

**Calendar No. 699**

108TH CONGRESS  
2D SESSION

**S. 2810**

**[Report No. 108–345]**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2004

Mr. SPECTER, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending  
2 September 30, 2005, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR

4 EMPLOYMENT AND TRAINING ADMINISTRATION

5 TRAINING AND EMPLOYMENT SERVICES

6 (INCLUDING RESCISSION)

7 For necessary expenses of the Workforce Investment  
8 Act of 1998, including the purchase and hire of passenger  
9 motor vehicles, the construction, alteration, and repair of  
10 buildings and other facilities, and the purchase of real  
11 property for training centers as authorized by such Act;  
12 \$2,914,662,000 plus reimbursements, of which  
13 \$1,894,099,000 is available for obligation for the period  
14 July 1, 2005 through June 30, 2006; except that amounts  
15 determined by the Secretary of Labor to be necessary pur-  
16 suant to sections 173(a)(4)(A) and 174(c) of such Act  
17 shall be available from October 1, 2004 until expended;  
18 of which \$994,242,000 is available for obligation for the  
19 period April 1, 2005 through June 30, 2006, to carry out  
20 chapter 4 of the Act; and of which \$26,321,000 is avail-  
21 able for the period July 1, 2005 through June 30, 2008  
22 for necessary expenses of construction, rehabilitation, and  
23 acquisition of Job Corps centers: *Provided*, That notwith-  
24 standing any other provision of law, of the funds provided  
25 herein under section 137(c) of the Workforce Investment  
26 Act of 1998, \$283,371,000 shall be for activities described

1 in section 132(a)(2)(A) of such Act and \$1,196,048,000  
 2 shall be for activities described in section 132(a)(2)(B) of  
 3 such Act: *Provided further*, That \$250,000,000 shall be  
 4 available for the Community College Initiative, of which  
 5 \$125,000,000 shall be from funds reserved under section  
 6 132(a)(2)(A) of the Workforce Investment Act: *Provided*  
 7 *further*, That funds provided to carry out section  
 8 132(a)(2)(A) of the Workforce Investment Act may be  
 9 used to provide assistance to a State for state-wide or local  
 10 use in order to address cases where there have been work-  
 11 er dislocations across multiple sectors or across multiple  
 12 local areas and such workers remain dislocated; coordinate  
 13 the State workforce development plan with emerging eco-  
 14 nomic development needs; and train such eligible dis-  
 15 located workers: *Provided further*, That \$8,000,000 shall  
 16 be for carrying out section 172 of the Workforce Invest-  
 17 ment Act of 1998: *Provided further*, That, notwithstanding  
 18 any other provision of law or related regulation,  
 19 \$76,874,000 shall be for carrying out section 167 of the  
 20 Workforce Investment Act of 1998, including \$71,787,000  
 21 for formula grants, \$4,583,000 for migrant and seasonal  
 22 housing (of which not less than 70 percent shall be for  
 23 permanent housing), and \$504,000 for other discretionary  
 24 purposes: *Provided further*, That notwithstanding the  
 25 transfer limitation under section 133(b)(4) of such Act,

1 up to 30 percent of such funds may be transferred by a  
2 local board if approved by the Governor: *Provided further*,  
3 That funds provided to carry out section 171(d) of the  
4 Workforce Investment Act of 1998 may be used for dem-  
5 onstration projects that provide assistance to new entrants  
6 in the workforce and incumbent workers: *Provided further*,  
7 That no funds from any other appropriation shall be used  
8 to provide meal services at or for Job Corps centers.

9       For necessary expenses of the Act, including the pur-  
10 chase and hire of passenger motor vehicles, the construc-  
11 tion, alteration, and repair of buildings and other facili-  
12 ties, and the purchase of real property for training centers  
13 as authorized by the Act; \$2,463,000,000 plus reimburse-  
14 ments, of which \$2,363,000,000 is available for obligation  
15 for the period October 1, 2005 through June 30, 2006,  
16 and of which \$100,000,000 is available for the period Oc-  
17 tober 1, 2005 through June 30, 2008, for necessary ex-  
18 penses of construction, rehabilitation, and acquisition of  
19 Job Corps centers.

20       Of the unobligated funds contained in the H-1B  
21 Nonimmigrant Petitioner Account that are available to the  
22 Secretary of Labor pursuant to section 286(s)(2) of the  
23 Immigration and Nationality Act (8 U.S.C. 1356(s)(2)),  
24 \$100,100,000 are rescinded.

3       To carry out title V of the Older Americans Act of  
4 1965, as amended, \$440,200,000.

6 For payments during the current fiscal year of trade  
7 adjustment benefit payments and allowances under part  
8 I and section 246; and for training, allowances for job  
9 search and relocation, and related State administrative ex-  
10 penses under part II of chapter 2, title II of the Trade  
11 Act of 1974 (including the benefits and services described  
12 under sections 123(c)(2) and 151(b) and (c) of the Trade  
13 Adjustment Assistance Reform Act of 2002, Public Law  
14 107–210), \$1,057,300,000, together with such amounts as  
15 may be necessary to be charged to the subsequent appro-  
16 priation for payments for any period subsequent to Sep-  
17 tember 15 of the current year.

20 For authorized administrative expenses,  
21 \$141,797,000, together with not to exceed  
22 \$3,540,438,000 (including not to exceed \$1,228,000  
23 which may be used for amortization payments to States  
24 which had independent retirement plans in their State em-  
25 ployment service agencies prior to 1980), which may be  
26 expended from the Employment Security Administration

1 Account in the Unemployment Trust Fund including the  
2 cost of administering section 51 of the Internal Revenue  
3 Code of 1986, as amended, section 7(d) of the Wagner-  
4 Peyser Act, as amended, the Trade Act of 1974, as  
5 amended, the Immigration Act of 1990, and the Immigra-  
6 tion and Nationality Act, as amended, and of which the  
7 sums available in the allocation for activities authorized  
8 by title III of the Social Security Act, as amended (42  
9 U.S.C. 502–504), and the sums available in the allocation  
10 for necessary administrative expenses for carrying out 5  
11 U.S.C. 8501–8523, shall be available for obligation by the  
12 States through December 31, 2005, except that funds  
13 used for automation acquisitions shall be available for obli-  
14 gation by the States through September 30, 2007; of  
15 which \$141,797,000, together with not to exceed  
16 \$763,724,000 of the amount which may be expended from  
17 said trust fund, shall be available for obligation for the  
18 period July 1, 2005 through June 30, 2006, to fund ac-  
19 tivities under the Act of June 6, 1933, as amended, in-  
20 cluding the cost of penalty mail authorized under 39  
21 U.S.C. 3202(a)(1)(E) made available to States in lieu of  
22 allotments for such purpose: *Provided*, That to the extent  
23 that the Average Weekly Insured Unemployment (AWIU)  
24 for fiscal year 2005 is projected by the Department of  
25 Labor to exceed 3,227,000, an additional \$28,600,000

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United

1 States Code, and to the “Federal unemployment benefits  
2 and allowances” account, to remain available until Sep-  
3 tember 30, 2006, \$517,000,000.

4 In addition, for making repayable advances to the  
5 Black Lung Disability Trust Fund in the current fiscal  
6 year after September 15, 2005, for costs incurred by the  
7 Black Lung Disability Trust Fund in the current fiscal  
8 year, such sums as may be necessary.

9 PROGRAM ADMINISTRATION

10 For expenses of administering employment and train-  
11 ing programs, \$117,576,000, together with not to exceed  
12 \$60,039,000, which may be expended from the Employ-  
13 ment Security Administration Account in the Unemploy-  
14 ment Trust Fund.

15 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Employee Benefits  
18 Security Administration, \$132,345,000.

19 PENSION BENEFIT GUARANTY CORPORATION

20 PENSION BENEFIT GUARANTY CORPORATION FUND

21 The Pension Benefit Guaranty Corporation is author-  
22 ized to make such expenditures, including financial assist-  
23 ance authorized by section 104 of Public Law 96–364,  
24 within limits of funds and borrowing authority available  
25 to such Corporation, and in accord with law, and to make  
26 such contracts and commitments without regard to fiscal



1 year limitations as provided by section 104 of the Govern-  
2 ment Corporation Control Act, as amended (31 U.S.C.  
3 9104), as may be necessary in carrying out the program,  
4 including associated administrative expenses, through  
5 September 30, 2005 for such Corporation: *Provided*, That  
6 none of the funds available to the Corporation for fiscal  
7 year 2005 shall be available for obligations for administra-  
8 tive expenses in excess of \$266,330,000: *Provided further*,  
9 That obligations in excess of such amount may be incurred  
10 after approval by the Office of Management and Budget  
11 and the Committees on Appropriations of the House and  
12 Senate.

13 EMPLOYMENT STANDARDS ADMINISTRATION

14 SALARIES AND EXPENSES

15 For necessary expenses for the Employment Stand-  
16 ards Administration, including reimbursement to State,  
17 Federal, and local agencies and their employees for inspec-  
18 tion services rendered, \$403,812,000, together with  
19 \$2,058,000 which may be expended from the Special Fund  
20 in accordance with sections 39(c), 44(d) and 44(j) of the  
21 Longshore and Harbor Workers' Compensation Act: *Pro-*  
22 *vided*, That \$1,250,000 shall be for the development of  
23 an alternative system for the electronic submission of re-  
24 ports required to be filed under the Labor-Management  
25 Reporting and Disclosure Act of 1959, as amended, and

1 for a computer database of the information for each sub-  
 2 mission by whatever means, that is indexed and easily  
 3 searchable by the public via the Internet: *Provided further*,  
 4 That the Secretary of Labor is authorized to accept, re-  
 5 tain, and spend, until expended, in the name of the De-  
 6 partment of Labor, all sums of money ordered to be paid  
 7 to the Secretary of Labor, in accordance with the terms  
 8 of the Consent Judgment in Civil Action No. 91–0027 of  
 9 the United States District Court for the District of the  
 10 Northern Mariana Islands (May 21, 1992): *Provided fur-*  
 11 *ther*, That the Secretary of Labor is authorized to estab-  
 12 lish and, in accordance with 31 U.S.C. 3302, collect and  
 13 deposit in the Treasury fees for processing applications  
 14 and issuing certificates under sections 11(d) and 14 of the  
 15 Fair Labor Standards Act of 1938, as amended (29  
 16 U.S.C. 211(d) and 214) and for processing applications  
 17 and issuing registrations under title I of the Migrant and  
 18 Seasonal Agricultural Worker Protection Act (29 U.S.C.  
 19 1801 et seq.).

## 20 SPECIAL BENEFITS

### 21 (INCLUDING TRANSFER OF FUNDS)

22 For the payment of compensation, benefits, and ex-  
 23 penses (except administrative expenses) accruing during  
 24 the current or any prior fiscal year authorized by title 5,  
 25 chapter 81 of the United States Code; continuation of ben-  
 26 efits as provided for under the heading “Civilian War Ben-

1 efits” in the Federal Security Agency Appropriation Act,  
2 1947; the Employees’ Compensation Commission Approp-  
3 priation Act, 1944; sections 4(c) and 5(f) of the War  
4 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-  
5 cent of the additional compensation and benefits required  
6 by section 10(h) of the Longshore and Harbor Workers’  
7 Compensation Act, as amended, \$233,000,000, together  
8 with such amounts as may be necessary to be charged to  
9 the subsequent year appropriation for the payment of  
10 compensation and other benefits for any period subse-  
11 quent to August 15 of the current year: *Provided*, That  
12 amounts appropriated may be used under section 8104 of  
13 title 5, United States Code, by the Secretary of Labor to  
14 reimburse an employer, who is not the employer at the  
15 time of injury, for portions of the salary of a reemployed,  
16 disabled beneficiary: *Provided further*, That balances of re-  
17 imbursements unobligated on September 30, 2004, shall  
18 remain available until expended for the payment of com-  
19 pensation, benefits, and expenses: *Provided further*, That  
20 in addition there shall be transferred to this appropriation  
21 from the Postal Service and from any other corporation  
22 or instrumentality required under section 8147(c) of title  
23 5, United States Code, to pay an amount for its fair share  
24 of the cost of administration, such sums as the Secretary  
25 determines to be the cost of administration for employees

1 of such fair share entities through September 30, 2005:  
 2 *Provided further*, That of those funds transferred to this  
 3 account from the fair share entities to pay the cost of ad-  
 4 ministration of the Federal Employees' Compensation Act,  
 5 \$39,668,000 shall be made available to the Secretary as  
 6 follows: (1) for enhancement and maintenance of auto-  
 7 mated data processing systems and telecommunications  
 8 systems, \$12,351,000; (2) for automated workload proc-  
 9 essing operations, including document imaging, central-  
 10 ized mail intake and medical bill processing, \$14,221,000;  
 11 (3) for periodic roll management and medical review,  
 12 \$13,096,000; and (4) the remaining funds shall be paid  
 13 into the Treasury as miscellaneous receipts: *Provided fur-*  
 14 *ther*, That the Secretary may require that any person fil-  
 15 ing a notice of injury or a claim for benefits under chapter  
 16 81 of title 5, United States Code, or 33 U.S.C. 901 et  
 17 seq., provide as part of such notice and claim, such identi-  
 18 fying information (including Social Security account num-  
 19 ber) as such regulations may prescribe.

20 SPECIAL BENEFITS FOR DISABLED COAL MINERS

21 For carrying out title IV of the Federal Mine Safety  
 22 and Health Act of 1977, as amended by Public Law 107–  
 23 275, (the “Act”), \$276,000,000, to remain available until  
 24 expended.

25 For making after July 31 of the current fiscal year,  
 26 benefit payments to individuals under title IV of the Act,

1 for costs incurred in the current fiscal year, such amounts  
 2 as may be necessary.

3 For making benefit payments under title IV for the  
 4 first quarter of fiscal year 2006, \$81,000,000, to remain  
 5 available until expended.

6 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES  
 7 OCCUPATIONAL ILLNESS COMPENSATION FUND  
 8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses to administer the Energy  
 10 Employees Occupational Illness Compensation Act,  
 11 \$40,821,000, to remain available until expended: *Pro-*  
 12 *vided*, That the Secretary of Labor is authorized to trans-  
 13 fer to any executive agency with authority under the En-  
 14 ergy Employees Occupational Illness Compensation Act,  
 15 including within the Department of Labor, such sums as  
 16 may be necessary in fiscal year 2005 to carry out those  
 17 authorities: *Provided further*, That the Secretary may re-  
 18 quire that any person filing a claim for benefits under the  
 19 Act provide as part of such claim, such identifying infor-  
 20 mation (including Social Security account number) as may  
 21 be prescribed.

22 BLACK LUNG DISABILITY TRUST FUND  
 23 (INCLUDING TRANSFER OF FUNDS)

24 In fiscal year 2005 and thereafter, such sums as may  
 25 be necessary from the Black Lung Disability Trust Fund,  
 26 to remain available until expended, for payment of all ben-

1 efits authorized by section 9501(d)(1), (2), (4), and (7)  
 2 of the Internal Revenue Code of 1954, as amended; and  
 3 interest on advances, as authorized by section 9501(c)(2)  
 4 of that Act. In addition, the following amounts shall be  
 5 available from the Fund for fiscal year 2005 for expenses  
 6 of operation and administration of the Black Lung Bene-  
 7 fits program, as authorized by section 9501(d)(5):  
 8 \$32,646,000 for transfer to the Employment Standards  
 9 Administration, “Salaries and Expenses”; \$23,705,000  
 10 for transfer to Departmental Management, “Salaries and  
 11 Expenses”; \$342,000 for transfer to Departmental Man-  
 12 agement, “Office of Inspector General”; and \$356,000 for  
 13 payments into miscellaneous receipts for the expenses of  
 14 the Department of the Treasury.

15 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

16 SALARIES AND EXPENSES

17 For necessary expenses for the Occupational Safety  
 18 and Health Administration, \$468,645,000, including not  
 19 to exceed \$91,747,000 which shall be the maximum  
 20 amount available for grants to States under section 23(g)  
 21 of the Occupational Safety and Health Act (the “Act”),  
 22 which grants shall be no less than 50 percent of the costs  
 23 of State occupational safety and health programs required  
 24 to be incurred under plans approved by the Secretary  
 25 under section 18 of the Act; and, in addition, notwith-

1 standing 31 U.S.C. 3302, the Occupational Safety and  
2 Health Administration may retain up to \$750,000 per fis-  
3 cal year of training institute course tuition fees, otherwise  
4 authorized by law to be collected, and may utilize such  
5 sums for occupational safety and health training and edu-  
6 cation grants: *Provided*, That, notwithstanding 31 U.S.C.  
7 3302, the Secretary of Labor is authorized, during the fis-  
8 cal year ending September 30, 2005, to collect and retain  
9 fees for services provided to Nationally Recognized Test-  
10 ing Laboratories, and may utilize such sums, in accord-  
11 ance with the provisions of 29 U.S.C. 9a, to administer  
12 national and international laboratory recognition pro-  
13 grams that ensure the safety of equipment and products  
14 used by workers in the workplace: *Provided further*, That  
15 none of the funds appropriated under this paragraph shall  
16 be obligated or expended to prescribe, issue, administer,  
17 or enforce any standard, rule, regulation, or order under  
18 the Act which is applicable to any person who is engaged  
19 in a farming operation which does not maintain a tem-  
20 porary labor camp and employs 10 or fewer employees:  
21 *Provided further*, That no funds appropriated under this  
22 paragraph shall be obligated or expended to administer or  
23 enforce any standard, rule, regulation, or order under the  
24 Act with respect to any employer of 10 or fewer employees  
25 who is included within a category having a Days Away,

1 Restricted, or Transferred (DART) occupational injury  
2 and illness rate, at the most precise industrial classifica-  
3 tion code for which such data are published, less than the  
4 national average rate as such rates are most recently pub-  
5 lished by the Secretary, acting through the Bureau of  
6 Labor Statistics, in accordance with section 24 of that Act  
7 (29 U.S.C. 673), except—

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

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

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

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

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



1 and to take any action pursuant to such investiga-  
 2 tion authorized by such Act; and

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

6 *Provided further*, That the foregoing proviso shall not  
 7 apply to any person who is engaged in a farming operation  
 8 which does not maintain a temporary labor camp and em-  
 9 ploys 10 or fewer employees: *Provided further*, That not  
 10 less than \$3,200,000 shall be used to extend funding for  
 11 the Institutional Competency Building training grants  
 12 which commenced in September 2000, for program activi-  
 13 ties for the period of September 30, 2005 to September  
 14 30, 2006, provided that a grantee has demonstrated satis-  
 15 factory performance.

## 16 MINE SAFETY AND HEALTH ADMINISTRATION

### 17 SALARIES AND EXPENSES

18 For necessary expenses for the Mine Safety and  
 19 Health Administration, \$280,002,000, including purchase  
 20 and bestowal of certificates and trophies in connection  
 21 with mine rescue and first-aid work, and the hire of pas-  
 22 senger motor vehicles, including up to \$2,000,000 for  
 23 mine rescue and recovery activities; in addition, not to ex-  
 24 ceed \$750,000 may be collected by the National Mine  
 25 Health and Safety Academy for room, board, tuition, and

1 the sale of training materials, otherwise authorized by law  
 2 to be collected, to be available for mine safety and health  
 3 education and training activities, notwithstanding 31  
 4 U.S.C. 3302; and, in addition, the Mine Safety and Health  
 5 Administration may retain up to \$1,000,000 from fees col-  
 6 lected for the approval and certification of equipment, ma-  
 7 terials, and explosives for use in mines, and may utilize  
 8 such sums for such activities; the Secretary is authorized  
 9 to accept lands, buildings, equipment, and other contribu-  
 10 tions from public and private sources and to prosecute  
 11 projects in cooperation with other agencies, Federal,  
 12 State, or private; the Mine Safety and Health Administra-  
 13 tion is authorized to promote health and safety education  
 14 and training in the mining community through cooperative  
 15 programs with States, industry, and safety associations;  
 16 and any funds available to the department may be used,  
 17 with the approval of the Secretary, to provide for the costs  
 18 of mine rescue and survival operations in the event of a  
 19 major disaster.

## 20 BUREAU OF LABOR STATISTICS

### 21 SALARIES AND EXPENSES

22 For necessary expenses for the Bureau of Labor Sta-  
 23 tistics, including advances or reimbursements to State,  
 24 Federal, and local agencies and their employees for serv-  
 25 ices rendered, \$455,045,000, together with not to exceed

1 \$78,473,000, which may be expended from the Employ-  
 2 ment Security Administration Account in the Unemploy-  
 3 ment Trust Fund, of which \$5,000,000 may be used to  
 4 fund the mass layoff statistics program under section 15  
 5 of the Wagner-Peyser Act (29 U.S.C. 491-2).

6 OFFICE OF DISABILITY EMPLOYMENT POLICY

7 SALARIES AND EXPENSES

8 For necessary expenses for the Office of Disability  
 9 Employment Policy to provide leadership, develop policy  
 10 and initiatives, and award grants furthering the objective  
 11 of eliminating barriers to the training and employment of  
 12 people with disabilities, \$47,555,000.

13 DEPARTMENTAL MANAGEMENT

14 SALARIES AND EXPENSES

15 For necessary expenses for Departmental Manage-  
 16 ment, including the hire of three sedans, and including  
 17 the management or operation, through contracts, grants  
 18 or other arrangements of Departmental activities con-  
 19 ducted by or through the Bureau of International Labor  
 20 Affairs, including bilateral and multilateral technical as-  
 21 sistance and other international labor activities,  
 22 \$356,728,000, of which, \$15,000,000, to remain available  
 23 until September 30, 2006, is for Frances Perkins Building  
 24 Security Enhancements, and \$33,565,000 is for the acqui-  
 25 sition of Departmental information technology, architec-

1 ture, infrastructure, equipment, software and related  
2 needs, which will be allocated by the Department's Chief  
3 Information Officer in accordance with the Department's  
4 capital investment management process to assure a sound  
5 investment strategy; together with not to exceed  
6 \$322,000, which may be expended from the Employment  
7 Security Administration Account in the Unemployment  
8 Trust Fund: *Provided*, That no funds made available by  
9 this Act may be used by the Solicitor of Labor to partici-  
10 pate in a review in any United States court of appeals  
11 of any decision made by the Benefits Review Board under  
12 section 21 of the Longshore and Harbor Workers' Com-  
13 pensation Act (33 U.S.C. 921) where such participation  
14 is precluded by the decision of the United States Supreme  
15 Court in *Director, Office of Workers' Compensation Pro-*  
16 *grams v. Newport News Shipbuilding*, 115 S. Ct. 1278  
17 (1995), notwithstanding any provisions to the contrary  
18 contained in Rule 15 of the Federal Rules of Appellate  
19 Procedure: *Provided further*, That no funds made available  
20 by this Act may be used by the Secretary of Labor to re-  
21 view a decision under the Longshore and Harbor Workers'  
22 Compensation Act (33 U.S.C. 901 et seq.) that has been  
23 appealed and that has been pending before the Benefits  
24 Review Board for more than 12 months: *Provided further*,  
25 That any such decision pending a review by the Benefits

1 Review Board for more than 1 year shall be considered  
 2 affirmed by the Benefits Review Board on the 1-year anni-  
 3 versary of the filing of the appeal, and shall be considered  
 4 the final order of the Board for purposes of obtaining a  
 5 review in the United States courts of appeals: *Provided*  
 6 *further*, That these provisions shall not be applicable to  
 7 the review or appeal of any decision issued under the  
 8 Black Lung Benefits Act (30 U.S.C. 901 et seq.).

9 VETERANS EMPLOYMENT AND TRAINING

10 Not to exceed \$194,098,000 may be derived from the  
 11 Employment Security Administration Account in the Un-  
 12 employment Trust Fund to carry out the provisions of 38  
 13 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and  
 14 Public Law 103–353, and which shall be available for obli-  
 15 gation by the States through December 31, 2005, of which  
 16 \$2,000,000 is for the National Veterans’ Employment and  
 17 Training Services Institute. To carry out the Homeless  
 18 Veterans Reintegration Programs (38 U.S.C. 2021) and  
 19 the Veterans Workforce Investment Programs (29 U.S.C.  
 20 2913), \$32,683,000, of which \$9,683,000 shall be avail-  
 21 able for obligation for the period July 1, 2005 through  
 22 June 30, 2006.

23 OFFICE OF INSPECTOR GENERAL

24 For salaries and expenses of the Office of Inspector  
 25 General in carrying out the provisions of the Inspector  
 26 General Act of 1978, as amended, \$64,029,000, together

1 with not to exceed \$5,561,000, which may be expended  
2 from the Employment Security Administration Account in  
3 the Unemployment Trust Fund.

4 WORKING CAPITAL FUND

5 For the acquisition of a new core accounting system  
6 for the Department of Labor, including hardware and  
7 software infrastructure and the costs associated with im-  
8 plementation thereof, \$15,000,000.

9 GENERAL PROVISIONS

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

15 (TRANSFER OR REPROGRAMMING OF FUNDS)

16 SEC. 102. Not to exceed 1 percent of any discre-  
17 tionary funds (pursuant to the Balanced Budget and  
18 Emergency Deficit Control Act of 1985, as amended)  
19 which are appropriated for the current fiscal year for the  
20 Department of Labor in this Act may be transferred or  
21 reprogrammed between a program, project, or activity, but  
22 no such program, project, or activity shall be increased  
23 by more than 3 percent by any such transfer or re-  
24 programming: *Provided*, That the Appropriations Commit-  
25 tees of both Houses of Congress are notified at least 15  
26 days in advance of any transfer, reprogramming request

1 or announcement of such transfer or reprogramming re-  
2 quest.

3       SEC. 103. In accordance with Executive Order No.  
4 13126, none of the funds appropriated or otherwise made  
5 available pursuant to this Act shall be obligated or ex-  
6 pended for the procurement of goods mined, produced,  
7 manufactured, or harvested or services rendered, whole or  
8 in part, by forced or indentured child labor in industries  
9 and host countries already identified by the United States  
10 Department of Labor prior to enactment of this Act.

11       SEC. 104. There is authorized to be appropriated  
12 such sums as may be necessary to the Denali Commission  
13 through the Department of Labor to conduct job training  
14 of the local workforce where Denali Commission projects  
15 will be constructed.

16       SEC. 105. Not later than 30 days after the date of  
17 enactment of this Act, the Secretary of Labor shall issue  
18 a monthly transit subsidy of not less than the amount each  
19 of its employees of the National Capital Region is eligible  
20 to receive, not to exceed a maximum of \$100, as directed  
21 by Executive Order 13150.

22       SEC. 106. The Department of Labor shall submit its  
23 fiscal year 2006 congressional budget justifications to the  
24 Committees on Appropriations of the House of Represent-

1 atives and the Senate using the identical structure pro-  
 2 vided under this Act.

3 SEC. 107. None of the funds provided in this Act may  
 4 be used by the Department of Labor to implement or ad-  
 5 minister any change to regulations regarding overtime  
 6 compensation (contained in part 541 of title 29, Code of  
 7 Federal Regulations) in effect on July 14, 2004, except  
 8 those changes in the Department of Labor’s final regula-  
 9 tion published in the Federal Register on April 23, 2004  
 10 at section 541.600 of such title 29.

11 SEC. 108. Overtime regulations promulgated by the  
 12 Department of Labor and in effect as of July 14, 2004  
 13 are reinstated, except for salary requirements superseded  
 14 by section 541.600 of the final overtime regulation pub-  
 15 lished in the Federal Register on April 23, 2004.

16 This title may be cited as the “Department of Labor  
 17 Appropriations Act, 2005”.

## 18 TITLE II—DEPARTMENT OF HEALTH AND 19 HUMAN SERVICES

### 20 HEALTH RESOURCES AND SERVICES ADMINISTRATION

#### 21 HEALTH RESOURCES AND SERVICES

22 For carrying out titles II, III, IV, VII, VIII, X, XII,  
 23 XIX, and XXVI of the Public Health Service Act, section  
 24 427(a) of the Federal Coal Mine Health and Safety Act,  
 25 title V of the Social Security Act, and sections 1128E,



1 711 and 1820 of the Social Security Act, the Health Care  
2 Quality Improvement Act of 1986, as amended, the Native  
3 Hawaiian Health Care Act of 1988, as amended, the Car-  
4 diac Arrest Survival Act of 2000, and the Poison Control  
5 Center Enhancement and Awareness Act, as amended,  
6 \$6,941,280,000, of which \$371,536,000 shall be available  
7 for construction and renovation (including equipment) of  
8 health care and other facilities and other health-related  
9 activities, and of which \$39,499,000 from general reve-  
10 nues, notwithstanding section 1820(j) of the Social Secu-  
11 rity Act, shall be available for carrying out the Medicare  
12 rural hospital flexibility grants program under section  
13 1820 of such Act: *Provided*, That of the funds made avail-  
14 able under this heading, \$249,000 shall be available until  
15 expended for facilities renovations at the Gillis W. Long  
16 Hansen’s Disease Center: *Provided further*, That in addi-  
17 tion to fees authorized by section 427(b) of the Health  
18 Care Quality Improvement Act of 1986, fees shall be col-  
19 lected for the full disclosure of information under the Act  
20 sufficient to recover the full costs of operating the Na-  
21 tional Practitioner Data Bank, and shall remain available  
22 until expended to carry out that Act: *Provided further*,  
23 That fees collected for the full disclosure of information  
24 under the “Health Care Fraud and Abuse Data Collection  
25 Program”, authorized by section 1128E(d)(2) of the So-

1 cial Security Act, shall be sufficient to recover the full  
 2 costs of operating the program, and shall remain available  
 3 until expended to carry out that Act: *Provided further,*  
 4 That \$31,000,000 of the funding provided for community  
 5 health centers shall be used for base grant adjustments  
 6 for existing centers: *Provided further,* That no more than  
 7 \$4,821,000 is available until expended for carrying out the  
 8 provisions of U.S.C. Title 42 Section 233(o) including as-  
 9 sociated administrative expenses: *Provided further,* That  
 10 no more than \$45,000,000 is available until expended for  
 11 carrying out the provisions of Public Law 104–73: *Pro-*  
 12 *vided further,* That \$9,941,000 is available until expended  
 13 for the National Cord Blood Stem Cell Bank Program as  
 14 described in House Report 108–401: *Provided further,*  
 15 That of the funds made available under this heading,  
 16 \$308,283,000 shall be for the program under title X of  
 17 the Public Health Service Act to provide for voluntary  
 18 family planning projects: *Provided further,* That amounts  
 19 provided to said projects under such title shall not be ex-  
 20 pended for abortions, that all pregnancy counseling shall  
 21 be nondirective, and that such amounts shall not be ex-  
 22 pended for any activity (including the publication or dis-  
 23 tribution of literature) that in any way tends to promote  
 24 public support or opposition to any legislative proposal or  
 25 candidate for public office: *Provided further,* That

1 \$783,872,000 shall be for State AIDS Drug Assistance  
 2 Programs authorized by section 2616 of the Public Health  
 3 Service Act: *Provided further*, That in addition to amounts  
 4 provided herein, \$25,000,000 shall be available from  
 5 amounts available under section 241 of the Public Health  
 6 Service Act to carry out Parts A, B, C, and D of title  
 7 XXVI of the Public Health Service Act to fund section  
 8 2691 Special Projects of National Significance: *Provided*  
 9 *further*, That, notwithstanding section 502(a)(1) of the  
 10 Social Security Act, not to exceed \$122,530,000 is avail-  
 11 able for carrying out special projects of regional and na-  
 12 tional significance pursuant to section 501(a)(2) of such  
 13 Act.

14 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM  
 15 ACCOUNT

16 Such sums as may be necessary to carry out the pur-  
 17 pose of the program, as authorized by title VII of the Pub-  
 18 lic Health Service Act, as amended. For administrative ex-  
 19 penses to carry out the guaranteed loan program, includ-  
 20 ing section 709 of the Public Health Service Act,  
 21 \$3,270,000.

22 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

23 For payments from the Vaccine Injury Compensation  
 24 Program Trust Fund, such sums as may be necessary for  
 25 claims associated with vaccine-related injury or death with  
 26 respect to vaccines administered after September 30,

1 1988, pursuant to subtitle 2 of title XXI of the Public  
 2 Health Service Act, to remain available until expended:  
 3 *Provided*, That for necessary administrative expenses, not  
 4 to exceed \$3,176,000 shall be available from the Trust  
 5 Fund to the Secretary of Health and Human Services.

6 CENTERS FOR DISEASE CONTROL AND PREVENTION

7 DISEASE CONTROL, RESEARCH, AND TRAINING

8 To carry out titles II, III, VII, XI, XV, XVII, XIX,  
 9 XXI, and XXVI of the Public Health Service Act, sections  
 10 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal  
 11 Mine Safety and Health Act of 1977, sections 20, 21, and  
 12 22 of the Occupational Safety and Health Act of 1970,  
 13 title IV of the Immigration and Nationality Act, and sec-  
 14 tion 501 of the Refugee Education Assistance Act of 1980;  
 15 including purchase and insurance of official motor vehicles  
 16 in foreign countries; and purchase, hire, maintenance, and  
 17 operation of aircraft, \$4,538,592,000, of which  
 18 \$294,500,000 shall remain available until expended for  
 19 equipment, and construction and renovation of facilities,  
 20 and of which \$118,842,000 for international HIV/AIDS  
 21 shall remain available until September 30, 2006. In addi-  
 22 tion, such sums as may be derived from authorized user  
 23 fees, which shall be credited to this account: *Provided*,  
 24 That in addition to amounts provided herein, the following  
 25 amounts shall be available from amounts available under

1 section 241 of the Public Health Service Act (1)  
2 \$12,794,000 to carry out the National Immunization Sur-  
3 veys; (2) \$109,021,000 to carry out the National Center  
4 for Health Statistics surveys; (3) \$24,751,000 to carry out  
5 information systems standards development and architec-  
6 ture and applications-based research used at local public  
7 health levels; (4) \$4,974,000 for Public Health  
8 Informatics evaluations; (5) \$463,000 for Health Mar-  
9 keting evaluations; (6) \$35,000,000 to carry out Public  
10 Health Research; and (7) \$82,097,000 to carry out Re-  
11 search Tools and Approaches activities within the National  
12 Occupational Research Agenda: *Provided further*, That  
13 none of the funds made available for injury prevention and  
14 control at the Centers for Disease Control and Prevention  
15 may be used, in whole or in part, to advocate or promote  
16 gun control: *Provided further*, That up to \$30,000,000  
17 shall be made available until expended for Individual  
18 Learning Accounts for full-time equivalent employees of  
19 the Centers for Disease Control and Prevention: *Provided*  
20 *further*, That the Director may redirect the total amount  
21 made available under authority of Public Law 101-502,  
22 section 3, dated November 3, 1990, to activities the Direc-  
23 tor may so designate: *Provided further*, That the Congress  
24 is to be notified promptly of any such transfer: *Provided*  
25 *further*, That not to exceed \$12,500,000 may be available

1 for making grants under section 1509 of the Public  
2 Health Service Act to not more than 15 States, tribes,  
3 or tribal organizations: *Provided further*, That without re-  
4 gard to existing statute, funds appropriated may be used  
5 to proceed, at the discretion of the Centers for Disease  
6 Control and Prevention, with property acquisition, includ-  
7 ing a long-term ground lease for construction on non-Fed-  
8 eral land, to support the construction of a replacement  
9 laboratory in the Fort Collins, Colorado area: *Provided*  
10 *further*, That notwithstanding any other provision of law,  
11 a single contract or related contracts for development and  
12 construction of facilities may be employed which collec-  
13 tively include the full scope of the project: *Provided fur-*  
14 *ther*, That the solicitation and contract shall contain the  
15 clause “availability of funds” found at 48 CFR 52.232–  
16 18: *Provided further*, That the Director of the Centers for  
17 Disease Control and Prevention may direct up to 1 percent  
18 of the amount made available for any program, project  
19 or activity in this Act to the Centers for Disease Control  
20 and Prevention to programs, projects, and activities the  
21 Director may so designate: *Provided further*, That no such  
22 program, project, or activity shall be decreased by more  
23 than 1 percent by any such transfers: *Provided further*,  
24 That no such program, project, or activity shall be in-

1 creased by more than 3 percent and that Congress is  
 2 promptly notified of the transfer.

3 NATIONAL INSTITUTES OF HEALTH

4 NATIONAL CANCER INSTITUTE

5 For carrying out section 301 and title IV of the Pub-  
 6 lic Health Service Act with respect to cancer,  
 7 \$4,894,900,000, of which up to \$8,000,000 may be used  
 8 for facilities repairs and improvements at the NCI–Fred-  
 9 erick Federally Funded Research and Development Center  
 10 in Frederick, Maryland.

11 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

12 For carrying out section 301 and title IV of the Pub-  
 13 lic Health Service Act with respect to cardiovascular, lung,  
 14 and blood diseases, and blood and blood products,  
 15 \$2,985,900,000.

16 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

17 RESEARCH

18 For carrying out section 301 and title IV of the Pub-  
 19 lic Health Service Act with respect to dental disease,  
 20 \$399,200,000.

21 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND

22 KIDNEY DISEASES

23 For carrying out section 301 and title IV of the Pub-  
 24 lic Health Service Act with respect to diabetes and diges-  
 25 tive and kidney disease, \$1,739,100,000.

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS  
7 DISEASES  
8 (INCLUDING TRANSFER OF FUNDS)

19 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

**S 2810 PCS**



6 NATIONAL EYE INSTITUTE

10 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH  
11 SCIENCES

15 NATIONAL INSTITUTE ON AGING

19 NATIONAL INSTITUTE OF ARTHRITIS AND  
20 MUSCULOSKELETAL AND SKIN DISEASES

**S 2810 PCS**

6 NATIONAL INSTITUTE OF NURSING RESEARCH

10 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND  
11 ALCOHOLISM

15 NATIONAL INSTITUTE ON DRUG ABUSE

19 NATIONAL INSTITUTE OF MENTAL HEALTH

23 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

**S 2810 PCS**

6 NATIONAL CENTER FOR RESEARCH RESOURCES

15 NATIONAL CENTER FOR COMPLEMENTARY AND  
16 ALTERNATIVE MEDICINE

20 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH  
21 DISPARITIES

**S 2810 PCS**

1           JOHN E. FOGARTY INTERNATIONAL CENTER

2           For carrying out the activities at the John E.  
3 Fogarty International Center, \$67,600,000.

4           NATIONAL LIBRARY OF MEDICINE

5           For carrying out section 301 and title IV of the Pub-  
6 lic Health Service Act with respect to health information  
7 communications, \$316,900,000, of which \$4,000,000 shall  
8 be available until expended for improvement of informa-  
9 tion systems: *Provided*, That in fiscal year 2005, the Li-  
10 brary may enter into personal services contracts for the  
11 provision of services in facilities owned, operated, or con-  
12 structed under the jurisdiction of the National Institutes  
13 of Health: *Provided further*, That in addition to amounts  
14 provided herein, \$8,200,000 shall be available from  
15 amounts available under section 241 of the Public Health  
16 Service Act to carry out National Information Center on  
17 Health Services Research and Health Care Technology  
18 and related health services.

19           OFFICE OF THE DIRECTOR

20           (INCLUDING TRANSFER OF FUNDS)

21           For carrying out the responsibilities of the Office of  
22 the Director, National Institutes of Health, \$364,100,000,  
23 of which up to \$10,000,000 shall be used to carry out sec-  
24 tion 218 of this Act: *Provided*, That funding shall be avail-  
25 able for the purchase of not to exceed 29 passenger motor  
26 vehicles for replacement only: *Provided further*, That the

1 Director may direct up to 1 percent of the total amount  
 2 made available in this or any other Act to all National  
 3 Institutes of Health appropriations to activities the Direc-  
 4 tor may so designate: *Provided further*, That no such ap-  
 5 propriation shall be decreased by more than 1 percent by  
 6 any such transfers and that the Congress is promptly noti-  
 7 fied of the transfer: *Provided further*, That the National  
 8 Institutes of Health is authorized to collect third party  
 9 payments for the cost of clinical services that are incurred  
 10 in National Institutes of Health research facilities and  
 11 that such payments shall be credited to the National Insti-  
 12 tutes of Health Management Fund: *Provided further*, That  
 13 all funds credited to the National Institutes of Health  
 14 Management Fund shall remain available for 1 fiscal year  
 15 after the fiscal year in which they are deposited: *Provided*  
 16 *further*, That up to \$500,000 shall be available to carry  
 17 out section 499 of the Public Health Service Act.

#### 18 BUILDINGS AND FACILITIES

#### 19 (INCLUDING TRANSFER OF FUNDS)

20 For the study of, construction of, renovation of, and  
 21 acquisition of equipment for, facilities of or used by the  
 22 National Institutes of Health, including the acquisition of  
 23 real property, \$114,500,000, to remain available until ex-  
 24 pended: *Provided*, That notwithstanding any other provi-  
 25 sion of law, single contracts or related contracts, which  
 26 collectively include the full scope of the project, may be

1 employed for the development and construction of the first  
 2 and second phases of the John Edward Porter Neuro-  
 3 science Research Center: *Provided further*, That the solici-  
 4 tations and contracts shall contain the clause “availability  
 5 of funds” found at 48 CFR 52.232–18.

## 6 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

### 7 ADMINISTRATION

## 8 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

9 For carrying out titles V and XIX of the Public  
 10 Health Service Act with respect to substance abuse and  
 11 mental health services, the Protection and Advocacy for  
 12 Individuals with Mental Illness Act, and section 301 of  
 13 the Public Health Service Act with respect to program  
 14 management, \$3,361,426,000: *Provided*, That in addition  
 15 to amounts provided herein, the following amounts shall  
 16 be available from amounts available under section 241 of  
 17 the Public Health Service Act: (1) \$79,200,000 to carry  
 18 out subpart II of title XIX of the Public Health Service  
 19 Act to fund section 1935(b) technical assistance, national  
 20 data, data collection and evaluation activities, and further  
 21 that the total available under this Act for section 1935(b)  
 22 activities shall not exceed 5 percent of the amounts appro-  
 23 priated for subpart II of title XIX; (2) \$21,803,000 to  
 24 carry out subpart I of Part B of title XIX of the Public  
 25 Health Service Act to fund section 1920(b) technical as-

1 sistance, data collection and program evaluation activities,  
 2 and further that the total available under this Act for sec-  
 3 tion 1920(b) activities shall not exceed 5 percent of the  
 4 amounts appropriated for subpart I of Part B of title XIX;  
 5 (3) \$16,000,000 to carry out national surveys on drug  
 6 abuse; (4) \$2,000,000 for mental health data collection;  
 7 and (5) \$4,300,000 to evaluate substance abuse treatment  
 8 programs.

9 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

10 HEALTHCARE RESEARCH AND QUALITY

11 For carrying out titles III and IX of the Public  
 12 Health Service Act, and part A of title XI of the Social  
 13 Security Act, amounts received from Freedom of Informa-  
 14 tion Act fees, reimbursable and interagency agreements,  
 15 and the sale of data shall be credited to this appropriation  
 16 and shall remain available until expended: *Provided*, That  
 17 the amount made available pursuant to section 927(c) of  
 18 the Public Health Service Act shall not exceed  
 19 \$318,695,000.

20 CENTERS FOR MEDICARE AND MEDICAID SERVICES

21 GRANTS TO STATES FOR MEDICAID

22 For carrying out, except as otherwise provided, titles  
 23 XI and XIX of the Social Security Act, \$119,124,488,000,  
 24 to remain available until expended.

1       For making, after May 31, 2005, payments to States  
2 under title XIX of the Social Security Act for the last  
3 quarter of fiscal year 2005 for unanticipated costs, in-  
4 curred for the current fiscal year, such sums as may be  
5 necessary.

6       For making payments to States or in the case of sec-  
7 tion 1928 on behalf of States under title XIX of the Social  
8 Security Act for the first quarter of fiscal year 2006,  
9 \$58,517,290,000, to remain available until expended.

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

14               PAYMENTS TO HEALTH CARE TRUST FUNDS

15       For payment to the Federal Hospital Insurance and  
16 the Federal Supplementary Medical Insurance Trust  
17 Funds, as provided under section 1844, 1860D–16, and  
18 1860D–31 of the Social Security Act, sections 103(c) and  
19 111(d) of the Social Security Amendments of 1965, sec-  
20 tion 278(d) of Public Law 97–248, and for administrative  
21 expenses incurred pursuant to section 201(g) of the Social  
22 Security Act, \$114,608,900,000. To ensure prompt pay-  
23 ments of Medicare prescription drug benefits as provided  
24 under section 1860 D–16 of the Social Security Act,  
25 \$5,216,900,000, to become available on October 1, 2005  
26 for fiscal year 2006.



## PROGRAM MANAGEMENT

1  
2 For carrying out, except as otherwise provided, titles  
3 XI, XVIII, XIX, and XXI of the Social Security Act, titles  
4 XIII and XXVII of the Public Health Service Act, and  
5 the Clinical Laboratory Improvement Amendments of  
6 1988, not to exceed \$2,756,644,000, to be transferred  
7 from the Federal Hospital Insurance and the Federal Sup-  
8 plementary Medical Insurance Trust Funds, as authorized  
9 by section 201(g) of the Social Security Act; together with  
10 all funds collected in accordance with section 353 of the  
11 Public Health Service Act and section 1857(e)(2) of the  
12 Social Security Act, and such sums as may be collected  
13 from authorized user fees and the sale of data, which shall  
14 remain available until expended: *Provided*, That all funds  
15 derived in accordance with 31 U.S.C. 9701 from organiza-  
16 tions established under title XIII of the Public Health  
17 Service Act shall be credited to and available for carrying  
18 out the purposes of this appropriation: *Provided further*,  
19 That \$24,400,000, to remain available until September  
20 30, 2006, is for contract costs for CMS's Systems Revital-  
21 ization Plan: *Provided further*, That \$78,300,000, to re-  
22 main available until September 30, 2006, is for contract  
23 costs for the Healthcare Integrated General Ledger Ac-  
24 counting System: *Provided further*, That not more than  
25 \$13,000,000 shall be available for the Healthy Start,

1 Grow Smart program: *Provided further*, That not less than  
 2 \$129,000,000 shall be for processing Medicare appeals,  
 3 of which up to \$50,000,000 shall be transferred to the  
 4 Social Security Administration for processing Medicare  
 5 appeals: *Provided further*, That the Secretary of Health  
 6 and Human Services is directed to collect fees in fiscal  
 7 year 2005 from Medicare + Choice organizations pursuant  
 8 to section 1857(e)(2) of the Social Security Act and from  
 9 eligible organizations with risk-sharing contracts under  
 10 section 1876 of that Act pursuant to section  
 11 1876(k)(4)(D) of that Act: *Provided further*, that to the  
 12 extent Medicare claims processing unit costs are projected  
 13 by the Centers for Medicare and Medicaid Services to ex-  
 14 ceed \$0.87 for Part A claims and/or \$0.63 for Part B  
 15 claims, up to an additional \$18,000,000 may be available  
 16 for obligation for every \$0.04 increase in Medicare claims  
 17 processing unit costs from the Federal Hospital Insurance  
 18 and the Federal Supplementary Medical Insurance Trust  
 19 Funds. The calculation of projected unit costs shall be de-  
 20 rived in the same manner in which the estimated unit  
 21 costs were calculated for the Federal budget estimate for  
 22 the fiscal year.

23 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN  
 24 GUARANTEE FUND

25 For carrying out subsections (d) and (e) of section  
 26 1308 of the Public Health Service Act, any amounts re-

1 ceived by the Secretary in connection with loans and loan  
 2 guarantees under title XIII of the Public Health Service  
 3 Act, to be available without fiscal year limitation for the  
 4 payment of outstanding obligations. During fiscal year  
 5 2005, no commitments for direct loans or loan guarantees  
 6 shall be made.

7       ADMINISTRATION FOR CHILDREN AND FAMILIES

8               PAYMENTS TO STATES FOR CHILD SUPPORT

9               ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

10       For making payments to States or other non-Federal  
 11 entities under titles I, IV–D, X, XI, XIV, and XVI of the  
 12 Social Security Act and the Act of July 5, 1960 (24  
 13 U.S.C. ch. 9), \$2,873,802,000, to remain available until  
 14 expended; and for such purposes for the first quarter of  
 15 fiscal year 2006, \$1,200,000,000, to remain available until  
 16 expended.

17       For making payments to each State for carrying out  
 18 the program of Aid to Families with Dependent Children  
 19 under title IV–A of the Social Security Act before the ef-  
 20 fective date of the program of Temporary Assistance for  
 21 Needy Families (TANF) with respect to such State, such  
 22 sums as may be necessary: *Provided*, That the sum of the  
 23 amounts available to a State with respect to expenditures  
 24 under such title IV–A in fiscal year 1997 under this ap-  
 25 propriation and under such title IV–A as amended by the

1 Personal Responsibility and Work Opportunity Reconcili-  
 2 ation Act of 1996 shall not exceed the limitations under  
 3 section 116(b) of such Act.

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

#### 11 LOW-INCOME HOME ENERGY ASSISTANCE

12 For making payments under title XXVI of the Omni-  
 13 bus Budget Reconciliation Act of 1981, \$1,901,090,000,  
 14 of which \$500,000 may be available for evaluation pur-  
 15 poses.

16 For making payments under title XXVI of the Omni-  
 17 bus Budget Reconciliation Act of 1981, \$99,410,000, to  
 18 remain available until expended: *Provided*, That these  
 19 funds are for the unanticipated home energy assistance  
 20 needs of one or more States, as authorized by section  
 21 2604(e) of the Act, and notwithstanding the designation  
 22 requirement of section 2602(e).

#### 23 REFUGEE AND ENTRANT ASSISTANCE

24 For necessary expenses for refugee and entrant as-  
 25 sistance activities and for costs associated with the care  
 26 and placement of unaccompanied alien children authorized

1 by title IV of the Immigration and Nationality Act and  
 2 section 501 of the Refugee Education Assistance Act of  
 3 1980 (Public Law 96–422), for carrying out section 462  
 4 of the Homeland Security Act of 2002 (Public Law 107–  
 5 296), and for carrying out section 5 of the Torture Vic-  
 6 tims Relief Act of 2003 (Public Law 108–179),  
 7 \$477,239,000, of which up to \$10,000,000 shall be avail-  
 8 able to carry out the Trafficking Victims Protection Act  
 9 of 2003 (Public Law 108–193): *Provided*, That funds ap-  
 10 propriated under this heading pursuant to section 414(a)  
 11 of the Immigration and Nationality Act and section 462  
 12 of the Homeland Security Act of 2002 for fiscal year 2005  
 13 shall be available for the costs of assistance provided and  
 14 other activities, to remain available through September 30,  
 15 2007.

16 PAYMENTS TO STATES FOR THE CHILD CARE AND  
 17 DEVELOPMENT BLOCK GRANT

18 For carrying out sections 658A through 658R of the  
 19 Omnibus Budget Reconciliation Act of 1981 (The Child  
 20 Care and Development Block Grant Act of 1990),  
 21 \$2,099,729,000 shall be used to supplement, not supplant  
 22 state general revenue funds for child care assistance for  
 23 low-income families: *Provided*, That \$19,120,000 shall be  
 24 available for child care resource and referral and school-  
 25 aged child care activities, of which \$1,000,000 shall be for  
 26 the Child Care Aware toll free hotline: *Provided further*,

1 That, in addition to the amounts required to be reserved  
 2 by the States under section 658G, \$272,672,000 shall be  
 3 reserved by the States for activities authorized under sec-  
 4 tion 658G, of which \$100,000,000 shall be for activities  
 5 that improve the quality of infant and toddler care: *Pro-*  
 6 *vided further*, That \$10,000,000 shall be for use by the  
 7 Secretary for child care research, demonstration, and eval-  
 8 uation activities.

9 SOCIAL SERVICES BLOCK GRANT

10 For making grants to States pursuant to section  
 11 2002 of the Social Security Act, \$1,700,000,000: *Pro-*  
 12 *vided*, That notwithstanding subparagraph (B) of section  
 13 404(d)(2) of such Act, the applicable percent specified  
 14 under such subparagraph for a State to carry out State  
 15 programs pursuant to title XX of such Act shall be 10  
 16 percent.

17 CHILDREN AND FAMILIES SERVICES PROGRAMS

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

1 of the Children’s Health Act of 2000, the Abandoned In-  
 2 fants Assistance Act of 1988, sections 261 and 291 of the  
 3 Help America Vote Act of 2002, the Early Learning Op-  
 4 portunities Act, part B(1) of title IV and sections 413,  
 5 429A, 1110, and 1115 of the Social Security Act, and sec-  
 6 tions 40155, 40211, and 40241 of Public Law 103–322;  
 7 for making payments under the Community Services  
 8 Block Grant Act, sections 439(h), 473A, 474, and 477(i)  
 9 of the Social Security Act, and title IV of Public Law 105–  
 10 285, and for necessary administrative expenses to carry  
 11 out said Acts and titles I, IV, V, X, XI, XIV, XVI, and  
 12 XX of the Social Security Act, the Act of July 5, 1960  
 13 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act  
 14 of 1981, title IV of the Immigration and Nationality Act,  
 15 section 501 of the Refugee Education Assistance Act of  
 16 1980, section 5 of the Torture Victims Relief Act of 1998  
 17 (Public Law 105–320), sections 40155, 40211, and 40241  
 18 of Public Law 103–322, and section 126 and titles IV and  
 19 V of Public Law 100–485, \$9,094,146,000, of which  
 20 \$32,103,000, to remain available until September 30,  
 21 2006, shall be for grants to States for adoption incentive  
 22 payments, as authorized by section 473A of title IV of the  
 23 Social Security Act (42 U.S.C. 670–679) and may be  
 24 made for adoptions completed before September 30, 2005:  
 25 *Provided further*, That \$6,935,452,000 shall be for making

1 payments under the Head Start Act, of which  
2 \$1,400,000,000 shall become available October 1, 2005  
3 and remain available through September 30, 2006: *Pro-*  
4 *vided further*, That \$727,650,000 shall be for making pay-  
5 ments under the Community Services Block Grant Act:  
6 *Provided further*, That not less than \$7,500,000 shall be  
7 for section 680(3)(B) of the Community Services Block  
8 Grant Act, as amended: *Provided further*, That not less  
9 than \$2,000,000 shall be for neighborhood innovation  
10 projects under section 608(a)(4) of the Community Serv-  
11 ices Block Grant Act, as amended: *Provided further*, That  
12 in addition to amounts provided herein, \$6,000,000 shall  
13 be available from amounts available under section 241 of  
14 the Public Health Service Act to carry out the provisions  
15 of section 1110 of the Social Security Act: *Provided fur-*  
16 *ther*, That to the extent Community Services Block Grant  
17 funds are distributed as grant funds by a State to an eligi-  
18 ble entity as provided under the Act, and have not been  
19 expended by such entity, they shall remain with such enti-  
20 ty for carryover into the next fiscal year for expenditure  
21 by such entity consistent with program purposes: *Provided*  
22 *further*, That the Secretary shall establish procedures re-  
23 garding the disposition of intangible property which per-  
24 mits grant funds, or intangible assets acquired with funds  
25 authorized under section 680 of the Community Services



1 Block Grant Act, as amended, to become the sole property  
 2 of such grantees after a period of not more than 12 years  
 3 after the end of the grant for purposes and uses consistent  
 4 with the original grant: *Provided further*, That funds ap-  
 5 propriated for section 680(a)(2) of the Community Serv-  
 6 ices Block Grant Act, as amended, shall be available for  
 7 financing construction and rehabilitation and loans or in-  
 8 vestments in private business enterprises owned by com-  
 9 munity development corporations: *Provided further*, That  
 10 \$47,702,000 is for a compassion capital fund to provide  
 11 grants to charitable organizations to emulate model social  
 12 service programs and to encourage research on the best  
 13 practices of social service organizations: *Provided further*,  
 14 That \$14,912,000 shall be for activities authorized by the  
 15 Help America Vote Act of 2002, of which \$10,000,000  
 16 shall be for payments to States to promote access for vot-  
 17 ers with disabilities, and of which \$4,912,000 shall be for  
 18 payments to States for protection and advocacy systems  
 19 for voters with disabilities: *Provided further*, That  
 20 \$100,000,000 shall be for making competitive grants to  
 21 provide abstinence education (as defined by section  
 22 510(b)(2) of the Social Security Act) to adolescents, and  
 23 for Federal costs of administering the grant: *Provided fur-*  
 24 *ther*, That grants under the immediately preceding proviso  
 25 shall be made only to public and private entities which

1 agree that, with respect to an adolescent to whom the enti-  
 2 ties provide abstinence education under such grant, the  
 3 entities will not provide to that adolescent any other edu-  
 4 cation regarding sexual conduct, except that, in the case  
 5 of an entity expressly required by law to provide health  
 6 information or services the adolescent shall not be pre-  
 7 cluded from seeking health information or services from  
 8 the entity in a different setting than the setting in which  
 9 the abstinence education was provided: *Provided further,*  
 10 That in addition to amounts provided herein for absti-  
 11 nence education to adolescents, \$4,500,000 shall be avail-  
 12 able from amounts available under section 241 of the Pub-  
 13 lic Health Services Act to carry out evaluations (including  
 14 longitudinal evaluations) of adolescent pregnancy preven-  
 15 tion approaches: *Provided further,* That \$2,000,000 shall  
 16 be for improving the Public Assistance Reporting Informa-  
 17 tion System, including grants to States to support data  
 18 collection for a study of the system's effectiveness.

19 PROMOTING SAFE AND STABLE FAMILIES

20 For carrying out section 436 of the Social Security  
 21 Act, \$305,000,000 and for section 437, \$99,383,000.

22 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

23 ASSISTANCE

24 For making payments to States or other non-Federal  
 25 entities under title IV–E of the Social Security Act,  
 26 \$5,037,900,000.

1 For making payments to States or other non-Federal  
 2 entities under title IV–E of the Act, for the first quarter  
 3 of fiscal year 2006, \$1,767,200,000.

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

#### 9 ADMINISTRATION ON AGING

#### 10 AGING SERVICES PROGRAMS

11 For carrying out, to the extent not otherwise pro-  
 12 vided, the Older Americans Act of 1965, as amended, and  
 13 section 398 of the Public Health Service Act,  
 14 \$1,395,117,000, of which \$4,558,000 shall remain avail-  
 15 able until September 30, 2007, for the White House Con-  
 16 ference on Aging.

#### 17 OFFICE OF THE SECRETARY

#### 18 GENERAL DEPARTMENTAL MANAGEMENT

19 For necessary expenses, not otherwise provided, for  
 20 general departmental management, including hire of six  
 21 sedans, and for carrying out titles III, XVII, XX, and XXI  
 22 of the Public Health Service Act, and the United States-  
 23 Mexico Border Health Commission Act, \$376,704,000, to-  
 24 gether with \$5,851,000 to be transferred and expended  
 25 as authorized by section 201(g)(1) of the Social Security

1 Act from the Hospital Insurance Trust Fund and the Sup-  
 2 plemental Medical Insurance Trust Fund: *Provided*, That  
 3 of the funds made available under this heading for car-  
 4 rying out title XX of the Public Health Service Act,  
 5 \$16,891,000 shall be for activities specified under section  
 6 2003(b)(2), all of which shall be for prevention service  
 7 demonstration grants under section 510(b)(2) of title V  
 8 of the Social Security Act, as amended, without applica-  
 9 tion of the limitation of section 2010(c) of said title XX:  
 10 *Provided further*, That of this amount, \$52,838,000 shall  
 11 be for minority AIDS prevention and treatment activities;  
 12 \$14,847,000 shall be for an Information Technology Secu-  
 13 rity and Innovation Fund for Department-wide activities  
 14 involving cybersecurity, information technology security,  
 15 and related innovation projects; \$2,500,000 shall be for  
 16 a national abstinence education campaign; and  
 17 \$6,000,000 shall be to assist Afghanistan in the develop-  
 18 ment of maternal and child health clinics, consistent with  
 19 section 103(a)(4)(H) of the Afghanistan Freedom Support  
 20 Act of 2002: *Provided further*, That no more than  
 21 \$2,754,000 shall be available for the Office of the Assist-  
 22 ant Secretary for Legislation.

23 OFFICE OF INSPECTOR GENERAL

24 For expenses necessary for the Office of Inspector  
 25 General in carrying out the provisions of the Inspector  
 26 General Act of 1978, as amended, \$40,323,000: *Provided*,

1 That, of such amount, necessary sums are available for  
 2 providing protective services to the Secretary and inves-  
 3 tigating non-payment of child support cases for which non-  
 4 payment is a Federal offense under 18 U.S.C. 228.

5 OFFICE FOR CIVIL RIGHTS

6 For expenses necessary for the Office for Civil  
 7 Rights, \$32,043,000, together with not to exceed  
 8 \$3,314,000 to be transferred and expended as authorized  
 9 by section 201(g)(1) of the Social Security Act from the  
 10 Hospital Insurance Trust Fund and the Supplemental  
 11 Medical Insurance Trust Fund.

12 POLICY RESEARCH

13 For carrying out, to the extent not otherwise pro-  
 14 vided, research studies under section 1110 of the Social  
 15 Security Act and title III of the Public Health Service Act,  
 16 \$28,750,000, which shall be available from amounts avail-  
 17 able under section 241 of the Public Health Service Act  
 18 to carry out national health or human services research  
 19 and evaluation activities: *Provided*, That the expenditure  
 20 of any funds available under section 241 of the Public  
 21 Health Service Act are subject to the requirements of sec-  
 22 tion 205 of this Act.

23 RETIREMENT PAY AND MEDICAL BENEFITS FOR

24 COMMISSIONED OFFICERS

25 For retirement pay and medical benefits of Public  
 26 Health Service Commissioned Officers as authorized by

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

1 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

2 FUND

3 For expenses necessary to support activities related  
4 to countering potential biological, disease, nuclear, radio-  
5 logical and chemical threats to civilian populations,  
6 \$2,255,058,000: *Provided*, That this amount is distributed  
7 as follows: Centers for Disease Control and Prevention,  
8 \$1,239,571,000; Office of the Secretary, \$64,438,000;  
9 Strategic National Stockpile, \$400,000,000, to remain  
10 available until expended; National Institutes of Health,  
11 \$47,400,000; and Health Resources and Services Admin-  
12 istration, \$503,649,000: *Provided further*, That employees  
13 of the Centers for Disease Control and Prevention or the  
14 Public Health Service, both civilian and Commissioned Of-  
15 ficers, detailed to States, municipalities, or other organiza-  
16 tions under authority of section 214 of the Public Health  
17 Service Act for purposes related to homeland security,  
18 shall be treated as non-Federal employees for reporting  
19 purposes only and shall not be included within any per-  
20 sonnel ceiling applicable to the Agency, Service, or the De-  
21 partment of Health and Human Services during the pe-  
22 riod of detail or assignment.

23 In addition, for activities to ensure a year-round in-  
24 fluenza vaccine production capacity; the development and  
25 implementation of rapidly expandable influenza vaccine

1 production technologies; and if determined necessary by  
2 the Secretary, the purchase of influenza vaccine,  
3 \$75,000,000, to remain available until expended.

#### 4 GENERAL PROVISIONS

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

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

16 SEC. 203. None of the funds appropriated under this  
17 Act may be used to implement section 399F(b) of the Pub-  
18 lic Health Service Act or section 1503 of the National In-  
19 stitutes of Health Revitalization Act of 1993, Public Law  
20 103-43.

21 SEC. 204. None of the funds appropriated in this Act  
22 for the National Institutes of Health, the Agency for  
23 Healthcare Research and Quality, and the Substance  
24 Abuse and Mental Health Services Administration shall  
25 be used to pay the salary of an individual, through a grant



1 or other extramural mechanism, at a rate in excess of Ex-  
2 ecutive Level I.

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

12 SEC. 206. Notwithstanding section 241(a) of the  
13 Public Health Service Act, such portion as the Secretary  
14 shall determine, but not more than 2.5 percent, of any  
15 amounts appropriated for programs authorized under said  
16 Act shall be made available for the evaluation (directly,  
17 or by grants or contracts) of the implementation and effec-  
18 tiveness of such programs.

19 (TRANSFER OR REPROGRAMMING OF FUNDS)

20 SEC. 207. Not to exceed 1 percent of any discre-  
21 tionary funds (pursuant to the Balanced Budget and  
22 Emergency Deficit Control Act of 1985, as amended)  
23 which are appropriated for the current fiscal year for the  
24 Department of Health and Human Services in this Act  
25 may be transferred or reprogrammed between a program,  
26 project or activity, but no such program, project or activity

1 shall be increased by more than 3 percent by any such  
2 transfer or reprogramming: *Provided*, That a program,  
3 project or activity may be increased by up to an additional  
4 2 percent subject to written approval by the House and  
5 Senate Committees on Appropriations: *Provided further*,  
6 That the Appropriations Committees of both Houses of  
7 Congress are notified at least 15 days in advance of any  
8 transfer, reprogramming request or announcement of such  
9 transfer or reprogramming request.

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

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

1   essary to carry out section 2353(d)(3) of the Public  
2   Health Service Act.

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

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

1 shall be responsible for informing enrollees where to obtain  
2 information about all Medicare covered services.

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

8 SEC. 213. The Foreign Operations, Export Finance-  
9 ing, and Related Programs Appropriations Act, 1990  
10 (Public Law 101–167) is amended—

11 (1) in section 599D (8 U.S.C. 1157 note)—

12 (A) in subsection (b)(3), by striking  
13 “1997, 1998, 1999, 2000, 2001, 2002, 2003,  
14 and 2004” and inserting “1997, 1998, 1999,  
15 2000, 2001, 2002, 2003, 2004, and 2005”; and

16 (B) in subsection (e), by striking “October  
17 1, 2004” each place it appears and inserting  
18 “October 1, 2005”;

19 (C) in subsection (b)(1)—

20 (i) in subparagraph (A), by striking  
21 “and” at the end;

22 (ii) in subparagraph (B), by striking  
23 the period and inserting “; and”; and

24 (iii) by adding at the end the fol-  
25 lowing:

1           “(C) one or more categories of aliens who are  
2           or were nationals and residents of the Islamic Re-  
3           public or Iran who, as members of a religious minor-  
4           ity in Iran, share common characteristics that iden-  
5           tify them as targets of persecution in that state on  
6           account of race, religion, nationality, membership in  
7           a particular social group, or political opinion.”; and  
8           (2) in section 599E (8 U.S.C. 1255 note) in  
9           subsection (b)(2), by striking “September 30, 2004”  
10          and inserting “September 30, 2005”.

11       SEC. 214. (a) Except as provided by subsection (e)  
12       none of the funds appropriated by this Act may be used  
13       to withhold substance abuse funding from a State pursu-  
14       ant to section 1926 of the Public Health Service Act (42  
15       U.S.C. 300x-26) if such State certifies to the Secretary  
16       of Health and Human Services by May 1, 2005 that the  
17       State will commit additional State funds, in accordance  
18       with subsection (b), to ensure compliance with State laws  
19       prohibiting the sale of tobacco products to individuals  
20       under 18 years of age.

21       (b) The amount of funds to be committed by a State  
22       under subsection (a) shall be equal to 1 percent of such  
23       State’s substance abuse block grant allocation for each  
24       percentage point by which the State misses the retailer  
25       compliance rate goal established by the Secretary of

1 Health and Human Services under section 1926 of such  
2 Act.

3 (c) The State is to maintain State expenditures in  
4 fiscal year 2005 for tobacco prevention programs and for  
5 compliance activities at a level that is not less than the  
6 level of such expenditures maintained by the State for fis-  
7 cal year 2004, and adding to that level the additional  
8 funds for tobacco compliance activities required under  
9 subsection (a). The State is to submit a report to the Sec-  
10 retary on all fiscal year 2004 State expenditures and all  
11 fiscal year 2005 obligations for tobacco prevention and  
12 compliance activities by program activity by July 31,  
13 2005.

14 (d) The Secretary shall exercise discretion in enforce-  
15 ing the timing of the State obligation of the additional  
16 funds required by the certification described in subsection  
17 (a) as late as July 31, 2005.

18 (e) None of the funds appropriated by this Act may  
19 be used to withhold substance abuse funding pursuant to  
20 section 1926 from a territory that receives less than  
21 \$1,000,000.

22 SEC. 215. In order for the Centers for Disease Con-  
23 trol and Prevention to carry out international health ac-  
24 tivities, including HIV/AIDS and other infectious disease,  
25 chronic and environmental disease, and other health ac-

1 tivities abroad during fiscal year 2005, the Secretary of  
2 Health and Human Services—

3           (1) may exercise authority equivalent to that  
4           available to the Secretary of State in section 2(c) of  
5           the State Department Basic Authorities Act of 1956  
6           (22 U.S.C. 2669(c)). The Secretary of Health and  
7           Human Services shall consult with the Secretary of  
8           State and relevant Chief of Mission to ensure that  
9           the authority provided in this section is exercised in  
10          a manner consistent with section 207 of the Foreign  
11          Service Act of 1980 (22 U.S.C. 3927) and other ap-  
12          plicable statutes administered by the Department of  
13          State, and

14          (2) is authorized to provide such funds by ad-  
15          vance or reimbursement to the Secretary of State as  
16          may be necessary to pay the costs of acquisition,  
17          lease, alteration, renovation, and management of fa-  
18          cilities outside of the United States for the use of  
19          the Department of Health and Human Services. The  
20          Department of State shall cooperate fully with the  
21          Secretary of Health and Human Services to ensure  
22          that the Department of Health and Human Services  
23          has secure, safe, functional facilities that comply  
24          with applicable regulation governing location, set-  
25          back, and other facilities requirements and serve the

1 purposes established by this Act. The Secretary of  
2 Health and Human Services is authorized, in con-  
3 sultation with the Secretary of State, through grant  
4 or cooperative agreement, to make available to pub-  
5 lic or nonprofit private institutions or agencies in  
6 participating foreign countries, funds to acquire,  
7 lease, alter, or renovate facilities in those countries  
8 as necessary to conduct programs of assistance for  
9 international health activities, including activities re-  
10 lating to HIV/AIDS and other infectious diseases,  
11 chronic and environmental diseases, and other health  
12 activities abroad.

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

17 SEC. 217. Notwithstanding any other provisions of  
18 law, funds made available under this heading may be used  
19 to continue operating the Council on Graduate Medical  
20 Education established by section 301 of Public Law 102–  
21 408.

22 SEC. 218. (a) AUTHORITY.—Notwithstanding any  
23 other provision of law, the Director of the National Insti-  
24 tutes of Health may use funds available under section  
25 402(i) of the Public Health Service Act (42 U.S.C. 282(i))



1 to enter into transactions (other than contracts, coopera-  
 2 tive agreements, or grants) to carry out research in sup-  
 3 port of the NIH Roadmap Initiative of the Director.

4 (b) PEER REVIEW.—In entering into transactions  
 5 under subsection (a), the Director of the National Insti-  
 6 tutes of Health may utilize such peer review procedures  
 7 (including consultation with appropriate scientific experts)  
 8 as the Director determines to be appropriate to obtain as-  
 9 sessments of scientific and technical merit. Such proce-  
 10 dures shall apply to such transactions in lieu of the peer  
 11 review and advisory council review procedures that would  
 12 otherwise be required under sections 301(a)(3),  
 13 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of  
 14 the Public Health Service Act (42 U.S.C. 241,  
 15 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

16 SEC. 219. Notwithstanding limitations in section  
 17 399G(i)(2)(B) and section 499(m) of the Public Health  
 18 Service Act, \$10,000 of the amount provided herein may  
 19 be made available to each authority under section 399G  
 20 and section 499 of said act for official reception and rep-  
 21 resentation expenses when specifically approved by the  
 22 agents designated under section 399G(h)(8) and section  
 23 499(d)(1)(B)(iii) of said act.

24 SEC. 220. The unobligated balance of \$199,900,000  
 25 appropriated by section 1897(g) of the Social Security

1 Act, as added by section 1016 of the Medicare Prescrip-  
2 tion Drug, Improvement, and Modernization Act of 2003  
3 (Public Law 108–173), is rescinded.

4 SEC. 221. None of the funds provided in this Act may  
5 be expended by the Secretary of Health and Human Serv-  
6 ices or by a medicare fiscal intermediary or administrative  
7 contractor to apply the criteria (commonly known as the  
8 “75 percent rule”) that are used to determine whether a  
9 hospital or unit of a hospital is an inpatient rehabilitation  
10 facility, as defined in Department of Health and Human  
11 Services, Centers for Medicare and Medicaid Services,  
12 “Medicare Program; Final Rule; Changes to the Criteria  
13 for Being Classified as an Inpatient Rehabilitation Facil-  
14 ity”, 69 Federal Register 25751 et seq. (May 7, 2004).

15 SEC. 222. SUMMER HEALTH CAREER INTRODUCTORY PROGRAMS. (a) FINDINGS.—Congress finds that—

17 (1) the success of the health care system is de-  
18 pendent on qualified personnel;

19 (2) hospitals and health facilities across the  
20 United States have been deeply impacted by declines  
21 among nurses, pharmacists, radiology and laboratory  
22 technicians, and other workers;

23 (3) the health care workforce shortage is not a  
24 short term problem and such workforce shortages  
25 can be expected for many years; and

1           (4) most States are looking for ways to address  
2       such shortages.

3       (b) GRANTS.—The Secretary of Health and Human  
4 Services, acting through the Bureau of Health Professions  
5 of the Health Resources and Services Administration, may  
6 award not to exceed 5 grants for the establishment of  
7 summer health career introductory programs for middle  
8 and high school students.

9       (c) ELIGIBILITY.—To be eligible to receive a grant  
10 under subsection (b) an entity shall—

11           (1) be an institution of higher education (as de-  
12 fined in section 101(a) of the Higher Education Act  
13 of 1965 (20 U.S.C. 1001(a)); and

14           (2) prepare and submit to the Secretary of  
15 Health and Human Services an application at such  
16 time, in such manner, and containing such informa-  
17 tion as the Secretary may require.

18       (d) DURATION.—The term of a grant under sub-  
19 section (b) shall not exceed 4 years.

20       (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
21 authorized to be appropriated to carry out this section,  
22 such sums as may be necessary for fiscal year 2005.

23       SEC. 223. In addition to funds appropriated to the  
24 Office of Inspector General of the Department of Health  
25 and Human Services under Public Law 104–191 and this

1 Act, \$35,000,000 shall be transferred from amounts ap-  
 2 propriated under section 1015(a)(1) of Public Law 108–  
 3 173 for activities by the Office of Inspector General of  
 4 the Department of Health and Human Services relating  
 5 to oversight of programs established or revised by Public  
 6 Law 108–173.

7 This title may be cited as the “Department of Health  
 8 and Human Services Appropriations Act, 2005”.

### 9 TITLE III—DEPARTMENT OF EDUCATION

#### 10 EDUCATION FOR THE DISADVANTAGED

11 For carrying out title I of the Elementary and Sec-  
 12 ondary Education Act of 1965 (“ESEA”) and section  
 13 418A of the Higher Education Act of 1965,  
 14 \$15,500,684,000, of which \$7,840,439,000 shall become  
 15 available on July 1, 2005, and shall remain available  
 16 through September 30, 2006, and of which  
 17 \$7,383,301,000 shall become available on October 1,  
 18 2005, and shall remain available through September 30,  
 19 2006, for academic year 2005–2006: *Provided*, That  
 20 \$7,104,447,000 shall be available for basic grants under  
 21 section 1124: *Provided further*, That up to \$3,500,000 of  
 22 these funds shall be available to the Secretary of Edu-  
 23 cation on October 1, 2004, to obtain annually updated  
 24 educational-agency-level census poverty data from the Bu-  
 25 reau of the Census: *Provided further*, That

1 \$1,365,031,000 shall be available for concentration grants  
 2 under section 1124A: *Provided further*, That  
 3 \$2,231,954,000 shall be available for targeted grants  
 4 under section 1125: *Provided further*, That  
 5 \$2,756,175,000 shall be available for education finance in-  
 6 centive grants under section 1125A: *Provided further*,  
 7 That \$9,500,000 shall be available to carry out part E  
 8 of title I: *Provided further*, That from the funds available  
 9 to carry out part E of title I, up to \$1,000,000 shall be  
 10 available to the Secretary of Education to provide tech-  
 11 nical assistance to state and local educational agencies  
 12 concerning part A of title I: *Provided further*, That  
 13 \$233,613,000 shall be available for comprehensive school  
 14 reform grants under part F of the ESEA.

15 From the amount made available for basic grants  
 16 under the previous paragraph, \$71,557,000, which shall  
 17 become available on October 1, 2004, shall be for addi-  
 18 tional amounts to carry out subpart 2 of part A of title  
 19 I of the Elementary and Secondary Education Act of 1965  
 20 in academic year 2004–2005: *Provided*, That these funds  
 21 shall be allocated, notwithstanding any other provision of  
 22 law, only to those States that received funds under that  
 23 subpart for fiscal year 2004 that were less than those  
 24 States received under that subpart for fiscal year 2003:  
 25 *Provided further*, That the Secretary of Education shall

1 use these additional funds to increase those States' fiscal  
2 year 2004 allocations under that subpart up to the  
3 amount they received under that subpart for fiscal year  
4 2003: *Provided further*, That each such State shall use the  
5 funds appropriated under this paragraph to ratably in-  
6 crease the amount of funds for each local educational  
7 agency in the State that received less under that subpart  
8 in fiscal year 2004 than it received under that subpart  
9 in fiscal year 2003: *Provided further*, That the Secretary  
10 shall not take into account the funds made available under  
11 this paragraph in determining State allocations under any  
12 other program administered by the Secretary in any fiscal  
13 year.

#### 14 IMPACT AID

15 For carrying out programs of financial assistance to  
16 federally affected schools authorized by title VIII of the  
17 Elementary and Secondary Education Act of 1965,  
18 \$1,229,527,000, of which \$1,063,687,000 shall be for  
19 basic support payments under section 8003(b),  
20 \$50,369,000 shall be for payments for children with dis-  
21 abilities under section 8003(d), \$45,936,000 shall be for  
22 construction under section 8007 and shall remain avail-  
23 able through September 30, 2006, \$61,634,000 shall be  
24 for Federal property payments under section 8002, and

1 \$7,901,000, to remain available until expended, shall be  
 2 for facilities maintenance under section 8008.

3 SCHOOL IMPROVEMENT PROGRAMS

4 For carrying out school improvement activities au-  
 5 thorized by titles II, part B of title IV, part A and sub-  
 6 parts 6 and 9 of part D of title V, part B of title VI,  
 7 and parts B and C of title VII of the Elementary and  
 8 Secondary Education Act of 1965 (“ESEA”); the McKin-  
 9 ney-Vento Homeless Assistance Act; sections 203 and 208  
 10 of the Educational Technical Assistance Act of 2002; the  
 11 Compact of Free Association Amendments Act of 2003;  
 12 and the Civil Rights Act of 1964, \$5,770,632,000, of  
 13 which \$4,095,967,000 shall become available on July 1,  
 14 2005, and remain available through September 30, 2006,  
 15 and of which \$1,435,000,000 shall become available on  
 16 October 1, 2005, and shall remain available through Sep-  
 17 tember 30, 2006, for academic year 2005–2006: *Provided*,  
 18 That funds made available to carry out part B of title  
 19 VII of the ESEA may be used for construction, renovation  
 20 and modernization of any elementary school, secondary  
 21 school, or structure related to an elementary school or sec-  
 22 ondary school, run by the Department of Education of the  
 23 State of Hawaii, that serves a predominantly Native Ha-  
 24 waiian student body: *Provided further*, That from the  
 25 funds referred to in the preceding proviso, not less than

1 \$1,000,000 shall be for a grant to the Department of Edu-  
2 cation of the State of Hawaii for the activities described  
3 in such proviso: *Provided further*, That funds made avail-  
4 able to carry out part C of title VII of the ESEA may  
5 be used for construction: *Provided further*, That  
6 \$420,000,000 shall be for State assessments and related  
7 activities authorized under sections 6111 and 6112 of the  
8 ESEA: *Provided further*, That \$57,283,000 shall be avail-  
9 able to carry out section 203 of the Educational Technical  
10 Assistance Act of 2002: *Provided further*, That  
11 \$31,111,000 shall be available to carry out part D of title  
12 V of the ESEA: *Provided further*, That no funds appro-  
13 priated under this heading may be used to carry out sec-  
14 tion 5494 under the ESEA: *Provided further*, That  
15 \$17,214,000 shall be available to carry out section  
16 105(f)(1)(B)(iii) of the Compact of Free Association  
17 Amendments Act of 2003 (Public Law 108–188; hereafter  
18 the “Compact Act”): *Provided further*, That these funds  
19 shall be transferred to the Secretary of the Interior in the  
20 amount of \$11,717,000 for the Federated States of Micro-  
21 nesia (FSM) and \$5,497,000 for the Republic of the Mar-  
22 shall Islands (RMI) to supplement the education grants  
23 under section 211(a)(1) of the U.S.-FSM Compact and  
24 section 211(a)(1) of the U.S.-RMI Compact, respectively:  
25 *Provided further*, That up to 10 percent of these amounts



1 may be reserved by the Department of the Interior to pro-  
 2 vide technical assistance, oversight, and consultancy serv-  
 3 ices in the administration of these supplemental education  
 4 grants and to reimburse the Departments of Labor,  
 5 Health and Human Services, and Education for such serv-  
 6 ices: *Provided further*, That the government, institutions,  
 7 and individuals of the Republic of Palau shall continue  
 8 to be eligible for the programs specified in sections  
 9 105(f)(1)(B)(ii) and (iii) of the Compact Act, to the ex-  
 10 tent, and subject to the conditions under which, they were  
 11 eligible in fiscal year 2003.

#### 12 INDIAN EDUCATION

13 For expenses necessary to carry out, to the extent  
 14 not otherwise provided, title VII, part A of the Elementary  
 15 and Secondary Education Act of 1965, \$120,856,000.

#### 16 INNOVATION AND IMPROVEMENT

17 For carrying out activities authorized by parts G and  
 18 H of title I, subpart 5 of part A and parts C and D of  
 19 title II, and parts B, C, and D of title V, and section 1504  
 20 of the Elementary and Secondary Education Act of 1965  
 21 (“ESEA”), \$1,144,346,000: *Provided*, That \$74,073,000  
 22 for continuing and new grants to demonstrate effective ap-  
 23 proaches to comprehensive school reform shall become  
 24 available on July 1, 2005, and remain available through  
 25 September 30, 2006, and shall be allocated and expended

1 in the same manner as the funds provided under the Fund  
 2 for the Improvement of Education for this purpose were  
 3 allocated and expended in fiscal year 2003: *Provided fur-*  
 4 *ther*, That \$17,000,000 shall be available to carry out sec-  
 5 tion 2151(c) of the ESEA, of which not less than  
 6 \$10,000,000 shall be provided to the National Board for  
 7 Professional Teaching Standards, and not less than  
 8 \$7,000,000 shall be provided to the American Board for  
 9 the Certification of Teacher Excellence: *Provided further*,  
 10 That \$37,279,000 shall be for subpart 2 of part B of title  
 11 V: *Provided further*, That \$446,746,000 shall be available  
 12 to carry out part D of title V of the ESEA.

13       SAFE SCHOOLS AND CITIZENSHIP EDUCATION

14       For carrying out activities authorized by subpart 3  
 15 of part C of title II, part A of title IV, and subparts 2,  
 16 3, 10 and 14 of part D of title V of the Elementary and  
 17 Secondary Education Act of 1965 (“ESEA”), title VIII–  
 18 D of the Higher Education Amendments of 1998, and  
 19 Public Law 102–73, \$902,008,000, of which  
 20 \$468,908,000, shall become available on July 1, 2005 and  
 21 remain available through September 30, 2006: *Provided*,  
 22 That of the amount available for subpart 2 of part A of  
 23 title IV of the ESEA, \$850,000 shall be used to continue  
 24 the National Recognition Awards program under the same  
 25 guidelines outlined by section 120(f) of Public Law 105–

1 244: *Provided further*, That \$440,908,000 shall be avail-  
2 able for subpart 1 of part A of title IV and \$256,219,000  
3 shall be available for subpart 2 of part A of title IV: *Pro-*  
4 *vided further*, That \$146,239,000 shall be available to  
5 carry out part D of title V of the ESEA: *Provided further*,  
6 That of the funds available to carry out subpart 3 of part  
7 C of title II, up to \$12,672,000 may be used to carry out  
8 section 2345 and \$3,170,000 shall be used by the Center  
9 for Civic Education to implement a comprehensive pro-  
10 gram to improve public knowledge, understanding, and  
11 support of the Congress and the state legislatures: *Pro-*  
12 *vided further*, That \$28,000,000 shall be for Youth Of-  
13 fender Grants, of which \$5,000,000 shall be used in ac-  
14 cordance with section 601 of Public Law 102–73 as that  
15 section was in effect prior to enactment of Public Law  
16 105–220: *Provided further*, That of the funds available to  
17 carry out subpart 10 of part D of title V, up to \$2,000,000  
18 may be used to support the Special Olympics National  
19 Summer Games.

## 20 ENGLISH LANGUAGE ACQUISITION

21 For carrying out part A of title III of the ESEA,  
22 \$700,000,000, of which \$614,500,000 shall become avail-  
23 able on July 1, 2005, and shall remain available through  
24 September 30, 2006: *Provided*, That funds reserved under  
25 section 3111(c)(1)(D) of the ESEA that are not used in

1 accordance with section 3111(c)(2) may be added to the  
2 funds that are available July 1, 2005 through September  
3 30, 2006 for State allotments under section 3111(c)(3).

#### 4 SPECIAL EDUCATION

5 For carrying out parts B, C, and D of the Individuals  
6 with Disabilities Education Act, \$12,406,516,000, of  
7 which \$6,701,405,000 shall become available for obliga-  
8 tion on July 1, 2005, and shall remain available through  
9 September 30, 2006, and of which \$5,413,000,000 shall  
10 become available on October 1, 2005, and shall remain  
11 available through September 30, 2006, for academic year  
12 2005–2006: *Provided*, That \$11,400,000 shall be for Re-  
13 cording for the Blind and Dyslexic, Inc., to support the  
14 development, production, and circulation of recorded edu-  
15 cational materials: *Provided further*, That \$1,500,000  
16 shall be for the recipient of funds provided by Public Law  
17 105–78 under section 687(b)(2)(G) of the Act to provide  
18 information on diagnosis, intervention, and teaching strat-  
19 egies for children with disabilities: *Provided further*, That  
20 the amount for section 611(c) of the Act shall be equal  
21 to the amount available for that section during fiscal year  
22 2004, increased by the amount of inflation as specified  
23 in section 611(f)(1)(B)(ii) of the Act.

## 1 REHABILITATION SERVICES AND DISABILITY RESEARCH

2 For carrying out, to the extent not otherwise pro-  
3 vided, the Rehabilitation Act of 1973, the Assistive Tech-  
4 nology Act of 1998 (“the AT Act”), and the Helen Keller  
5 National Center Act, \$3,077,328,000, of which  
6 \$1,000,000 shall be awarded to the American Academy  
7 of Orthotists and Prosthetists for activities that further  
8 the purposes of the grant received by the Academy for the  
9 period beginning October 1, 2003, including activities to  
10 meet the demand for orthotic and prosthetic provider serv-  
11 ices and improve patient care: *Provided*, That the funds  
12 provided for title I of the AT Act shall be allocated not-  
13 withstanding section 105(b)(1) of the AT Act: *Provided*  
14 *further*, That section 101(f) of the AT Act shall not limit  
15 the award of an extension grant to three years or prohibit  
16 such awards after September 30, 2004: *Provided further*,  
17 That no State or outlying area awarded funds under sec-  
18 tion 101 shall receive less than the amount received in  
19 fiscal year 2004: *Provided further*, That not less than  
20 \$5,495,000 shall be for grants to States under title III  
21 of the AT Act: *Provided further*, That the Federal share  
22 of such grants shall not exceed 75 percent, and the re-  
23 quirements in sections 301(c)(2) and 302 of the AT Act  
24 shall not apply to such grants.

1           SPECIAL INSTITUTIONS FOR PERSONS WITH  
2                           DISABILITIES

3           AMERICAN PRINTING HOUSE FOR THE BLIND

4           For carrying out the Act of March 3, 1879, as  
5 amended (20 U.S.C. 101 et seq.), \$17,000,000.

6           NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

7           For the National Technical Institute for the Deaf  
8 under titles I and II of the Education of the Deaf Act  
9 of 1986 (20 U.S.C. 4301 et seq.), \$55,790,000, of which  
10 \$1,685,000 shall be for construction and shall remain  
11 available until expended: *Provided*, That from the total  
12 amount available, the Institute may at its discretion use  
13 funds for the endowment program as authorized under  
14 section 207.

15                           GALLAUDET UNIVERSITY

16           For the Kendall Demonstration Elementary School,  
17 the Model Secondary School for the Deaf, and the partial  
18 support of Gallaudet University under titles I and II of  
19 the Education of the Deaf Act of 1986 (20 U.S.C. 4301  
20 et seq.), \$105,400,000: *Provided*, That from the total  
21 amount available, the University may at its discretion use  
22 funds for the endowment program as authorized under  
23 section 207.

24                           VOCATIONAL AND ADULT EDUCATION

25           For carrying out, to the extent not otherwise pro-  
26 vided, the Carl D. Perkins Vocational and Technical Edu-

1 cation Act of 1998, the Adult Education and Family Lit-  
2 eracy Act, and subparts 4 and 11 of part D of title V  
3 of the Elementary and Secondary Education Act of 1965  
4 (“ESEA”), \$2,102,086,000, of which \$1,300,086,000  
5 shall become available on July 1, 2005 and shall remain  
6 available through September 30, 2006 and of which  
7 \$791,000,000 shall become available on October 1, 2005  
8 and shall remain available through September 30, 2006:  
9 *Provided*, That of the amount provided for Adult Edu-  
10 cation State Grants, \$69,135,000 shall be made available  
11 for integrated English literacy and civics education serv-  
12 ices to immigrants and other limited English proficient  
13 populations: *Provided further*, That of the amount re-  
14 served for integrated English literacy and civics education,  
15 notwithstanding section 211 of the Adult Education and  
16 Family Literacy Act, 65 percent shall be allocated to  
17 States based on a State’s absolute need as determined by  
18 calculating each State’s share of a 10-year average of the  
19 Immigration and Naturalization Service data for immi-  
20 grants admitted for legal permanent residence for the 10  
21 most recent years, and 35 percent allocated to States that  
22 experienced growth as measured by the average of the 3  
23 most recent years for which Immigration and Naturaliza-  
24 tion Service data for immigrants admitted for legal perma-  
25 nent residence are available, except that no State shall be

1 allocated an amount less than \$60,000: *Provided further*,  
2 That of the amounts made available for the Adult Edu-  
3 cation and Family Literacy Act, \$9,169,000 shall be for  
4 national leadership activities under section 243 and  
5 \$6,692,000 shall be for the National Institute for Literacy  
6 under section 242: *Provided further*, That \$184,967,000  
7 shall be available to carry out part D of title V of the  
8 ESEA: *Provided further*, That \$173,967,000 shall be  
9 available to support the activities authorized under sub-  
10 part 4 of part D of title V of the Elementary and Sec-  
11 ondary Education Act of 1965, of which up to 5 percent  
12 shall become available October 1, 2004 and shall remain  
13 available through September 30, 2006, for evaluation,  
14 technical assistance, school networking, peer review of ap-  
15 plications, and program outreach activities, and of which  
16 not less than 95 percent shall become available on July  
17 1, 2005, and remain available through September 30,  
18 2006, for grants to local educational agencies: *Provided*  
19 *further*, That funds made available to local education agen-  
20 cies under this subpart shall be used only for activities  
21 related to establishing smaller learning communities in  
22 high schools.

## 23 STUDENT FINANCIAL ASSISTANCE

24 For carrying out subparts 1, 3 and 4 of part A, part  
25 C and part E of title IV of the Higher Education Act of



1 1965, as amended, \$14,859,694,000, which shall remain  
 2 available through September 30, 2006.

3 The maximum Pell Grant for which a student shall  
 4 be eligible during award year 2005–2006 shall be \$4,050.

#### 5 STUDENT AID ADMINISTRATION

6 For Federal administrative expenses (in addition to  
 7 funds made available under section 458), to carry out part  
 8 D of title I, and subparts 1, 3, and 4 of part A, and parts  
 9 B, C, D and E of title IV of the Higher Education Act  
 10 of 1965, as amended, \$121,000,000.

#### 11 HIGHER EDUCATION

12 For carrying out, to the extent not otherwise pro-  
 13 vided, section 121 and titles II, III, IV, V, VI, and VII  
 14 of the Higher Education Act of 1965 (“HEA”), as amend-  
 15 ed, title VIII of the Higher Education Amendments of  
 16 1998, section 117 of the Carl D. Perkins Vocational and  
 17 Technical Education Act, and the Mutual Educational and  
 18 Cultural Exchange Act of 1961, \$2,148,458,000, of which  
 19 \$1,500,000 for interest subsidies authorized by section  
 20 121 of the HEA shall remain available until expended:  
 21 *Provided*, That \$9,876,000, to remain available through  
 22 September 30, 2006, shall be available to fund fellowships  
 23 for academic year 2006–2007 under part A, subpart 1 of  
 24 title VII of said Act, under the terms and conditions of  
 25 part A, subpart 1: *Provided further*, That notwithstanding

1 any other provision of law or any regulation, the Secretary  
 2 of Education shall not require the use of a restricted indi-  
 3 rect cost rate for grants issued pursuant to section 117  
 4 of the Carl D. Perkins Vocational and Technical Edu-  
 5 cation Act of 1998: *Provided further*, That \$988,000 is  
 6 for data collection and evaluation activities for programs  
 7 under the HEA, including such activities needed to comply  
 8 with the Government Performance and Results Act of  
 9 1993: *Provided further*, That notwithstanding any other  
 10 provision of law, funds made available in this Act to carry  
 11 out title VI of the HEA and section 102(b)(6) of the Mu-  
 12 tual Educational and Cultural Exchange Act of 1961 may  
 13 be used to support visits and study in foreign countries  
 14 by individuals who are participating in advanced foreign  
 15 language training and international studies in areas that  
 16 are vital to United States national security and who plan  
 17 to apply their language skills and knowledge of these coun-  
 18 tries in the fields of government, the professions, or inter-  
 19 national development: *Provided further*, That up to one  
 20 percent of the funds referred to in the preceding proviso  
 21 may be used for program evaluation, national outreach,  
 22 and information dissemination activities.

#### 23 HOWARD UNIVERSITY

24 For partial support of Howard University (20 U.S.C.  
 25 121 et seq.), \$239,763,000, of which not less than

1 \$3,600,000 shall be for a matching endowment grant pur-  
 2 suant to the Howard University Endowment Act (Public  
 3 Law 98–480) and shall remain available until expended.

4 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS  
 5 PROGRAM ACCOUNT

6 For Federal administrative expenses authorized  
 7 under section 121 of the Higher Education Act of 1965,  
 8 \$578,000 to carry out activities related to existing facility  
 9 loans entered into under the Higher Education Act of  
 10 1965.

11 HISTORICALLY BLACK COLLEGE AND UNIVERSITY  
 12 CAPITAL FINANCING PROGRAM ACCOUNT

13 The aggregate principal amount of outstanding bonds  
 14 insured pursuant to section 344 of title III, part D of the  
 15 Higher Education Act of 1965, shall not exceed  
 16 \$357,000,000, and the cost, as defined in section 502 of  
 17 the Congressional Budget Act of 1974, of such bonds shall  
 18 not exceed zero.

19 For administrative expenses to carry out the Histori-  
 20 cally Black College and University Capital Financing Pro-  
 21 gram entered into pursuant to title III, part D of the  
 22 Higher Education Act of 1965, as amended, \$212,000.

23 INSTITUTE OF EDUCATION SCIENCES

24 For carrying out activities authorized by Public Law  
 25 107–279, \$418,679,000: *Provided*, That, of the amount

1 appropriated, \$165,518,000 shall be available for obliga-  
2 tion through September 30, 2006.

3 DEPARTMENTAL MANAGEMENT

4 PROGRAM ADMINISTRATION

5 For carrying out, to the extent not otherwise pro-  
6 vided, the Department of Education Organization Act, in-  
7 cluding rental of conference rooms in the District of Co-  
8 lumbia and hire of three passenger motor vehicles,  
9 \$420,379,000.

10 OFFICE FOR CIVIL RIGHTS

11 For expenses necessary for the Office for Civil  
12 Rights, as authorized by section 203 of the Department  
13 of Education Organization Act, \$92,801,000.

14 OFFICE OF THE INSPECTOR GENERAL

15 For expenses necessary for the Office of the Inspector  
16 General, as authorized by section 212 of the Department  
17 of Education Organization Act, \$50,576,000.

18 GENERAL PROVISIONS

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

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

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

18 (TRANSFER OF FUNDS)

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

1 priations Committees of both Houses of Congress are noti-  
2 fied at least 15 days in advance of any transfer.

3 SEC. 305. The Secretary of Education shall not im-  
4 plement or enforce for the award year 2005–2006 the an-  
5 nual update to the allowances for State and other taxes  
6 in the tables used in the Federal needs analysis method-  
7 ology, as prescribed by the Secretary on May 30, 2003  
8 (68 Fed. Reg. 32473).

9 This title may be cited as the “Department of Edu-  
10 cation Appropriations Act, 2005”.

#### 11 TITLE IV—RELATED AGENCIES

##### 12 ARMED FORCES RETIREMENT HOME

13 For expenses necessary for the Armed Forces Retire-  
14 ment Home to operate and maintain the Armed Forces  
15 Retirement Home—Washington and the Armed Forces  
16 Retirement Home—Gulfport, to be paid from funds avail-  
17 able in the Armed Forces Retirement Home Trust Fund,  
18 \$61,195,000, of which \$4,000,000 shall remain available  
19 until expended for construction and renovation of the  
20 physical plants at the Armed Forces Retirement Home—  
21 Washington and the Armed Forces Retirement Home—  
22 Gulfport.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE  
 2 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING  
 3 EXPENSES

4 For expenses necessary for the Corporation for Na-  
 5 tional and Community Service to carry out the provisions  
 6 of the Domestic Volunteer Service Act of 1973, as amend-  
 7 ed, \$357,814,000: *Provided*, That none of the funds made  
 8 available to the Corporation for National and Community  
 9 Service in this Act for activities authorized by section 122  
 10 of Part C of Title I and Part E of Title II of the Domestic  
 11 Volunteer Service Act of 1973 shall be used to provide  
 12 stipends or other monetary incentives to volunteers or vol-  
 13 unteer leaders whose incomes exceed 125 percent of the  
 14 national poverty level.

15 CORPORATION FOR PUBLIC BROADCASTING

16 For payment to the Corporation for Public Broad-  
 17 casting, as authorized by the Communications Act of  
 18 1934, an amount which shall be available within limita-  
 19 tions specified by that Act, for the fiscal year 2007,  
 20 \$400,000,000: *Provided*, That no funds made available to  
 21 the Corporation for Public Broadcasting by this Act shall  
 22 be used to pay for receptions, parties, or similar forms  
 23 of entertainment for Government officials or employees:  
 24 *Provided further*, That none of the funds contained in this  
 25 paragraph shall be available or used to aid or support any

1 program or activity from which any person is excluded,  
 2 or is denied benefits, or is discriminated against, on the  
 3 basis of race, color, national origin, religion, or sex: *Pro-*  
 4 *vided further*, That for fiscal year 2005, in addition to the  
 5 amounts provided above, \$49,705,000 shall be for costs  
 6 related to digital program production, development, and  
 7 distribution, associated with the transition of public broad-  
 8 casting to digital broadcasting, to be awarded as deter-  
 9 mined by the Corporation in consultation with public radio  
 10 and television licensees or permittees, or their designated  
 11 representatives: *Provided further*, That for fiscal year  
 12 2005, in addition to the amounts provided above,  
 13 \$50,000,000 shall be for the costs associated with replace-  
 14 ment and upgrade of the public television interconnection  
 15 system: *Provided further*, That none of the funds made  
 16 available to the Corporation for Public Broadcasting by  
 17 this Act, Public Law 108–199 or Public Law 108–7, shall  
 18 be used to support the Television Future Fund or any  
 19 similar purpose.

## 20 FEDERAL MEDIATION AND CONCILIATION SERVICE

### 21 SALARIES AND EXPENSES

22 For expenses necessary for the Federal Mediation  
 23 and Conciliation Service to carry out the functions vested  
 24 in it by the Labor Management Relations Act, 1947 (29  
 25 U.S.C. 171–180, 182–183), including hire of passenger



1 motor vehicles; for expenses necessary for the Labor-Man-  
2 agement Cooperation Act of 1978 (29 U.S.C. 175a); and  
3 for expenses necessary for the Service to carry out the  
4 functions vested in it by the Civil Service Reform Act,  
5 Public Law 95–454 (5 U.S.C. ch. 71), \$44,464,000, in-  
6 cluding \$1,500,000, to remain available through Sep-  
7 tember 30, 2006, for activities authorized by the Labor-  
8 Management Cooperation Act of 1978 (29 U.S.C. 175a):  
9 *Provided*, That notwithstanding 31 U.S.C. 3302, fees  
10 charged, up to full-cost recovery, for special training ac-  
11 tivities and other conflict resolution services and technical  
12 assistance, including those provided to foreign govern-  
13 ments and international organizations, and for arbitration  
14 services shall be credited to and merged with this account,  
15 and shall remain available until expended: *Provided fur-*  
16 *ther*, That fees for arbitration services shall be available  
17 only for education, training, and professional development  
18 of the agency workforce: *Provided further*, That the Direc-  
19 tor of the Service is authorized to accept and use on behalf  
20 of the United States gifts of services and real, personal,  
21 or other property in the aid of any projects or functions  
22 within the Director’s jurisdiction.

1       FEDERAL MINE SAFETY AND HEALTH REVIEW

2                               COMMISSION

3                               SALARIES AND EXPENSES

4       For expenses necessary for the Federal Mine Safety  
5 and Health Review Commission (30 U.S.C. 801 et seq.),  
6 \$7,813,000.

7       INSTITUTE OF MUSEUM AND LIBRARY SERVICES

8       OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS

9                               AND ADMINISTRATION

10       For carrying out the Museum and Library Services  
11 Act of 1996, \$262,240,000, to remain available until ex-  
12 pended.

13       MEDICARE PAYMENT ADVISORY COMMISSION

14                               SALARIES AND EXPENSES

15       For expenses necessary to carry out section 1805 of  
16 the Social Security Act, \$9,905,000, to be transferred to  
17 this appropriation from the Federal Hospital Insurance  
18 and the Federal Supplementary Medical Insurance Trust  
19 Funds.

20       NATIONAL COMMISSION ON LIBRARIES AND

21                               INFORMATION SCIENCE

22                               SALARIES AND EXPENSES

23       For necessary expenses for the National Commission  
24 on Libraries and Information Science, established by the

1 Act of July 20, 1970 (Public Law 91–345, as amended),  
2 \$994,000.

3 NATIONAL COUNCIL ON DISABILITY

4 SALARIES AND EXPENSES

5 For expenses necessary for the National Council on  
6 Disability as authorized by title IV of the Rehabilitation  
7 Act of 1973, as amended, \$3,371,000.

8 NATIONAL LABOR RELATIONS BOARD

9 SALARIES AND EXPENSES

10 For expenses necessary for the National Labor Rela-  
11 tions Board to carry out the functions vested in it by the  
12 Labor-Management Relations Act, 1947, as amended (29  
13 U.S.C. 141–167), and other laws, \$250,000,000: *Pro-*  
14 *vided*, That no part of this appropriation shall be available  
15 to organize or assist in organizing agricultural laborers or  
16 used in connection with investigations, hearings, direc-  
17 tives, or orders concerning bargaining units composed of  
18 agricultural laborers as referred to in section 2(3) of the  
19 Act of July 5, 1935 (29 U.S.C. 152), and as amended  
20 by the Labor-Management Relations Act, 1947, as amend-  
21 ed, and as defined in section 3(f) of the Act of June 25,  
22 1938 (29 U.S.C. 203), and including in said definition em-  
23 ployees engaged in the maintenance and operation of  
24 ditches, canals, reservoirs, and waterways when main-  
25 tained or operated on a mutual, nonprofit basis and at

1 least 95 percent of the water stored or supplied thereby  
 2 is used for farming purposes.

### 3 NATIONAL MEDIATION BOARD

#### 4 SALARIES AND EXPENSES

5 For expenses necessary to carry out the provisions  
 6 of the Railway Labor Act, as amended (45 U.S.C. 151–  
 7 188), including emergency boards appointed by the Presi-  
 8 dent, \$11,635,000.

### 9 OCCUPATIONAL SAFETY AND HEALTH REVIEW

#### 10 COMMISSION

#### 11 SALARIES AND EXPENSES

12 For expenses necessary for the Occupational Safety  
 13 and Health Review Commission (29 U.S.C. 661),  
 14 \$10,516,000.

### 15 RAILROAD RETIREMENT BOARD

#### 16 DUAL BENEFITS PAYMENTS ACCOUNT

17 For payment to the Dual Benefits Payments Ac-  
 18 count, authorized under section 15(d) of the Railroad Re-  
 19 tirement Act of 1974, \$108,000,000, which shall include  
 20 amounts becoming available in fiscal year 2005 pursuant  
 21 to section 224(c)(1)(B) of Public Law 98–76; and in addi-  
 22 tion, an amount, not to exceed 2 percent of the amount  
 23 provided herein, shall be available proportional to the  
 24 amount by which the product of recipients and the average  
 25 benefit received exceeds \$108,000,000: *Provided*, That the

1 total amount provided herein shall be credited in 12 ap-  
2 proximately equal amounts on the first day of each month  
3 in the fiscal year.

4 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT  
5 ACCOUNTS

6 For payment to the accounts established in the  
7 Treasury for the payment of benefits under the Railroad  
8 Retirement Act for interest earned on unnegotiated  
9 checks, \$150,000, to remain available through September  
10 30, 2006, which shall be the maximum amount available  
11 for payment pursuant to section 417 of Public Law 98–  
12 76.

13 LIMITATION ON ADMINISTRATION

14 For necessary expenses for the Railroad Retirement  
15 Board for administration of the Railroad Retirement Act  
16 and the Railroad Unemployment Insurance Act,  
17 \$102,600,000, to be derived in such amounts as deter-  
18 mined by the Board from the railroad retirement accounts  
19 and from moneys credited to the railroad unemployment  
20 insurance administration fund.

21 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

22 For expenses necessary for the Office of Inspector  
23 General for audit, investigatory and review activities, as  
24 authorized by the Inspector General Act of 1978, as  
25 amended, not more than \$7,200,000, to be derived from  
26 the railroad retirement accounts and railroad unemploy-

1 ment insurance account: *Provided*, That none of the funds  
 2 made available in any other paragraph of this Act may  
 3 be transferred to the Office; used to carry out any such  
 4 transfer; used to provide any office space, equipment, of-  
 5 fice supplies, communications facilities or services, mainte-  
 6 nance services, or administrative services for the Office;  
 7 used to pay any salary, benefit, or award for any personnel  
 8 of the Office; used to pay any other operating expense of  
 9 the Office; or used to reimburse the Office for any service  
 10 provided, or expense incurred, by the Office: *Provided fur-*  
 11 *ther*, That funds made available under the heading in this  
 12 Act, or subsequent Departments of Labor, Health and  
 13 Human Services, and Education, and Related Agencies  
 14 Appropriations Acts, may be used for any audit, investiga-  
 15 tion, or review of the Medicare Program.

#### 16 SOCIAL SECURITY ADMINISTRATION

##### 17 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

18 For payment to the Federal Old-Age and Survivors  
 19 Insurance and the Federal Disability Insurance trust  
 20 funds, as provided under sections 201(m), 228(g), and  
 21 1131(b)(2) of the Social Security Act, \$20,454,000.

##### 22 SUPPLEMENTAL SECURITY INCOME PROGRAM

23 For carrying out titles XI and XVI of the Social Se-  
 24 curity Act, section 401 of Public Law 92–603, section 212  
 25 of Public Law 93–66, as amended, and section 405 of  
 26 Public Law 95–216, including payment to the Social Secu-

1 rity trust funds for administrative expenses incurred pur-  
 2 suant to section 201(g)(1) of the Social Security Act,  
 3 \$25,327,949,000, to remain available until expended: *Pro-*  
 4 *vided*, That any portion of the funds provided to a State  
 5 in the current fiscal year and not obligated by the State  
 6 during that year shall be returned to the Treasury.

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

11 For making benefit payments under title XVI of the  
 12 Social Security Act for the first quarter of fiscal year  
 13 2006, \$14,130,000,000, to remain available until ex-  
 14 pended: *Provided*, That, notwithstanding the provisions of  
 15 section 708(a) of the Social Security Act (42 U.S.C.  
 16 908(a)), the day designated for delivery of benefit pay-  
 17 ments under title XVI of such Act for October 2005 shall  
 18 be the third day of such month.

19 LIMITATION ON ADMINISTRATIVE EXPENSES

20 For necessary expenses, including the hire of two pas-  
 21 senger motor vehicles, and not to exceed \$15,000 for offi-  
 22 cial reception and representation expenses, not more than  
 23 \$8,498,818,000 may be expended, as authorized by sec-  
 24 tion 201(g)(1) of the Social Security Act, from any one  
 25 or all of the trust funds referred to therein: *Provided*, That  
 26 not less than \$2,000,000 shall be for the Social Security

1 Advisory Board: *Provided further*, That unobligated bal-  
2 ances of funds provided under this paragraph at the end  
3 of fiscal year 2005 not needed for fiscal year 2005 shall  
4 remain available until expended to invest in the Social Se-  
5 curity Administration information technology and tele-  
6 communications hardware and software infrastructure, in-  
7 cluding related equipment and non-payroll administrative  
8 expenses associated solely with this information technology  
9 and telecommunications infrastructure: *Provided further*,  
10 That reimbursement to the trust funds under this heading  
11 for expenditures for official time for employees of the So-  
12 cial Security Administration pursuant to section 7131 of  
13 title 5, United States Code, and for facilities or support  
14 services for labor organizations pursuant to policies, regu-  
15 lations, or procedures referred to in section 7135(b) of  
16 such title shall be made by the Secretary of the Treasury,  
17 with interest, from amounts in the general fund not other-  
18 wise appropriated, as soon as possible after such expendi-  
19 tures are made.

20 In addition, \$124,000,000 to be derived from admin-  
21 istration fees in excess of \$5.00 per supplementary pay-  
22 ment collected pursuant to section 1616(d) of the Social  
23 Security Act or section 212(b)(3) of Public Law 93-66,  
24 which shall remain available until expended. To the extent  
25 that the amounts collected pursuant to such section



1 1616(d) or 212(b)(3) in fiscal year 2005 exceed  
2 \$124,000,000, the amounts shall be available in fiscal year  
3 2006 only to the extent provided in advance in appropria-  
4 tions Acts.

5 From funds previously appropriated for Federal-  
6 State Partnerships, any unobligated balances at the end  
7 of fiscal year 2004 shall be transferred to the Supple-  
8 mental Security Income Program and remain available  
9 until expended to promote Medicare buy-in programs tar-  
10 geted to elderly and disabled individuals under titles  
11 XVIII and XIX of the Social Security Act.

12 OFFICE OF INSPECTOR GENERAL  
13 (INCLUDING TRANSFER OF FUNDS)

14 For expenses necessary for the Office of Inspector  
15 General in carrying out the provisions of the Inspector  
16 General Act of 1978, as amended, \$26,000,000, together  
17 with not to exceed \$66,000,000, to be transferred and ex-  
18 pended as authorized by section 201(g)(1) of the Social  
19 Security Act from the Federal Old-Age and Survivors In-  
20 surance Trust Fund and the Federal Disability Insurance  
21 Trust Fund.

22 In addition, an amount not to exceed 3 percent of  
23 the total provided in this appropriation may be transferred  
24 from the “Limitation on Administrative Expenses”, Social  
25 Security Administration, to be merged with this account,  
26 to be available for the time and purposes for which this

1 account is available: *Provided*, That notice of such trans-  
 2 fers shall be transmitted promptly to the Committees on  
 3 Appropriations of the House and Senate.

4 UNITED STATES INSTITUTE OF PEACE  
 5 OPERATING EXPENSES

6 For necessary expenses of the United States Institute  
 7 of Peace as authorized in the United States Institute of  
 8 Peace Act, \$22,099,000.

9 TITLE V—GENERAL PROVISIONS

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

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

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

1 legislation pending before the Congress or any State legis-  
2 lature, except in presentation to the Congress or any State  
3 legislature itself.

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

10 SEC. 504. The Secretaries of Labor and Education  
11 are authorized to make available not to exceed \$28,000  
12 and \$20,000, respectively, from funds available for sala-  
13 ries and expenses under titles I and III, respectively, for  
14 official reception and representation expenses; the Direc-  
15 tor of the Federal Mediation and Conciliation Service is  
16 authorized to make available for official reception and rep-  
17 resentation expenses not to exceed \$5,000 from the funds  
18 available for “Salaries and expenses, Federal Mediation  
19 and Conciliation Service”; and the Chairman of the Na-  
20 tional Mediation Board is authorized to make available for  
21 official reception and representation expenses not to ex-  
22 ceed \$5,000 from funds available for “Salaries and ex-  
23 penses, National Mediation Board”.

24 SEC. 505. Notwithstanding any other provision of  
25 this Act, no funds appropriated under this Act shall be

1 used to carry out any program of distributing sterile nee-  
2 dles or syringes for the hypodermic injection of any illegal  
3 drug.

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

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

14 (c) If it has been finally determined by a court or  
15 Federal agency that any person intentionally affixed a  
16 label bearing a “Made in America” inscription, or any in-  
17 scription with the same meaning, to any product sold in  
18 or shipped to the United States that is not made in the  
19 United States, the person shall be ineligible to receive any  
20 contract or subcontract made with funds made available  
21 in this Act, pursuant to the debarment, suspension, and  
22 ineligibility procedures described in sections 9.400 through  
23 9.409 of title 48, Code of Federal Regulations.

24 SEC. 507. When issuing statements, press releases,  
25 requests for proposals, bid solicitations and other docu-

1 ments describing projects or programs funded in whole or  
2 in part with Federal money, all grantees receiving Federal  
3 funds included in this Act, including but not limited to  
4 State and local governments and recipients of Federal re-  
5 search grants, shall clearly state: (1) the percentage of the  
6 total costs of the program or project which will be financed  
7 with Federal money; (2) the dollar amount of Federal  
8 funds for the project or program; and (3) percentage and  
9 dollar amount of the total costs of the project or program  
10 that will be financed by non-governmental sources.

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

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

20 (c) The term “health benefits coverage” means the  
21 package of services covered by a managed care provider  
22 or organization pursuant to a contract or other arrange-  
23 ment.

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

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

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

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

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

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

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

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

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

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

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

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

4           (1) such entity is otherwise a contractor with  
5 the United States and is subject to the requirement  
6 in section 4212(d) of title 38, United States Code,  
7 regarding submission of an annual report to the Sec-  
8 retary of Labor concerning employment of certain  
9 veterans; and

10          (2) such entity has not submitted a report as  
11 required by that section for the most recent year for  
12 which such requirement was applicable to such enti-  
13 ty.

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

22       SEC. 514. None of the funds made available in this  
23 Act may be transferred to any department, agency, or in-  
24 strumentality of the United States Government, except



1 pursuant to a transfer made by, or transfer authority pro-  
2 vided in, this Act or any other appropriation Act.

3 SEC. 515. No funds appropriated by this Act may be  
4 expended by the Railroad Retirement Board for purposes  
5 of entering into an arrangement with a nongovernmental  
6 financial institution to serve as disbursing agent, notwith-  
7 standing the requirements of section 231f(b)(4)(A) of title  
8 45, United States Code.

9 SEC. 516. The course of dealings between the United  
10 States and the Native Hawaiian people, and the enact-  
11 ment of Public Law 67–34 (the Hawaiian Homes Commis-  
12 sion Act), Public Law 83–3 (the Hawaii Admissions Act),  
13 Public Law 89–10 (the Native Hawaiian Education Act),  
14 Public Law 100–579 (the Native Hawaiian Health Care  
15 Improvement Act), Public Law 103–150 (the Native Ha-  
16 waiian Apology Resolution), Public Law 104–42 (the Ha-  
17 waiian Homelands Recovery Act), and Public Law 106–  
18 569 (the Native American Housing Assistance and Self-  
19 Determination Act) have established a special relationship  
20 between the United States and the Native Hawaiian peo-  
21 ple, and accordingly, pursuant to the terms and conditions  
22 of S. 344, Senate Calendar No. 185, amendment 3576,  
23 upon the election of the officers of the Native Hawaiian  
24 governing entity and the certifications by the Secretary  
25 of the Interior, the United States shall extend Federal rec-

1 ognition to the Native Hawaiian governing entity as the  
2 representative governing body of the Native Hawaiian peo-  
3 ple.

4       SEC. 517. Notwithstanding any other provision of law  
5 or regulation, the United States Government's interest in  
6 the property at 1818 W. Northern Lights Boulevard in  
7 Anchorage, Alaska, with legal description: T13N R4W  
8 Section 25, NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Portion W135 E953 N350,  
9 Anchorage Recording District shall be conveyed to  
10 Southcentral Foundation for a replacement Head Start fa-  
11 cility.

12       This Act may be cited as the "Departments of Labor,  
13 Health and Human Services, and Education, and Related  
14 Agencies Appropriations Act, 2005".



Calendar No. 699

108TH CONGRESS  
2D Session

**S. 2810**

[Report No. 108-345]

**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, 2005, and for other purposes.

SEPTEMBER 15, 2004

Read twice and placed on the calendar