such appropriation shall be increased by more than 3
11 percent by any such transfer: *Provided*, That the Appro-
12 priations Committees of both Houses of Congress are noti-
13 fied at least 15 days in advance of any transfer.

16 TITLE IV—RELATED AGENCIES

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

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

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

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

17 CORPORATION FOR PUBLIC BROADCASTING

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

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

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

21 FEDERAL MEDIATION AND CONCILIATION SERVICE

22 SALARIES AND EXPENSES

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

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

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

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

12 SALARIES AND EXPENSES

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

19 INFORMATION SCIENCE

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

1 NATIONAL COUNCIL ON DISABILITY

2 SALARIES AND EXPENSES

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

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, as amended (29
11 U.S.C. 141–167), and other laws, \$243,073,000: *Pro-*
12 *vided*, That no part of this appropriation shall be available
13 to organize or assist in organizing agricultural laborers or
14 used in connection with investigations, hearings, direc-
15 tives, or orders concerning bargaining units composed of
16 agricultural laborers as referred to in section 2(3) of the
17 Act of July 5, 1935 (29 U.S.C. 152), and as amended
18 by the Labor-Management Relations Act, 1947, as amend-
19 ed, and as defined in section 3(f) of the Act of June 25,
20 1938 (29 U.S.C. 203), and including in said definition em-
21 ployees engaged in the maintenance and operation of
22 ditches, canals, reservoirs, and waterways when main-
23 tained or operated on a mutual, nonprofit basis and at
24 least 95 percent of the water stored or supplied thereby
25 is used for farming purposes.

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

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

7 OCCUPATIONAL SAFETY AND HEALTH REVIEW

8 COMMISSION

9 SALARIES AND EXPENSES

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

13 RAILROAD RETIREMENT BOARD

14 DUAL BENEFITS PAYMENTS ACCOUNT

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

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

3 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

4 ACCOUNTS

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

12 LIMITATION ON ADMINISTRATION

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

20 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

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

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

10 SOCIAL SECURITY ADMINISTRATION

11 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

16 SUPPLEMENTAL SECURITY INCOME PROGRAM

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

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

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

9 LIMITATION ON ADMINISTRATIVE EXPENSES

10 For necessary expenses, including the hire of two pas-
11 senger motor vehicles, and not to exceed \$15,000 for offi-
12 cial reception and representation expenses, not more than
13 \$8,410,000,000 may be expended, as authorized by sec-
14 tion 201(g)(1) of the Social Security Act, from any one
15 or all of the trust funds referred to therein: *Provided*, That
16 not less than \$1,800,000 shall be for the Social Security
17 Advisory Board: *Provided further*, That unobligated bal-
18 ances of funds provided under this paragraph at the end
19 of fiscal year 2004 not needed for fiscal year 2004 shall
20 remain available until expended to invest in the Social Se-
21 curity Administration information technology and tele-
22 communications hardware and software infrastructure, in-
23 cluding related equipment and non-payroll administrative
24 expenses associated solely with this information technology
25 and telecommunications infrastructure: *Provided further*,
26 That reimbursement to the trust funds under this heading

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

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

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

1 OFFICE OF INSPECTOR GENERAL

2 (INCLUDING TRANSFER OF FUNDS)

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

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

19 UNITED STATES INSTITUTE OF PEACE

20 OPERATING EXPENSES

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

24 TITLE V—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 SEC. 515. (a) Of the total amount appropriated for
17 “Education for the Disadvantaged” in title III of the De-
18 partments of Labor, Health and Human Services, and
19 Education, and Related Agencies Appropriations Act,
20 2003 (Pub. L. 108-7, div. G)—

21 (1) the portion becoming available on July 1,
22 2003, is hereby increased by \$2,244,000,000; and

23 (2) the portion becoming available on October
24 1, 2003, is hereby reduced by \$2,244,000,000.

1 (b) The rescission made by section 601 of the Mis-
2 cellaneous Appropriations Act, 2003 (Pub. L. 108-7, div.
3 N) shall not apply to the amounts of the increase and re-
4 duction specified in this section.

5 SEC. 516. None of the funds made available by this
6 Act to carry out the Library Services and Technology Act
7 may be made available to any library covered by para-
8 graph (1) of section 224(f) of such Act (20 U.S.C.
9 9134(f)), as amended by the Children's Internet Protec-
10 tions Act, unless such library has made the certifications
11 required by paragraph (4) of such section.

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

22 SEC. 518. In the case of taxpayers with adjusted
23 gross income in excess of \$1,000,000 for the tax year be-
24 ginning in 2003, the amount of tax reduction resulting

1 from enactment of the Jobs and Growth Tax Relief Rec-
2 onciliation Act of 2003 shall be reduced by 32 percent.

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

