

In the Senate of the United States,

September 10, 2003.

Resolved, That the bill from the House of Representatives (H.R. 2660) entitled “An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *Departments of Labor, Health and Human Services, and*
- 4 *Education, and related agencies for the fiscal year ending*
- 5 *September 30, 2004, and for other purposes, namely:*

1 *TITLE I—DEPARTMENT OF LABOR*2 *EMPLOYMENT AND TRAINING ADMINISTRATION*3 *TRAINING AND EMPLOYMENT SERVICES*

4 *For necessary expenses of the Workforce Investment Act*
5 *of 1998, including the purchase and hire of passenger motor*
6 *vehicles, the construction, alteration, and repair of build-*
7 *ings and other facilities, and the purchase of real property*
8 *for training centers as authorized by the Workforce Invest-*
9 *ment Act of 1998; \$2,652,588,000 plus reimbursements, of*
10 *which \$1,631,407,000 is available for obligation for the pe-*
11 *riod July 1, 2004 through June 30, 2005; of which*
12 *\$1,000,965,000 is available for obligation for the period*
13 *April 1, 2004 through June 30, 2005, to carry out chapter*
14 *4 of the Workforce Investment Act of 1998; and of which*
15 *\$20,216,000 is available for the period July 1, 2004 through*
16 *June 30, 2007 for necessary expenses of construction, reha-*
17 *bilitation, and acquisition of Job Corps centers: Provided,*
18 *That notwithstanding any other provision of law, of the*
19 *funds provided herein under section 137(c) of the Workforce*
20 *Investment Act of 1998, \$276,608,000 shall be for activities*
21 *described in section 132(a)(2)(A) of such Act and*
22 *\$1,155,152,000 shall be for activities described in section*
23 *132(a)(2)(B) of such Act: Provided further, That \$9,039,000*
24 *shall be for carrying out section 172 of the Workforce Invest-*
25 *ment Act of 1998: Provided further, That, notwithstanding*

1 *any other provision of law or related regulation,*
 2 *\$77,330,000 shall be for carrying out section 167 of the*
 3 *Workforce Investment Act of 1998, including \$72,213,000*
 4 *for formula grants, \$4,610,000 for migrant and seasonal*
 5 *housing, and \$507,000 for other discretionary purposes:*
 6 *Provided further, That \$4,609,840 appropriated under this*
 7 *heading in Public Law 108–7 for migrant and seasonal*
 8 *housing under section 167 of the Workforce Investment Act*
 9 *of 1998 and available for obligation for the period July 1,*
 10 *2003 through June 30, 2004 is hereby rescinded: Provided*
 11 *further, That \$4,609,840 is available for obligation for the*
 12 *period July 1, 2003 through June 30, 2004, for farmworker*
 13 *housing organizations with grants expiring June 30, 2003*
 14 *to carry out migrant and seasonal housing activities, in-*
 15 *cluding permanent housing at the option of grantees, under*
 16 *section 167 of the Workforce Investment Act of 1998: Pro-*
 17 *vided further, That funds provided to carry out section*
 18 *171(d) of the Workforce Investment Act of 1998 may be used*
 19 *for demonstration projects that provide assistance to new*
 20 *entrants in the workforce and incumbent workers: Provided*
 21 *further, That no funds from any other appropriation shall*
 22 *be used to provide meal services at or for Job Corps centers.*
 23 *For necessary expenses of the Workforce Investment Act*
 24 *of 1998, including the purchase and hire of passenger motor*
 25 *vehicles, the construction, alteration, and repair of build-*

1 ings and other facilities, and the purchase of real property
 2 for training centers as authorized by the Workforce Invest-
 3 ment Act of 1998; \$2,463,000,000 plus reimbursements, of
 4 which \$2,363,000,000 is available for obligation for the pe-
 5 riod October 1, 2004 through June 30, 2005, and of which
 6 \$100,000,000 is available for the period October 1, 2004
 7 through June 30, 2007, for necessary expenses of construc-
 8 tion, rehabilitation, and acquisition of Job Corps centers.

9 For necessary expenses of the Workforce Investment Act
 10 of 1998, including the purchase and hire of passenger motor
 11 vehicles, the construction, alteration, and repair of build-
 12 ings and other facilities, and the purchase of real property
 13 for training centers as authorized by the Workforce Invest-
 14 ment Act of 1998, \$25,000,000 may be used to carry out
 15 activities described in section 132(a)(2)(B) of that Act (re-
 16 lating to dislocated worker employment and training ac-
 17 tivities and other activities for dislocated workers).

18 COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

19 To carry out title V of the Older Americans Act of
 20 1965, as amended, \$442,306,000.

21 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

22 For payments during the current fiscal year of trade
 23 adjustment benefit payments and allowances under part I;
 24 and for training, allowances for job search and relocation,
 25 and related State administrative expenses under part II of
 26 chapter 2, title II of the Trade Act of 1974 (including the

1 *benefits and services described under sections 123(c)(2) and*
 2 *151(b) and (c) of the Trade Adjustment Assistance Reform*
 3 *Act of 2002, Public Law 107–210), \$1,338,200,000, together*
 4 *with such amounts as may be necessary to be charged to*
 5 *the subsequent appropriation for payments for any period*
 6 *subsequent to September 15 of the current year.*

7 *STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT*

8 *SERVICE OPERATIONS*

9 *For authorized administrative expenses, \$142,520,000,*
 10 *together with not to exceed \$3,478,032,000 (including not*
 11 *to exceed \$1,228,000 which may be used for amortization*
 12 *payments to States which had independent retirement plans*
 13 *in their State employment service agencies prior to 1980),*
 14 *which may be expended from the Employment Security Ad-*
 15 *ministration Account in the Unemployment Trust Fund in-*
 16 *cluding the cost of administering section 51 of the Internal*
 17 *Revenue Code of 1986, as amended, section 7(d) of the Wag-*
 18 *ner-Peyser Act, as amended, the Trade Act of 1974, as*
 19 *amended, the Immigration Act of 1990, and the Immigra-*
 20 *tion and Nationality Act, as amended, and of which the*
 21 *sums available in the allocation for activities authorized by*
 22 *title III of the Social Security Act, as amended (42 U.S.C.*
 23 *502–504), and the sums available in the allocation for nec-*
 24 *essary administrative expenses for carrying out 5 U.S.C.*
 25 *8501–8523, shall be available for obligation by the States*
 26 *through December 31, 2004, except that funds used for auto-*

1 *mation acquisitions shall be available for obligation by the*
 2 *States through September 30, 2006; of which \$142,520,000,*
 3 *together with not to exceed \$768,257,000 of the amount*
 4 *which may be expended from said trust fund, shall be avail-*
 5 *able for obligation for the period July 1, 2004 through June*
 6 *30, 2005, to fund activities under the Act of June 6, 1933,*
 7 *as amended, including the cost of penalty mail authorized*
 8 *under 39 U.S.C. 3202(a)(1)(E) made available to States in*
 9 *lieu of allotments for such purpose: Provided, That to the*
 10 *extent that the Average Weekly Insured Unemployment*
 11 *(AWIU) for fiscal year 2004 is projected by the Department*
 12 *of Labor to exceed 3,227,000, an additional \$28,600,000*
 13 *shall be available for obligation for every 100,000 increase*
 14 *in the AWIU level (including a pro rata amount for any*
 15 *increment less than 100,000) from the Employment Secu-*
 16 *rity Administration Account of the Unemployment Trust*
 17 *Fund: Provided further, That funds appropriated in this*
 18 *Act which are used to establish a national one-stop career*
 19 *center system, or which are used to support the national*
 20 *activities of the Federal-State unemployment insurance*
 21 *programs, may be obligated in contracts, grants or agree-*
 22 *ments with non-State entities: Provided further, That funds*
 23 *appropriated under this Act for activities authorized under*
 24 *the Wagner-Peyser Act, as amended, and title III of the So-*
 25 *cial Security Act, may be used by the States to fund inte-*

1 *grated Employment Service and Unemployment Insurance*
 2 *automation efforts, notwithstanding cost allocation prin-*
 3 *ciples prescribed under Office of Management and Budget*
 4 *Circular A-87.*

5 *ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND*
 6 *OTHER FUNDS*

7 *For repayable advances to the Unemployment Trust*
 8 *Fund as authorized by sections 905(d) and 1203 of the So-*
 9 *cial Security Act, as amended, and to the Black Lung Dis-*
 10 *ability Trust Fund as authorized by section 9501(c)(1) of*
 11 *the Internal Revenue Code of 1954, as amended; and for*
 12 *nonrepayable advances to the Unemployment Trust Fund*
 13 *as authorized by section 8509 of title 5, United States Code,*
 14 *and to the “Federal unemployment benefits and allow-*
 15 *ances” account, to remain available until September 30,*
 16 *2005, \$467,000,000.*

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

22 *PROGRAM ADMINISTRATION*

23 *For expenses of administering employment and train-*
 24 *ing programs, \$115,824,000, including \$2,393,000 to ad-*
 25 *minister welfare-to-work grants, together with not to exceed*
 26 *\$63,137,000, which may be expended from the Employment*

1 *Security Administration Account in the Unemployment*
 2 *Trust Fund.*

3 *EMPLOYEE BENEFITS SECURITY ADMINISTRATION*

4 *SALARIES AND EXPENSES*

5 *For necessary expenses for the Employee Benefits Secu-*
 6 *rity Administration, \$121,316,000.*

7 *PENSION BENEFIT GUARANTY CORPORATION*

8 *PENSION BENEFIT GUARANTY CORPORATION FUND*

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

1 *EMPLOYMENT STANDARDS ADMINISTRATION*

2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the Employment Standards*
4 *Administration, including reimbursement to State, Federal,*
5 *and local agencies and their employees for inspection serv-*
6 *ices rendered, \$390,045,000, together with \$2,016,000 which*
7 *may be expended from the Special Fund in accordance with*
8 *sections 39(c), 44(d) and 44(j) of the Longshore and Harbor*
9 *Workers' Compensation Act: Provided, That \$2,000,000*
10 *shall be for the development of an alternative system for*
11 *the electronic submission of reports required to be filed*
12 *under the Labor-Management Reporting and Disclosure Act*
13 *of 1959, as amended, and for a computer database of the*
14 *information for each submission by whatever means, that*
15 *is indexed and easily searchable by the public via the Inter-*
16 *net: Provided further, That the Secretary of Labor is au-*
17 *thorized to accept, retain, and spend, until expended, in*
18 *the name of the Department of Labor, all sums of money*
19 *ordered to be paid to the Secretary of Labor, in accordance*
20 *with the terms of the Consent Judgment in Civil Action*
21 *No. 91-0027 of the United States District Court for the Dis-*
22 *trict of the Northern Mariana Islands (May 21, 1992): Pro-*
23 *vided further, That the Secretary of Labor is authorized to*
24 *establish and, in accordance with 31 U.S.C. 3302, collect*
25 *and deposit in the Treasury fees for processing applications*

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

7 *SPECIAL BENEFITS*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For the payment of compensation, benefits, and ex-*
 10 *penses (except administrative expenses) accruing during the*
 11 *current or any prior fiscal year authorized by title 5, chap-*
 12 *ter 81 of the United States Code; continuation of benefits*
 13 *as provided for under the heading “Civilian War Benefits”*
 14 *in the Federal Security Agency Appropriation Act, 1947;*
 15 *the Employees’ Compensation Commission Appropriation*
 16 *Act, 1944; sections 4(c) and 5(f) of the War Claims Act*
 17 *of 1948 (50 U.S.C. App. 2012); and 50 percent of the addi-*
 18 *tional compensation and benefits required by section 10(h)*
 19 *of the Longshore and Harbor Workers’ Compensation Act,*
 20 *as amended, \$163,000,000, together with such amounts as*
 21 *may be necessary to be charged to the subsequent year ap-*
 22 *propriation for the payment of compensation and other ben-*
 23 *efits for any period subsequent to August 15 of the current*
 24 *year: Provided, That amounts appropriated may be used*
 25 *under section 8104 of title 5, United States Code, by the*
 26 *Secretary of Labor to reimburse an employer, who is not*

1 *the employer at the time of injury, for portions of the salary*
 2 *of a reemployed, disabled beneficiary: Provided further,*
 3 *That balances of reimbursements unobligated on September*
 4 *30, 2003, shall remain available until expended for the pay-*
 5 *ment of compensation, benefits, and expenses: Provided fur-*
 6 *ther, That in addition there shall be transferred to this ap-*
 7 *propriation from the Postal Service and from any other cor-*
 8 *poration or instrumentality required under section 8147(c)*
 9 *of title 5, United States Code, to pay an amount for its*
 10 *fair share of the cost of administration, such sums as the*
 11 *Secretary determines to be the cost of administration for*
 12 *employees of such fair share entities through September 30,*
 13 *2004: Provided further, That of those funds transferred to*
 14 *this account from the fair share entities to pay the cost of*
 15 *administration of the Federal Employees' Compensation*
 16 *Act, \$39,315,000 shall be made available to the Secretary*
 17 *as follows: (1) for enhancement and maintenance of auto-*
 18 *mated data processing systems and telecommunications sys-*
 19 *tems, \$11,618,000; (2) for automated workload processing*
 20 *operations, including document imaging, centralized mail*
 21 *intake and medical bill processing, \$14,496,000; (3) for*
 22 *periodic roll management and medical review, \$13,201,000;*
 23 *and (4) the remaining funds shall be paid into the Treasury*
 24 *as miscellaneous receipts: Provided further, That the Sec-*
 25 *retary may require that any person filing a notice of injury*

1 *or a claim for benefits under chapter 81 of title 5, United*
 2 *States Code, or 33 U.S.C. 901 et seq., provide as part of*
 3 *such notice and claim, such identifying information (in-*
 4 *cluding Social Security account number) as such regula-*
 5 *tions may prescribe.*

6 *SPECIAL BENEFITS FOR DISABLED COAL MINERS*

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

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

15 *For making benefit payments under title IV of the first*
 16 *quarter of fiscal year 2005, \$88,000,000, to remain avail-*
 17 *able until expended.*

18 *ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES*

19 *OCCUPATIONAL ILLNESS COMPENSATION FUND*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For necessary expenses to administer the Energy Em-*
 22 *ployees Occupational Illness Compensation Act,*
 23 *\$55,074,000, to remain available until expended: Provided,*
 24 *That the Secretary of Labor is authorized to transfer to any*
 25 *executive agency with authority under the Energy Employ-*
 26 *ees Occupational Illness Compensation Act, including with-*

1 *in the Department of Labor, such sums as may be necessary*
 2 *in fiscal year 2004 to carry out those authorities: Provided*
 3 *further, That the Secretary may require that any person*
 4 *filing a claim for benefits under the Act provide as part*
 5 *of such claim, such identifying information (including So-*
 6 *cial Security account number) as may be prescribed.*

7 *BLACK LUNG DISABILITY TRUST FUND*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *Beginning in fiscal year 2004 and thereafter, such*
 10 *sums as may be necessary from the Black Lung Disability*
 11 *Trust Fund, to remain available until expended, for pay-*
 12 *ment of all benefits authorized by section 9501(d)(1), (2),*
 13 *(4), and (7) of the Internal Revenue Code of 1954, as*
 14 *amended; and interest on advances, as authorized by section*
 15 *9501(c)(2) of that Act. In addition, the following amounts*
 16 *shall be available from the Fund for fiscal year 2004 for*
 17 *expenses of operation and administration of the Black Lung*
 18 *Benefits program, as authorized by section 9501(d)(5):*
 19 *\$32,004,000 for transfer to the Employment Standards Ad-*
 20 *ministration, “Salaries and Expenses”; \$23,401,000 for*
 21 *transfer to Departmental Management, “Salaries and Ex-*
 22 *penses”; \$338,000 for transfer to Departmental Manage-*
 23 *ment, “Office of Inspector General”; and \$356,000 for pay-*
 24 *ments into miscellaneous receipts for the expenses of the De-*
 25 *partment of the Treasury.*

1 *OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the Occupational Safety*
4 *and Health Administration, \$463,324,000, including not to*
5 *exceed \$93,263,000 which shall be the maximum amount*
6 *available for grants to States under section 23(g) of the Oc-*
7 *cupational Safety and Health Act (the “Act”), which grants*
8 *shall be no less than 50 percent of the costs of State occupa-*
9 *tional safety and health programs required to be incurred*
10 *under plans approved by the Secretary under section 18*
11 *of the Act; and, in addition, notwithstanding 31 U.S.C.*
12 *3302, the Occupational Safety and Health Administration*
13 *may retain up to \$750,000 per fiscal year of training insti-*
14 *tute course tuition fees, otherwise authorized by law to be*
15 *collected, and may utilize such sums for occupational safety*
16 *and health training and education grants: Provided, That,*
17 *notwithstanding 31 U.S.C. 3302, the Secretary of Labor is*
18 *authorized, during the fiscal year ending September 30,*
19 *2004, to collect and retain fees for services provided to Na-*
20 *tionally Recognized Testing Laboratories, and may utilize*
21 *such sums, in accordance with the provisions of 29 U.S.C.*
22 *9a, to administer national and international laboratory*
23 *recognition programs that ensure the safety of equipment*
24 *and products used by workers in the workplace: Provided*
25 *further, That none of the funds appropriated under this*

1 paragraph shall be obligated or expended to prescribe, issue,
2 administer, or enforce any standard, rule, regulation, or
3 order under the Act which is applicable to any person who
4 is engaged in a farming operation which does not maintain
5 a temporary labor camp and employs 10 or fewer employ-
6 ees: Provided further, That no funds appropriated under
7 this paragraph shall be obligated or expended to administer
8 or enforce any standard, rule, regulation, or order under
9 the Act with respect to any employer of 10 or fewer employ-
10 ees who is included within a category having an occupa-
11 tional injury lost workday case rate, at the most precise
12 Standard Industrial Classification Code for which such
13 data are published, less than the national average rate as
14 such rates are most recently published by the Secretary, act-
15 ing through the Bureau of Labor Statistics, in accordance
16 with section 24 of that Act (29 U.S.C. 673), except—

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

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

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

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

5 (5) to take any action authorized by such Act
6 with respect to a report of an employment accident
7 which is fatal to one or more employees or which re-
8 sults in hospitalization of two or more employees, and
9 to take any action pursuant to such investigation au-
10 thorized by such Act; and

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

14 *Provided further, That the foregoing proviso shall not apply*
15 *to any person who is engaged in a farming operation which*
16 *does not maintain a temporary labor camp and employs*
17 *10 or fewer employees: Provided further, That not less than*
18 *\$3,200,000 shall be used to extend funding for the Institu-*
19 *tional Competency Building training grants which com-*
20 *menced in September 2000, for program activities for the*
21 *period of September 30, 2003 to September 30, 2004, pro-*
22 *vided that a grantee has demonstrated satisfactory perform-*
23 *ance.*

1 *MINE SAFETY AND HEALTH ADMINISTRATION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses for the Mine Safety and Health*
4 *Administration, \$270,711,000, including purchase and be-*
5 *stowal of certificates and trophies in connection with mine*
6 *rescue and first-aid work, and the hire of passenger motor*
7 *vehicles; including up to \$2,000,000 for mine rescue and*
8 *recovery activities; in addition, not to exceed \$750,000 may*
9 *be collected by the National Mine Health and Safety Acad-*
10 *emy for room, board, tuition, and the sale of training mate-*
11 *rials, otherwise authorized by law to be collected, to be*
12 *available for mine safety and health education and training*
13 *activities, notwithstanding 31 U.S.C. 3302; and, in addi-*
14 *tion, the Mine Safety and Health Administration may re-*
15 *tain up to \$1,000,000 from fees collected for the approval*
16 *and certification of equipment, materials, and explosives for*
17 *use in mines, and may utilize such sums for such activities;*
18 *the Secretary is authorized to accept lands, buildings,*
19 *equipment, and other contributions from public and private*
20 *sources and to prosecute projects in cooperation with other*
21 *agencies, Federal, State, or private; the Mine Safety and*
22 *Health Administration is authorized to promote health and*
23 *safety education and training in the mining community*
24 *through cooperative programs with States, industry, and*
25 *safety associations; and any funds available to the depart-*

1 *ment may be used, with the approval of the Secretary, to*
 2 *provide for the costs of mine rescue and survival operations*
 3 *in the event of a major disaster.*

4 *BUREAU OF LABOR STATISTICS*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses for the Bureau of Labor Statis-*
 7 *tics, including advances or reimbursements to State, Fed-*
 8 *eral, and local agencies and their employees for services ren-*
 9 *dered, \$445,113,000, together with not to exceed*
 10 *\$75,110,000, which may be expended from the Employment*
 11 *Security Administration Account in the Unemployment*
 12 *Trust Fund, of which \$5,000,000 may be used to fund the*
 13 *mass layoff statistics program under section 15 of the Wag-*
 14 *ner-Peyser Act (29 U.S.C. 49l-2).*

15 *OFFICE OF DISABILITY EMPLOYMENT POLICY*

16 *SALARIES AND EXPENSES*

17 *For necessary expenses for the Office of Disability Em-*
 18 *ployment Policy to provide leadership, develop policy and*
 19 *initiatives, and award grants furthering the objective of*
 20 *eliminating barriers to the training and employment of*
 21 *people with disabilities, \$47,333,000.*

22 *DEPARTMENTAL MANAGEMENT*

23 *SALARIES AND EXPENSES*

24 *For necessary expenses for Departmental Management,*
 25 *including the hire of three sedans, and including the man-*

1 agement or operation, through contracts, grants or other ar-
 2 rangements of Departmental activities conducted by or
 3 through the Bureau of International Labor Affairs, includ-
 4 ing bilateral and multilateral technical assistance and other
 5 international labor activities, and \$48,565,000, for the ac-
 6 quisition of Departmental information technology, architec-
 7 ture, infrastructure, equipment, software and related needs
 8 which will be allocated by the Department's Chief Informa-
 9 tion Officer in accordance with the Department's capital
 10 investment management process to assure a sound invest-
 11 ment strategy; \$351,295,000; together with not to exceed
 12 \$314,000, which may be expended from the Employment
 13 Security Administration Account in the Unemployment
 14 Trust Fund: Provided, That no funds made available by
 15 this Act may be used by the Solicitor of Labor to participate
 16 in a review in any United States court of appeals of any
 17 decision made by the Benefits Review Board under section
 18 21 of the Longshore and Harbor Workers' Compensation Act
 19 (33 U.S.C. 921) where such participation is precluded by
 20 the decision of the United States Supreme Court in Direc-
 21 tor, Office of Workers' Compensation Programs v. Newport
 22 News Shipbuilding, 115 S. Ct. 1278 (1995), notwith-
 23 standing any provisions to the contrary contained in Rule
 24 15 of the Federal Rules of Appellate Procedure: Provided
 25 further, That no funds made available by this Act may be

1 *used by the Secretary of Labor to review a decision under*
2 *the Longshore and Harbor Workers' Compensation Act (33*
3 *U.S.C. 901 et seq.) that has been appealed and that has*
4 *been pending before the Benefits Review Board for more*
5 *than 12 months: Provided further, That any such decision*
6 *pending a review by the Benefits Review Board for more*
7 *than 1 year shall be considered affirmed by the Benefits*
8 *Review Board on the 1-year anniversary of the filing of*
9 *the appeal, and shall be considered the final order of the*
10 *Board for purposes of obtaining a review in the United*
11 *States courts of appeals: Provided further, That these provi-*
12 *sions shall not be applicable to the review or appeal of any*
13 *decision issued under the Black Lung Benefits Act (30*
14 *U.S.C. 901 et seq.): Provided further, That of this amount,*
15 *sufficient funds shall be available for the Secretary of Labor,*
16 *not later than 60 days after the last day of the fiscal year,*
17 *may submit to Congress a report on the amount of acquisi-*
18 *tions made by the Department of Labor during such fiscal*
19 *year of articles, materials, or supplies that were manufac-*
20 *tured outside the United States. Such report shall sepa-*
21 *rately indicate the dollar value of any articles, materials,*
22 *or supplies purchased by the Department of Labor that were*
23 *manufactured outside the United States, an itemized list*
24 *of all waivers under the Buy American Act (41 U.S.C. 10a*
25 *et seq.) that were granted with respect to such articles, ma-*

1 *terials, or supplies, and a summary of total procurement*
 2 *funds spent on goods manufactured in the United States*
 3 *versus funds spent on goods manufactured outside of the*
 4 *United States. The Secretary of Labor shall make the report*
 5 *publicly available by posting the report on an Internet*
 6 *website.*

7 *VETERANS EMPLOYMENT AND TRAINING*

8 *Not to exceed \$193,443,000 may be derived from the*
 9 *Employment Security Administration Account in the Un-*
 10 *employment Trust Fund to carry out the provisions of 38*
 11 *U.S.C. 4100–4012, 4211–4215, and 4321–4327, and Public*
 12 *Law 103–353, and which shall be available for obligation*
 13 *by the States through December 31, 2004, of which*
 14 *\$2,000,000 is for the National Veterans’ Employment and*
 15 *Training Services Institute. To carry out the Homeless Vet-*
 16 *erans Reintegration Programs (38 U.S.C. 2021) and the*
 17 *Veterans Workforce Investment Programs (29 U.S.C. 2913),*
 18 *\$26,550,000, of which \$7,550,000 shall be available for obli-*
 19 *gation for the period July 1, 2004 through June 30, 2005.*

20 *OFFICE OF INSPECTOR GENERAL*

21 *For salaries and expenses of the Office of Inspector*
 22 *General in carrying out the provisions of the Inspector Gen-*
 23 *eral Act of 1978, as amended, \$59,291,000, together with*
 24 *not to exceed \$5,561,000, which may be expended from the*
 25 *Employment Security Administration Account in the Un-*
 26 *employment Trust Fund.*

1 *WORKING CAPITAL FUND*

2 *For the acquisition of a new core accounting system*
 3 *for the Department of Labor, including hardware and soft-*
 4 *ware infrastructure and the costs associated with imple-*
 5 *mentation thereof, \$9,700,000.*

6 *GENERAL PROVISIONS*

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

12 *(TRANSFER OF FUNDS)*

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

22 *SEC. 103. In accordance with Executive Order No.*
 23 *13126, none of the funds appropriated or otherwise made*
 24 *available pursuant to this Act shall be obligated or expended*
 25 *for the procurement of goods mined, produced, manufac-*
 26 *tured, or harvested or services rendered, whole or in part,*

1 *by forced or indentured child labor in industries and host*
2 *countries already identified by the United States Depart-*
3 *ment of Labor prior to enactment of this Act.*

4 *SEC. 104. There is authorized to be appropriated such*
5 *sums as may be necessary to the Denali Commission*
6 *through the Department of Labor to conduct job training*
7 *of the local workforce where Denali Commission projects*
8 *will be constructed.*

9 *SEC. 105. Of the funds appropriated for fiscal year*
10 *1999 under section 403(a)(5)(H)(i)(II) of the Social Secu-*
11 *rity Act (42 U.S.C. 603(a)(5)(H)(i)(II)) that were allotted*
12 *as welfare to work formula grants to the States under sec-*
13 *tion 403(a)(5)(A) of such Act (42 U.S.C. 603(a)(5)(A)),*
14 *\$210,833,000 is hereby rescinded. In order to carry out this*
15 *section, the Secretary of Labor shall recapture unexpended*
16 *funds from the States that have received such allotments*
17 *based on the relative amount of funds from such allotments*
18 *that remain unexpended in each State as compared to the*
19 *total amount of funds from such allotments that remain un-*
20 *expended in all States as of September 30, 2003. The Sec-*
21 *retary of Labor is authorized to establish such procedures*
22 *as the Secretary determines are appropriate to carry out*
23 *this section.*

24 *SEC. 106. None of the funds provided under this Act*
25 *shall be used to promulgate or implement any regulation*

1 *that exempts from the requirements of section 7 of the Fair*
 2 *Labor Standards Act of 1938 (29 U.S.C. 207) any employee*
 3 *who is not otherwise exempted pursuant to regulations*
 4 *under section 13 of such Act (29 U.S.C. 213) that were in*
 5 *effect as of September 3, 2003.*

6 *SEC. 107. The Department of Labor may cease the im-*
 7 *plementation of closing procedures for the Department of*
 8 *Labor Employment and Training Administration regional*
 9 *office in New York City, New York, and the Employment*
 10 *and Training Administration affiliate offices in Seattle,*
 11 *Washington, Kansas City, Missouri, and Denver, Colorado*
 12 *until September 30, 2004.*

13 *SEC. 108. (a) FINDINGS.—Congress finds that—*

14 *(1) it is projected that the Department of Labor,*
 15 *in conjunction with labor, industry, and the National*
 16 *Institute for Occupational Safety and Health, will be*
 17 *undertaking several months of testing on Personal*
 18 *Dust Monitor production prototypes; and*

19 *(2) the testing of Personal Dust Monitor proto-*
 20 *types is set to begin (by late May or early June of*
 21 *2004) following the scheduled delivery of the Personal*
 22 *Dust Monitors in May 2004.*

23 *(b) RE-PROPOSAL OF RULE.—Following the successful*
 24 *demonstration of Personal Dust Monitor technology, and if*
 25 *the Secretary of Labor makes a determination that Personal*

1 *Dust Monitors can be effectively applied in a regulatory*
 2 *scheme, the Secretary of Labor shall re-propose a rule on*
 3 *respirable coal dust which incorporates the use of Personal*
 4 *Dust Monitors, and, if such rule is re-proposed, the Sec-*
 5 *retary shall comply with the regular procedures applicable*
 6 *to Federal rulemaking.*

7 *This title may be cited as the “Department of Labor*
 8 *Appropriations Act, 2004”.*

9 *TITLE II—DEPARTMENT OF HEALTH AND*
 10 *HUMAN SERVICES*

11 *HEALTH RESOURCES AND SERVICES ADMINISTRATION*

12 *HEALTH RESOURCES AND SERVICES*

13 *For carrying out titles II, III, IV, VII, VIII, X, XII,*
 14 *XIX, and XXVI of the Public Health Service Act, section*
 15 *427(a) of the Federal Coal Mine Health and Safety Act,*
 16 *title V (including section 510), and sections 1128E and*
 17 *1820 of the Social Security Act, the Health Care Quality*
 18 *Improvement Act of 1986, as amended, the Native Hawai-*
 19 *ian Health Care Act of 1988, as amended, the Cardiac Ar-*
 20 *rest Survival Act of 2000, and the Poison Control Center*
 21 *Enhancement and Awareness Act, \$5,881,322,000, of which*
 22 *\$39,740,000 from general revenues, notwithstanding section*
 23 *1820(j) of the Social Security Act, shall be available for*
 24 *carrying out the Medicare rural hospital flexibility grants*
 25 *program under section 1820 of such Act: Provided, That*

1 of the funds made available under this heading, \$250,000
 2 shall be available until expended for facilities renovations
 3 at the Gillis W. Long Hansen's Disease Center: Provided
 4 further, That in addition to fees authorized by section
 5 427(b) of the Health Care Quality Improvement Act of
 6 1986, fees shall be collected for the full disclosure of informa-
 7 tion under the Act sufficient to recover the full costs of oper-
 8 ating the National Practitioner Data Bank, and shall re-
 9 main available until expended to carry out that Act: Pro-
 10 vided further, That fees collected for the full disclosure of
 11 information under the "Health Care Fraud and Abuse Data
 12 Collection Program", authorized by section 1128E(d)(2) of
 13 the Social Security Act, shall be sufficient to recover the
 14 full costs of operating the program, and shall remain avail-
 15 able until expended to carry out that Act: Provided further,
 16 that no more than \$10,000,000 is available for carrying out
 17 the provisions of U.S.C. Title 42 Section 233(o) including
 18 associated administrative expenses: Provided further, That
 19 \$10,000,000 is to establish a National Cord Blood Stem Cell
 20 Bank Program: Provided further, That no more than
 21 \$45,000,000 is available for carrying out the provisions of
 22 Public Law 104-73: Provided further, That of the funds
 23 made available under this heading, \$283,350,000 shall be
 24 for the program under title X of the Public Health Service
 25 Act to provide for voluntary family planning projects: Pro-

1 *vided further, That amounts provided to said projects under*
 2 *such title shall not be expended for abortions, that all preg-*
 3 *nancy counseling shall be nondirective, and that such*
 4 *amounts shall not be expended for any activity (including*
 5 *the publication or distribution of literature) that in any*
 6 *way tends to promote public support or opposition to any*
 7 *legislative proposal or candidate for public office: Provided*
 8 *further, That \$739,000,000 shall be for State AIDS Drug*
 9 *Assistance Programs authorized by section 2616 of the Pub-*
 10 *lic Health Service Act: Provided further, That in addition*
 11 *to amounts provided herein, \$25,000,000 shall be available*
 12 *from amounts available under section 241 of the Public*
 13 *Health Service Act to carry out Parts A, B, C, and D of*
 14 *title XXVI of the Public Health Service Act to fund section*
 15 *2691 Special Projects of National Significance: Provided*
 16 *further, That notwithstanding section 502(a)(1) of the So-*
 17 *cial Security Act, not to exceed \$116,381,000 is available*
 18 *for carrying out special projects of regional and national*
 19 *significance pursuant to section 501(a)(2) of such Act: Pro-*
 20 *vided further, That \$73,044,000 is available for special*
 21 *projects of regional and national significance under section*
 22 *501(a)(2) of the Social Security Act, which shall not be*
 23 *counted toward compliance with the allocation required in*
 24 *section 502(a)(1) of such Act, and which shall be used only*
 25 *for making competitive grants to provide abstinence edu-*

1 cation (as defined in section 510(b)(2) of such Act) to ado-
 2 lescents and for evaluations (including longitudinal evalua-
 3 tions) of activities under the grants and for Federal costs
 4 of administering the grants: Provided further, That grants
 5 under the immediately preceding proviso shall be made only
 6 to public and private entities which agree that, with respect
 7 to an adolescent to whom the entities provide abstinence
 8 education under such grant, the entities will not provide
 9 to that adolescent any other education regarding sexual con-
 10 duct, except that, in the case of an entity expressly required
 11 by law to provide health information or services the adoles-
 12 cent shall not be precluded from seeking health information
 13 or services from the entity in a different setting than the
 14 setting in which the abstinence education was provided:
 15 Provided further, That the funds expended for such evalua-
 16 tions may not exceed 3.5 percent of such amount: Provided
 17 further, That up to \$1,000,000 may be made available to
 18 carry out the rural emergency medical service training and
 19 equipment assistance program under section 330J of the
 20 Public Health Service Act (42 U.S.C. 254c-15).

21 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

22 ACCOUNT

23 Such sums as may be necessary to carry out the pur-
 24 pose of the program, as authorized by title VII of the Public
 25 Health Service Act, as amended. For administrative ex-

1 *penses to carry out the guaranteed loan program, including*
 2 *section 709 of the Public Health Service Act, \$3,389,000.*

3 *VACCINE INJURY COMPENSATION PROGRAM TRUST FUND*

4 *For payments from the Vaccine Injury Compensation*
 5 *Program Trust Fund, such sums as may be necessary for*
 6 *claims associated with vaccine-related injury or death with*
 7 *respect to vaccines administered after September 30, 1988,*
 8 *pursuant to subtitle 2 of title XXI of the Public Health*
 9 *Service Act, to remain available until expended: Provided,*
 10 *That for necessary administrative expenses, not to exceed*
 11 *\$2,972,000 shall be available from the Trust Fund to the*
 12 *Secretary of Health and Human Services.*

13 *CENTERS FOR DISEASE CONTROL AND PREVENTION*

14 *DISEASE CONTROL, RESEARCH, AND TRAINING*

15 *To carry out titles II, III, VII, XI, XV, XVII, XIX,*
 16 *XXI, and XXVI of the Public Health Service Act, sections*
 17 *101, 102, 103, 201, 202, 203, 301, and 501 of the Federal*
 18 *Mine Safety and Health Act of 1977, sections 20, 21, and*
 19 *22 of the Occupational Safety and Health Act of 1970, title*
 20 *IV of the Immigration and Nationality Act, and section 501*
 21 *of the Refugee Education Assistance Act of 1980; including*
 22 *purchase and insurance of official motor vehicles in foreign*
 23 *countries; and purchase, hire, maintenance, and operation*
 24 *of aircraft, \$4,432,496,000, of which \$260,000,000 shall re-*
 25 *main available until expended for equipment, and construc-*
 26 *tion and renovation of facilities, and of which \$232,569,000*

1 *for international HIV/AIDS shall remain available until*
 2 *September 30, 2005, including up to \$90,000,000, to re-*
 3 *main available until expended for the “International Moth-*
 4 *er and Child HIV Prevention Initiative.” In addition, such*
 5 *sums as may be derived from authorized user fees, which*
 6 *shall be credited to this account: Provided, That in addition*
 7 *to amounts provided herein, \$14,000,000 shall be available*
 8 *from amounts available under section 241 of the Public*
 9 *Health Service Act to carry out the National Immunization*
 10 *Surveys: Provided further, That in addition to amounts*
 11 *provided herein, \$127,634,000 shall be available from*
 12 *amounts available under section 241 of the Public Health*
 13 *Service Act to carry out the National Center for Health Sta-*
 14 *tistics surveys: Provided further, That none of the funds*
 15 *made available for injury prevention and control at the*
 16 *Centers for Disease Control and Prevention may be used,*
 17 *in whole or in part, to advocate or promote gun control:*
 18 *Provided further, That in addition to amounts provided*
 19 *herein, \$28,600,000 shall be available from amounts avail-*
 20 *able under section 241 of the Public Health Service Act to*
 21 *carry out information systems standards development and*
 22 *architecture and applications-based research used at local*
 23 *public health levels: Provided further, That in addition to*
 24 *amounts provided herein, \$41,900,000 shall be available*
 25 *from amounts available under section 241 of the Public*

1 *Health Service Act to carry out Research Tools and Ap-*
2 *proaches activities within the National Occupational Re-*
3 *search Agenda: Provided further, That the Director may re-*
4 *direct the total amount made available under authority of*
5 *Public Law 101–502, section 3, dated November 3, 1990,*
6 *to activities the Director may so designate: Provided fur-*
7 *ther, That the Congress is to be notified promptly of any*
8 *such transfer: Provided further, That not to exceed*
9 *\$12,500,000 may be available for making grants under sec-*
10 *tion 1509 of the Public Health Service Act to not more than*
11 *15 States: Provided further, That without regard to existing*
12 *statute, funds appropriated may be used to proceed, at the*
13 *discretion of the Centers for Disease Control and Preven-*
14 *tion, with property acquisition, including a long-term*
15 *ground lease for construction on non-Federal land, to sup-*
16 *port the construction of a replacement laboratory in the*
17 *Fort Collins, Colorado area: Provided further, That not-*
18 *withstanding any other provision of law, a single contract*
19 *or related contracts for development and construction of fa-*
20 *cilities may be employed which collectively include the full*
21 *scope of the project: Provided further, That the solicitation*
22 *and contract shall contain the clause “availability of funds”*
23 *found at 48 CFR 52.232–18.*

1 *NATIONAL INSTITUTES OF HEALTH*

2 *NATIONAL CANCER INSTITUTE*

3 *For carrying out section 301 and title IV of the Public*
 4 *Health Service Act with respect to cancer, \$4,770,519,000.*

5 *NATIONAL HEART, LUNG, AND BLOOD INSTITUTE*

6 *For carrying out section 301 and title IV of the Public*
 7 *Health Service Act with respect to cardiovascular, lung,*
 8 *and blood diseases, and blood and blood products,*
 9 *\$2,897,595,000.*

10 *NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL*

11 *RESEARCH*

12 *For carrying out section 301 and title IV of the Public*
 13 *Health Service Act with respect to dental disease,*
 14 *\$386,396,000.*

15 *NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND*

16 *KIDNEY DISEASES*

17 *For carrying out section 301 and title IV of the Public*
 18 *Health Service Act with respect to diabetes and digestive*
 19 *and kidney disease, \$1,683,007,000.*

20 *NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND*

21 *STROKE*

22 *For carrying out section 301 and title IV of the Public*
 23 *Health Service Act with respect to neurological disorders*
 24 *and stroke, \$1,510,926,000.*

6 NATIONAL INSTITUTE ON AGING

9 NATIONAL INSTITUTE OF ARTHRITIS AND
10 MUSCULOSKELETAL AND SKIN DISEASES

14 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
15 COMMUNICATION DISORDERS

19 NATIONAL INSTITUTE OF NURSING RESEARCH

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6 NATIONAL INSTITUTE ON DRUG ABUSE
7 For carrying out section 301 and title IV of the Public
8 Health Service Act with respect to drug abuse,
9 \$997,614,000.

14 NATIONAL HUMAN GENOME RESEARCH INSTITUTE
15 For carrying out section 301 and title IV of the Public
16 Health Service Act with respect to human genome research,
17 \$482,372,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$1,186,483,000: Provided,

1 *That none of these funds shall be used to pay recipients*
 2 *of the general research support grants program any amount*
 3 *for indirect expenses in connection with such grants: Pro-*
 4 *vided further, That \$119,220,000 shall be for extramural*
 5 *facilities construction grants.*

6 *NATIONAL CENTER FOR COMPLEMENTARY AND*
 7 *ALTERNATIVE MEDICINE*

8 *For carrying out section 301 and title IV of the Public*
 9 *Health Service Act with respect to complementary and al-*
 10 *ternative medicine, \$117,902,000.*

11 *NATIONAL CENTER ON MINORITY HEALTH AND HEALTH*
 12 *DISPARITIES*

13 *For carrying out section 301 and title IV of the Public*
 14 *Health Service Act with respect to minority health and*
 15 *health disparities research, \$192,824,000.*

16 *JOHN E. FOGARTY INTERNATIONAL CENTER*

17 *For carrying out the activities at the John E. Fogarty*
 18 *International Center, \$65,900,000.*

19 *NATIONAL LIBRARY OF MEDICINE*

20 *For carrying out section 301 and title IV of the Public*
 21 *Health Service Act with respect to health information com-*
 22 *munications, \$311,835,000, of which \$4,000,000 shall be*
 23 *available until expended for improvement of information*
 24 *systems: Provided, That in fiscal year 2004, the Library*
 25 *may enter into personal services contracts for the provision*
 26 *of services in facilities owned, operated, or constructed*

1 *under the jurisdiction of the National Institutes of Health:*
 2 *Provided further, That in addition to amounts provided*
 3 *herein, \$8,200,000 shall be available from amounts avail-*
 4 *able under section 241 of the Public Health Service Act to*
 5 *carry out National Information Center on Health Services*
 6 *Research and Health Care Technology and related health*
 7 *services.*

8 *OFFICE OF THE DIRECTOR*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For carrying out the responsibilities of the Office of*
 11 *the Director, National Institutes of Health, \$323,483,000:*
 12 *Provided, That funding shall be available for the purchase*
 13 *of not to exceed 29 passenger motor vehicles for replacement*
 14 *only: Provided further, That the Director may direct up to*
 15 *1 percent of the total amount made available in this or any*
 16 *other Act to all National Institutes of Health appropria-*
 17 *tions to activities the Director may so designate: Provided*
 18 *further, That no such appropriation shall be decreased by*
 19 *more than 1 percent by any such transfers and that the*
 20 *Congress is promptly notified of the transfer: Provided fur-*
 21 *ther, That the National Institutes of Health is authorized*
 22 *to collect third party payments for the cost of clinical serv-*
 23 *ices that are incurred in National Institutes of Health re-*
 24 *search facilities and that such payments shall be credited*
 25 *to the National Institutes of Health Management Fund:*
 26 *Provided further, That all funds credited to the National*

1 *Institutes of Health Management Fund shall remain avail-*
 2 *able for 1 fiscal year after the fiscal year in which they*
 3 *are deposited: Provided further, That up to \$497,000 shall*
 4 *be available to carry out section 499 of the Public Health*
 5 *Service Act.*

6 *BUILDINGS AND FACILITIES*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For the study of, construction of, renovation of, and*
 9 *acquisition of equipment for, facilities of or used by the Na-*
 10 *tional Institutes of Health, including the acquisition of real*
 11 *property, \$89,500,000, to remain available until expended:*
 12 *Provided, That notwithstanding any other provision of law,*
 13 *single contracts or related contracts, which collectively in-*
 14 *clude the full scope of the project, may be employed for the*
 15 *development and construction of the first and second phases*
 16 *of the John Edward Porter Neuroscience Research Center:*
 17 *Provided further, That the solicitations and contracts shall*
 18 *contain the clause “availability of funds” found at 48 CFR*
 19 *52.232–18.*

20 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

21 *ADMINISTRATION*

22 *SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES*

23 *For carrying out titles V and XIX of the Public Health*
 24 *Service Act with respect to substance abuse and mental*
 25 *health services, the Protection and Advocacy for Mentally*
 26 *Ill Individuals Act of 1986, and section 301 of the Public*

1 *Health Service Act with respect to program management,*
2 *\$3,157,540,000: Provided, That in addition to amounts pro-*
3 *vided herein, \$79,200,000 shall be available from amounts*
4 *available under section 241 of the Public Health Service*
5 *Act to carry out subpart II of title XIX of the Public Health*
6 *Service Act to fund section 1935(b) technical assistance, na-*
7 *tional data, data collection and evaluation activities, and*
8 *further that the total available under this Act for section*
9 *1935(b) activities shall not exceed 5 percent of the amounts*
10 *appropriated for subpart II of title XIX: Provided further,*
11 *That in addition to the amounts provided herein,*
12 *\$21,850,000 shall be available from amounts available*
13 *under Section 241 of the Public Health Service Act to carry*
14 *out subpart I of Part B of title XIX of the Public Health*
15 *Service Act to fund section 1920(b) technical assistance,*
16 *data collection and program evaluation activities, and fur-*
17 *ther that the total available under this Act for section*
18 *1920(b) activities shall not exceed 5 percent of the amounts*
19 *appropriated for subpart I of Part B of Title XIX: Provided*
20 *further, That in addition to amounts provided herein,*
21 *\$16,000,000 shall be made available from amounts avail-*
22 *able under section 241 of the Public Health Service Act to*
23 *carry out national surveys on drug abuse.*

1 *AGENCY FOR HEALTHCARE RESEARCH AND QUALITY*

2 *HEALTHCARE RESEARCH AND QUALITY*

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

11 *CENTERS FOR MEDICARE AND MEDICAID SERVICES*

12 *GRANTS TO STATES FOR MEDICAID*

13 *For carrying out, except as otherwise provided, titles*
 14 *XI and XIX of the Social Security Act, \$124,892,197,000,*
 15 *to remain available until expended.*

16 *For making, after May 31, 2004, payments to States*
 17 *under title XIX of the Social Security Act for the last quar-*
 18 *ter of fiscal year 2004 for unanticipated costs, incurred for*
 19 *the current fiscal year, such sums as may be necessary.*

20 *For making payments to States or in the case of sec-*
 21 *tion 1928 on behalf of States under title XIX of the Social*
 22 *Security Act for the first quarter of fiscal year 2005,*
 23 *\$58,416,275,000, to remain available until expended.*

24 *Payment under title XIX may be made for any quarter*
 25 *with respect to a State plan or plan amendment in effect*

1 *during such quarter, if submitted in or prior to such quar-*
 2 *ter and approved in that or any subsequent quarter.*

3 *PAYMENTS TO HEALTH CARE TRUST FUNDS*

4 *For payment to the Federal Hospital Insurance and*
 5 *the Federal Supplementary Medical Insurance Trust*
 6 *Funds, as provided under section 1844 of the Social Secu-*
 7 *rity Act, sections 103(c) and 111(d) of the Social Security*
 8 *Amendments of 1965, section 278(d) of Public Law 97–248,*
 9 *and for administrative expenses incurred pursuant to sec-*
 10 *tion 201(g) of the Social Security Act, \$95,084,100,000.*

11 *PROGRAM MANAGEMENT*

12 *For carrying out, except as otherwise provided, titles*
 13 *XI, XVIII, XIX, and XXI of the Social Security Act, titles*
 14 *XIII and XXVII of the Public Health Service Act, and the*
 15 *Clinical Laboratory Improvement Amendments of 1988, not*
 16 *to exceed \$2,707,603,000, to be transferred from the Federal*
 17 *Hospital Insurance and the Federal Supplementary Med-*
 18 *ical Insurance Trust Funds, as authorized by section 201(g)*
 19 *of the Social Security Act; together with all funds collected*
 20 *in accordance with section 353 of the Public Health Service*
 21 *Act and section 1857(e)(2) of the Social Security Act, and*
 22 *such sums as may be collected from authorized user fees and*
 23 *the sale of data, which shall remain available until ex-*
 24 *pended, and together with administrative fees collected rel-*
 25 *ative to Medicare overpayment recovery activities, which*
 26 *shall remain available until expended: Provided, That all*

1 *funds derived in accordance with 31 U.S.C. 9701 from or-*
 2 *ganizations established under title XIII of the Public Health*
 3 *Service Act shall be credited to and available for carrying*
 4 *out the purposes of this appropriation: Provided further,*
 5 *That \$30,000,000, to remain available until September 30,*
 6 *2005, is for contract costs for CMS's Systems Revitalization*
 7 *Plan: Provided further, That \$56,991,000, to remain avail-*
 8 *able until September 30, 2005, is for contract costs for the*
 9 *Healthcare Integrated General Ledger Accounting System:*
 10 *Provided further, That the Secretary of Health and Human*
 11 *Services is directed to collect fees in fiscal year 2004 from*
 12 *Medicare + Choice organizations pursuant to section*
 13 *1857(e)(2) of the Social Security Act and from eligible orga-*
 14 *nizations with risk-sharing contracts under section 1876 of*
 15 *that Act pursuant to section 1876(k)(4)(D) of that Act: Pro-*
 16 *vided further, that to the extent Medicare claims processing*
 17 *unit costs are projected by the Centers for Medicare & Med-*
 18 *icaid Services to exceed \$0.87 for Part A claims and/or*
 19 *\$0.65 for Part B claims, up to an additional \$18,000,000*
 20 *may be available for obligation for every \$0.04 increase in*
 21 *Medicare claims processing unit costs from the Federal Hos-*
 22 *pital Insurance and the Federal Supplementary Medical*
 23 *Insurance Trust Funds. The calculation of projected unit*
 24 *costs shall be derived in the same manner in which the esti-*

1 *mated unit costs were calculated for the Federal budget esti-*
 2 *mate for the fiscal year*

3 *HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN*
 4 *GUARANTEE FUND*

5 *For carrying out subsections (d) and (e) of section*
 6 *1308 of the Public Health Service Act, any amounts re-*
 7 *ceived by the Secretary in connection with loans and loan*
 8 *guarantees under title XIII of the Public Health Service*
 9 *Act, to be available without fiscal year limitation for the*
 10 *payment of outstanding obligations. During fiscal year*
 11 *2004, no commitments for direct loans or loan guarantees*
 12 *shall be made.*

13 *ADMINISTRATION FOR CHILDREN AND FAMILIES*
 14 *PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT*
 15 *AND FAMILY SUPPORT PROGRAMS*

16 *For making payments to States or other non-Federal*
 17 *entities under titles I, IV–D, X, XI, XIV, and XVI of the*
 18 *Social Security Act and the Act of July 5, 1960 (24 U.S.C.*
 19 *ch. 9), \$3,292,270,000, to remain available until expended;*
 20 *and for such purposes for the first quarter of fiscal year*
 21 *2005, \$1,200,000,000, to remain available until expended.*

22 *For making payments to each State for carrying out*
 23 *the program of Aid to Families with Dependent Children*
 24 *under title IV–A of the Social Security Act before the effec-*
 25 *tive date of the program of Temporary Assistance for Needy*
 26 *Families (TANF) with respect to such State, such sums as*

1 *may be necessary: Provided, That the sum of the amounts*
 2 *available to a State with respect to expenditures under such*
 3 *title IV–A in fiscal year 1997 under this appropriation and*
 4 *under such title IV–A as amended by the Personal Respon-*
 5 *sibility and Work Opportunity Reconciliation Act of 1996*
 6 *shall not exceed the limitations under section 116(b) of such*
 7 *Act.*

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

15 *LOW INCOME HOME ENERGY ASSISTANCE*

16 *For making payments under title XXVI of the Omni-*
 17 *bus Budget Reconciliation Act of 1981, \$2,000,000,000.*

18 *REFUGEE AND ENTRANT ASSISTANCE*

19 *For making payments for refugee and entrant assist-*
 20 *ance activities authorized by title IV of the Immigration*
 21 *and Nationality Act and section 501 of the Refugee Edu-*
 22 *cation Assistance Act of 1980 (Public Law 96–422),*
 23 *\$383,894,000: Provided, That funds appropriated pursuant*
 24 *to section 414(a) of the Immigration and Nationality Act*
 25 *for fiscal year 2004 shall be available for the costs of assist-*
 26 *ance provided and other activities through September 30,*

1 2006: *Provided further, That up to \$9,935,000 is available*
 2 *to carry out the Trafficking Victims Protection Act of 2000.*
 3 *For carrying out section 5 of the Torture Victims Re-*
 4 *lief Act of 1998 (Public Law 105–320), \$9,935,000. For car-*
 5 *rying out section 462 of the Homeland Security Act of 2002,*
 6 *(Public Law 107–296), \$34,227,000.*

7 *PAYMENTS TO STATES FOR THE CHILD CARE AND*
 8 *DEVELOPMENT BLOCK GRANT*

9 *For carrying out sections 658A through 658R of the*
 10 *Omnibus Budget Reconciliation Act of 1981 (The Child*
 11 *Care and Development Block Grant Act of 1990),*
 12 *\$2,099,729,000 shall be used to supplement, not supplant*
 13 *State general revenue funds for child care assistance for*
 14 *low-income families: Provided, That \$19,120,000 shall be*
 15 *available for child care resource and referral and school-*
 16 *aged child care activities, of which \$1,000,000 shall be for*
 17 *the Child Care Aware toll free hotline: Provided further,*
 18 *That, in addition to the amounts required to be reserved*
 19 *by the States under section 658G, \$272,672,000 shall be re-*
 20 *served by the States for activities authorized under section*
 21 *658G, of which \$100,000,000 shall be for activities that im-*
 22 *prove the quality of infant and toddler care: Provided fur-*
 23 *ther, That \$10,000,000 shall be for use by the Secretary for*
 24 *child care research, demonstration, and evaluation activi-*
 25 *ties.*

1 *SOCIAL SERVICES BLOCK GRANT*

2 *For making grants to States pursuant to section 2002*
 3 *of the Social Security Act, \$1,700,000,000.*

4 *CHILDREN AND FAMILIES SERVICES PROGRAMS*

5 *For carrying out, except as otherwise provided, the*
 6 *Runaway and Homeless Youth Act, the Developmental Dis-*
 7 *abilities Assistance and Bill of Rights Act, the Head Start*
 8 *Act, the Child Abuse Prevention and Treatment Act, sec-*
 9 *tions 310 and 316 of the Family Violence Prevention and*
 10 *Services Act, as amended, the Native American Programs*
 11 *Act of 1974, title II of Public Law 95–266 (adoption oppor-*
 12 *tunities), the Adoption and Safe Families Act of 1997 (Pub-*
 13 *lic Law 105–89), sections 1201 and 1211 of the Children’s*
 14 *Health Act of 2000, the Abandoned Infants Assistance Act*
 15 *of 1988, sections 261 and 291 of the Help America Vote*
 16 *Act of 2002, the Early Learning Opportunities Act, part*
 17 *B(1) of title IV and sections 413, 429A, 1110, and 1115*
 18 *of the Social Security Act, and sections 40155, 40211, and*
 19 *40241 of Public Law 103–322; for making payments under*
 20 *the Community Services Block Grant Act, sections 439(h),*
 21 *473A, and 477(i) of the Social Security Act, and title IV*
 22 *of Public Law 105–285, and for necessary administrative*
 23 *expenses to carry out said Acts and titles I, IV, X, XI, XIV,*
 24 *XVI, and XX of the Social Security Act, the Act of July*
 25 *5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconcili-*
 26 *ation Act of 1981, title IV of the Immigration and Nation-*

1 *ality Act, section 501 of the Refugee Education Assistance*
 2 *Act of 1980, section 5 of the Torture Victims Relief Act of*
 3 *1998 (Public Law 105–320), sections 40155, 40211, and*
 4 *40241 of Public Law 103–322, and section 126 and titles*
 5 *IV and V of Public Law 100–485, \$8,780,002,000, of which*
 6 *\$42,720,000, to remain available until September 30, 2005,*
 7 *shall be for grants to States for adoption incentive pay-*
 8 *ments, as authorized by section 473A of title IV of the Social*
 9 *Security Act (42 U.S.C. 670–679) and may be made for*
 10 *adoptions completed before September 30, 2004; of which*
 11 *\$6,815,570,000 shall be for making payments under the*
 12 *Head Start Act, of which \$1,400,000,000 shall become*
 13 *available October 1, 2004 and remain available through*
 14 *September 30, 2005; and of which \$717,620,000 shall be for*
 15 *making payments under the Community Services Block*
 16 *Grant Act: Provided, That not less than \$7,203,000 shall*
 17 *be for section 680(3)(B) of the Community Services Block*
 18 *Grant Act, as amended: Provided further, That in addition*
 19 *to amounts provided herein, \$6,000,000 shall be available*
 20 *from amounts available under section 241 of the Public*
 21 *Health Service Act to carry out the provisions of section*
 22 *1110 of the Social Security Act: Provided further, That to*
 23 *the extent Community Services Block Grant funds are dis-*
 24 *tributed as grant funds by a State to an eligible entity as*
 25 *provided under the Act, and have not been expended by such*

1 *entity, they shall remain with such entity for carryover into*
 2 *the next fiscal year for expenditure by such entity consistent*
 3 *with program purposes: Provided further, That the Sec-*
 4 *retary shall establish procedures regarding the disposition*
 5 *of intangible property which permits grant funds, or intan-*
 6 *gible assets acquired with funds authorized under section*
 7 *680 of the Community Services Block Grant Act, as amend-*
 8 *ed, to become the sole property of such grantees after a pe-*
 9 *riod of not more than 12 years after the end of the grant*
 10 *for purposes and uses consistent with the original grant:*
 11 *Provided further, That funds appropriated for section*
 12 *680(a)(2) of the Community Services Block Grant Act, as*
 13 *amended, shall be available for financing construction and*
 14 *rehabilitation and loans or investments in private business*
 15 *enterprises owned by community development corporations:*
 16 *Provided further, That \$89,978,000 shall be for activities*
 17 *authorized by the Runaway and Homeless Youth Act, not-*
 18 *withstanding the allocation requirements of section 388(a)*
 19 *of such Act, of which \$40,505,000 is for the transitional*
 20 *living program: Provided further, That \$34,772,000 is for*
 21 *a compassion capital fund to provide grants to charitable*
 22 *organizations to emulate model social service programs and*
 23 *to encourage research on the best practices of social service*
 24 *organizations: Provided further, That \$15,000,000 shall be*
 25 *for activities authorized by the Help America Vote Act of*

1 2002, of which \$10,000,000 shall be for payments to States
 2 to promote disabled voter access, and of which \$5,000,000
 3 shall be for payments to States for disabled voters protection
 4 and advocacy systems.

5 *PROMOTING SAFE AND STABLE FAMILIES*

6 *For carrying out section 436 of the Social Security*
 7 *Act, \$305,000,000 and for section 437, \$99,350,000.*

8 *PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION*

9 *ASSISTANCE*

10 *For making payments to States or other non-Federal*
 11 *entities under title IV–E of the Social Security Act,*
 12 *\$5,068,300,000.*

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

16 *For making, after May 31 of the current fiscal year,*
 17 *payments to States or other non-Federal entities under sec-*
 18 *tion 474 of title IV–E, for the last 3 months of the current*
 19 *fiscal year for unanticipated costs, incurred for the current*
 20 *fiscal year, such sums as may be necessary.*

21 *ADMINISTRATION ON AGING*

22 *AGING SERVICES PROGRAMS*

23 *For carrying out, to the extent not otherwise provided,*
 24 *the Older Americans Act of 1965, as amended, and section*
 25 *398 of the Public Health Service Act, \$1,360,193,000, of*
 26 *which \$5,500,000 shall be available for activities regarding*

1 medication management, screening, and education to pre-
 2 vent incorrect medication and adverse drug reactions; and
 3 of which \$2,842,000 shall remain available until September
 4 30, 2006, for the White House Conference on Aging.

5 OFFICE OF THE SECRETARY

6 GENERAL DEPARTMENTAL MANAGEMENT

7 For necessary expenses, not otherwise provided, for
 8 general departmental management, including hire of six se-
 9 dans, and for carrying out titles III, XVII, and XX of the
 10 Public Health Service Act, and the United States-Mexico
 11 Border Health Commission Act, \$342,808,000, together
 12 with \$5,851,000 to be transferred and expended as author-
 13 ized by section 201(g)(1) of the Social Security Act from
 14 the Hospital Insurance Trust Fund and the Supplemental
 15 Medical Insurance Trust Fund: Provided, That of the funds
 16 made available under this heading for carrying out title
 17 XX of the Public Health Service Act, \$11,885,000 shall be
 18 for activities specified under section 2003(b)(2), of which
 19 \$10,157,000 shall be for prevention service demonstration
 20 grants under section 510(b)(2) of title V of the Social Secu-
 21 rity Act, as amended, without application of the limitation
 22 of section 2010(c) of said title XX: Provided further, That
 23 of this amount, \$50,000,000 is for minority AIDS preven-
 24 tion and treatment activities; and \$15,000,000 shall be for
 25 an Information Technology Security and Innovation Fund

1 *for Department-wide activities involving cybersecurity, in-*
 2 *formation technology security, and related innovation*
 3 *projects, and \$5,000,000 is to assist Afghanistan in the de-*
 4 *velopment of maternal and child health clinics, consistent*
 5 *with section 103(a)(4)(H) of the Afghanistan Freedom Sup-*
 6 *port Act of 2002: Provided further, That of this amount,*
 7 *\$3,000,000 shall be made available to carry out section*
 8 *340G of the Public Health Service Act (42 U.S.C. 256g)*
 9 *(in addition to other amounts appropriated under this title*
 10 *for such purpose): Provided further, That of this amount,*
 11 *sufficient funds shall be available for the Secretary of*
 12 *Health and Human Services, not later than 60 days after*
 13 *the last day of the fiscal year, to submit to Congress a report*
 14 *on the amount of acquisitions made by the Department of*
 15 *Health and Human Services during such fiscal year of arti-*
 16 *cles, materials, or supplies that were manufactured outside*
 17 *the United States. Such report shall separately indicate the*
 18 *dollar value of any articles, materials, or supplies pur-*
 19 *chased by the Department of Health and Human Services*
 20 *that were manufactured outside the United States, an*
 21 *itemized list of all waivers under the Buy American Act*
 22 *(41 U.S.C. 10a et seq.) that were granted with respect to*
 23 *such articles, materials, or supplies, and a summary of*
 24 *total procurement funds spent on goods manufactured in*
 25 *the United States versus funds spent on goods manufactured*

1 *outside of the United States. The Secretary of Health and*
 2 *Human Services shall make the report publicly available*
 3 *by posting the report on an Internet website.*

4 *OFFICE OF INSPECTOR GENERAL*

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

12 *OFFICE FOR CIVIL RIGHTS*

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

19 *POLICY RESEARCH*

20 *For carrying out, to the extent not otherwise provided,*
 21 *research studies under section 1110 of the Social Security*
 22 *Act and title III of the Public Health Service Act,*
 23 *\$23,499,000, which shall be available from amounts avail-*
 24 *able under section 241 of the Public Health Service Act to*
 25 *carry out national health or human services research and*
 26 *evaluation activities: Provided, That the expenditure of any*

1 *funds available under section 241 of the Public Health Serv-*
 2 *ice Act are subject to the requirements of section 205 of this*
 3 *Act.*

4 *RETIREMENT PAY AND MEDICAL BENEFITS FOR*
 5 *COMMISSIONED OFFICERS*

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

1 *payments to the Social Security Administration for mili-*
 2 *tary service credits; all of which payments are provided for*
 3 *by the Retirement Pay and Medical Benefits for Commis-*
 4 *sioned Officers account.*

5 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*

6 *For expenses necessary to support activities related to*
 7 *countering potential biological, disease and chemical threats*
 8 *to civilian populations, \$1,856,040,000: Provided, That this*
 9 *amount is distributed as follows: Centers for Disease Con-*
 10 *trol and Prevention, \$1,116,156,000; Office of the Secretary,*
 11 *\$61,820,000; Health Resources and Services Administra-*
 12 *tion, \$578,064,000; and \$100,000,000 shall be available*
 13 *until expended for activities to ensure a year-round influ-*
 14 *enza vaccine production capacity and the development and*
 15 *implementation of rapidly expandable production tech-*
 16 *nologies: Provided further, That at the discretion of the Sec-*
 17 *retary, these amounts may be transferred between categories*
 18 *subject to normal reprogramming procedures: Provided fur-*
 19 *ther, That employees of the Centers for Disease Control and*
 20 *Prevention or the Public Health Service, both civilian and*
 21 *Commissioned Officers, detailed to States, municipalities or*
 22 *other organizations under authority of section 214 of the*
 23 *Public Health Service Act for purposes related to homeland*
 24 *security, shall be treated as non-Federal employees for re-*
 25 *porting purposes only and shall not be included within any*
 26 *personnel ceiling applicable to the Agency, Service, or the*

1 *Department of Health and Human Services during the pe-*
 2 *riod of detail or assignment.*

3 **GENERAL PROVISIONS**

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

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

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

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

12 *SEC. 206. Notwithstanding section 241(a) of the Public*
13 *Health Service Act, such portion as the Secretary shall de-*
14 *termine, but not more than 2.2 percent, of any amounts*
15 *appropriated for programs authorized under said Act shall*
16 *be made available for the evaluation (directly, or by grants*
17 *or contracts) of the implementation and effectiveness of such*
18 *programs.*

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this or any other Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any

1 *such transfer: Provided, That an appropriation may be in-*
 2 *creased by up to an additional 2 percent subject to approval*
 3 *by the House and Senate Committees on Appropriations:*
 4 *Provided further, That the Appropriations Committees of*
 5 *both Houses of Congress are notified at least 15 days in*
 6 *advance of any transfer.*

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

14 *SEC. 209. Of the amounts made available in this Act*
 15 *for the National Institutes of Health, the amount for re-*
 16 *search related to the human immunodeficiency virus, as*
 17 *jointly determined by the Director of the National Institutes*
 18 *of Health and the Director of the Office of AIDS Research,*
 19 *shall be made available to the “Office of AIDS Research”*
 20 *account. The Director of the Office of AIDS Research shall*
 21 *transfer from such account amounts necessary to carry out*
 22 *section 2353(d)(3) of the Public Health Service Act.*

23 *SEC. 210. None of the funds appropriated in this Act*
 24 *may be made available to any entity under title X of the*
 25 *Public Health Service Act unless the applicant for the*

1 *award certifies to the Secretary that it encourages family*
 2 *participation in the decision of minors to seek family plan-*
 3 *ning services and that it provides counseling to minors on*
 4 *how to resist attempts to coerce minors into engaging in*
 5 *sexual activities.*

6 *SEC. 211. None of the funds appropriated by this Act*
 7 *(including funds appropriated to any trust fund) may be*
 8 *used to carry out the Medicare+Choice program if the Sec-*
 9 *retary denies participation in such program to an other-*
 10 *wise eligible entity (including a Provider Sponsored Orga-*
 11 *nization) because the entity informs the Secretary that it*
 12 *will not provide, pay for, provide coverage of, or provide*
 13 *referrals for abortions: Provided, That the Secretary shall*
 14 *make appropriate prospective adjustments to the capitation*
 15 *payment to such an entity (based on an actuarially sound*
 16 *estimate of the expected costs of providing the service to such*
 17 *entity's enrollees): Provided further, That nothing in this*
 18 *section shall be construed to change the Medicare program's*
 19 *coverage for such services and a Medicare+Choice organiza-*
 20 *tion described in this section shall be responsible for inform-*
 21 *ing enrollees where to obtain information about all Medi-*
 22 *care covered services.*

23 *SEC. 212. Notwithstanding any other provision of law,*
 24 *no provider of services under title X of the Public Health*
 25 *Service Act shall be exempt from any State law requiring*

1 *notification or the reporting of child abuse, child molesta-*
 2 *tion, sexual abuse, rape, or incest.*

3 *SEC. 213. The Foreign Operations, Export Financing,*
 4 *and Related Programs Appropriations Act, 1990 (Public*
 5 *Law 101–167) is amended—*

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

7 *(A) in subsection (b)(3), by striking “1997,*
 8 *1998, 1999, 2000, 2001, 2002, and 2003” and*
 9 *inserting “1997, 1998, 1999, 2000, 2001, 2002,*
 10 *2003, and 2004”; and*

11 *(B) in subsection (e), by striking “October*
 12 *1, 2003” each place it appears and inserting*
 13 *“October 1, 2004”;*

14 *(C) in subsection (b)(1)—*

15 *(i) in subparagraph (A), by striking*
 16 *“and” at the end;*

17 *(ii) in subparagraph (B), by striking*
 18 *the period and inserting “; and”; and*

19 *(iii) by adding at the end the fol-*
 20 *lowing:*

21 *“(C) one or more categories of aliens who are or*
 22 *were nationals and residents of the Islamic Republic*
 23 *or Iran who, as members of a religious minority in*
 24 *Iran, share common characteristics that identify them*
 25 *as targets of persecution in that state on account of*

1 *race, religion, nationality, membership in a par-*
2 *ticular social group, or political opinion.”; and*

3 *(2) in section 599E (8 U.S.C. 1255 note) in sub-*
4 *section (b)(2), by striking “September 30, 2003” and*
5 *inserting “September 30, 2004”.*

6 *SEC. 214. (a) Except as provided by subsection (e)*
7 *none of the funds appropriated by this Act may be used*
8 *to withhold substance abuse funding from a State pursuant*
9 *to section 1926 of the Public Health Service Act (42 U.S.C.*
10 *300x–26) if such State certifies to the Secretary of Health*
11 *and Human Services by May 1, 2004 that the State will*
12 *commit additional State funds, in accordance with sub-*
13 *section (b), to ensure compliance with State laws prohib-*
14 *iting the sale of tobacco products to individuals under 18*
15 *years of age.*

16 *(b) The amount of funds to be committed by a State*
17 *under subsection (a) shall be equal to 1 percent of such*
18 *State’s substance abuse block grant allocation for each per-*
19 *centage point by which the State misses the retailer compli-*
20 *ance rate goal established by the Secretary of Health and*
21 *Human Services under section 1926 of such Act.*

22 *(c) The State is to maintain State expenditures in fis-*
23 *cal year 2004 for tobacco prevention programs and for com-*
24 *pliance activities at a level that is not less than the level*
25 *of such expenditures maintained by the State for fiscal year*

1 2003, and adding to that level the additional funds for to-
2 bacco compliance activities required under subsection (a).
3 The State is to submit a report to the Secretary on all fiscal
4 year 2003 State expenditures and all fiscal year 2004 obli-
5 gations for tobacco prevention and compliance activities by
6 program activity by July 31, 2004.

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

11 (e) None of the funds appropriated by this Act may
12 be used to withhold substance abuse funding pursuant to
13 section 1926 from a territory that receives less than
14 \$1,000,000.

15 SEC. 215. In order for the Centers for Disease Control
16 and Prevention to carry out international health activities,
17 including HIV/AIDS and other infectious disease, chronic
18 and environmental disease, and other health activities
19 abroad during fiscal year 2004, the Secretary of Health and
20 Human Services—

21 (1) may exercise authority equivalent to that
22 available to the Secretary of State in section 2(c) of
23 the State Department Basic Authorities Act of 1956
24 (22 U.S.C. 2669(c)). The Secretary of Health and
25 Human Services shall consult with the Secretary of

1 *State and relevant Chief of Mission to ensure that the*
2 *authority provided in this section is exercised in a*
3 *manner consistent with section 207 of the Foreign*
4 *Service Act of 1980 (22 U.S.C. 3927) and other appli-*
5 *cable statutes administered by the Department of*
6 *State, and*

7 *(2) is authorized to provide such funds by ad-*
8 *vance or reimbursement to the Secretary of State as*
9 *may be necessary to pay the costs of acquisition,*
10 *lease, alteration, renovation, and management of fa-*
11 *cilities outside of the United States for the use of the*
12 *Department of Health and Human Services. The De-*
13 *partment of State shall cooperate fully with the Sec-*
14 *retary of Health and Human Services to ensure that*
15 *the Department of Health and Human Services has*
16 *secure, safe, functional facilities that comply with ap-*
17 *plicable regulation governing location, setback, and*
18 *other facilities requirements and serve the purposes*
19 *established by this Act. The Secretary of Health and*
20 *Human Services is authorized, in consultation with*
21 *the Secretary of State, through grant or cooperative*
22 *agreement, to make available to public or nonprofit*
23 *private institutions or agencies in participating for-*
24 *eign countries, funds to acquire, lease, alter, or ren-*
25 *ovate facilities in those countries as necessary to con-*

1 *duct programs of assistance for international health*
 2 *activities, including activities relating to HIV/AIDS*
 3 *and other infectious diseases, chronic and environ-*
 4 *mental diseases, and other health activities abroad.*

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

9 *SEC. 217. Notwithstanding section 409B(c) of the Pub-*
 10 *lic Health Service Act regarding a limitation on the num-*
 11 *ber of such grants, funds appropriated in this Act may be*
 12 *expended by the Director of the National Institutes of*
 13 *Health to award Core Center Grants to encourage the devel-*
 14 *opment of innovative multidisciplinary research and pro-*
 15 *vide training concerning Parkinson's disease. Each center*
 16 *funded under such grants shall be designated as a Morris*
 17 *K. Udall Center for Research on Parkinson's Disease.*

18 *SEC. 218. None of the funds appropriated in this or*
 19 *any other Act may be used to carry out or administer the*
 20 *Department of Health and Human Services Human Re-*
 21 *sources Consolidation plan.*

22 *SEC. 219. GAO STUDY AND REPORT ON THE PROPAGA-*
 23 *TION OF CONCIERGE CARE. (a) STUDY.—*

24 *(1) IN GENERAL.—The Comptroller General of*
 25 *the United States shall conduct a study on concierge*

1 *care (as defined in paragraph (2)) to determine the*
 2 *extent to which such care—*

3 *(A) is used by medicare beneficiaries (as de-*
 4 *finied in section 1802(b)(5)(A) of the Social Secu-*
 5 *rity Act (42 U.S.C. 1395a(b)(5)(A))); and*

6 *(B) has impacted upon the access of medi-*
 7 *care beneficiaries (as so defined) to items and*
 8 *services for which reimbursement is provided*
 9 *under the medicare program under title XVIII of*
 10 *the Social Security Act (42 U.S.C. 1395 et seq.).*

11 *(2) CONCIERGE CARE.—In this section, the term*
 12 *“conciierge care” means an arrangement under which,*
 13 *as a prerequisite for the provision of a health care*
 14 *item or service to an individual, a physician, practi-*
 15 *tioner (as described in section 1842(b)(18)(C) of the*
 16 *Social Security Act (42 U.S.C. 1395u(b)(18)(C))), or*
 17 *other individual—*

18 *(A) charges a membership fee or another in-*
 19 *cidental fee to an individual desiring to receive*
 20 *the health care item or service from such physi-*
 21 *cian, practitioner, or other individual; or*

22 *(B) requires the individual desiring to re-*
 23 *ceive the health care item or service from such*
 24 *physician, practitioner, or other individual to*
 25 *purchase an item or service.*

1 (b) *REPORT*.—Not later than the date that is 18
 2 months after the date of enactment of this Act, the Comp-
 3 troller General of the United States shall submit to Congress
 4 a report on the study conducted under subsection (a)(1) to-
 5 gether with such recommendations for legislative or admin-
 6 istrative action as the Comptroller General determines to
 7 be appropriate.

8 *SEC. 220. To demonstrate the appreciation that the*
 9 *Senate has for, and to further encourage, the efforts of the*
 10 *Director of the National Institutes of Health in imple-*
 11 *menting the Pediatric Research Initiative under section*
 12 *409D of the Public Health Service Act, it is the sense of*
 13 *the Senate that—*

14 (1) *the Director should continue the Initiative*
 15 *and emphasize the importance of pediatric research,*
 16 *particularly translational research; and*

17 (2) *not later than January of 2004, the Director*
 18 *should continue to report to the Committee on Health,*
 19 *Education, Labor, and Pensions of the Senate, the*
 20 *Committee on Energy and Commerce of the House of*
 21 *Representatives, the Senate Committee on Appropria-*
 22 *tions and the House Committee on Appropriations on*
 23 *the status of the Pediatric Research Initiative,*
 24 *including—*

1 (A) the extent of the total funds obligated to
2 conduct or support pediatric research across the
3 National Institutes of Health, including the spe-
4 cific support and research awards allocated by
5 the Office of the Director through the Initiative;

6 (B) the activities of the cross-institute com-
7 mittee on pediatric research in assisting the Di-
8 rector in considering requests for new or ex-
9 panded pediatric research to be funded through
10 the Initiative;

11 (C) how the Director plans to budget dollars
12 toward the Initiative for fiscal year 2004;

13 (D) the amount the Director has expended
14 to implement the Initiative since the enactment
15 of the Initiative;

16 (E) the status of any research conducted as
17 a result of the Initiative;

18 (F) whether that research is translational
19 research or clinical research;

20 (G) how the Initiative interfaces with the
21 Off-Patent research fund of the National Insti-
22 tutes of Health; and

23 (H) any recommended modifications that
24 Congress should consider in the authority or
25 structure of the Initiative within the National

1 *Institutes of Health for the optimal operation*
2 *and success of the Initiative.*

3 *SEC. 221. To provide funding for poison control cen-*
4 *ters under the Poison Control Enhancement and Awareness*
5 *Act (42 U.S.C. 14801 et seq.), there are appropriated a total*
6 *of \$23,854,000, including amounts otherwise made avail-*
7 *able in this Act for such centers.*

8 *SEC. 222. In addition to any amounts otherwise ap-*
9 *propriated under this Act under the heading of ADMINIS-*
10 *TRATION ON AGING, there are appropriated an additional*
11 *\$1,000,000: Provided, That in addition to the amounts al-*
12 *ready made available to carry out the ombudsman program*
13 *under chapter 2 of title VII of the Older Americans Act*
14 *of 1965 (42 U.S.C. 3058 et seq.), there are made available*
15 *an additional \$1,000,000.*

16 *SEC. 223. In addition to any amounts otherwise ap-*
17 *propriated under this Act for programs and activities under*
18 *the Nurse Reinvestment Act (Public Law 107–205) and for*
19 *other nursing workforce development programs under title*
20 *VIII of the Public Health Service Act (42 U.S.C. 296 et*
21 *seq.), there are appropriated an additional \$50,000,000 for*
22 *such programs and activities.*

23 *SEC. 224. Not later than 90 days after the date of en-*
24 *actment of this Act, the Director of the National Institutes*

1 of Health shall submit to the appropriate committees of
 2 Congress a report that shall —

3 (1) contain the recommendations of the Director
 4 concerning the role of the National Institutes of
 5 Health in promoting the affordability of inventions
 6 and products developed with Federal funds; and

7 (2) specify whether any circumstances exist to
 8 prevent the Director from promoting the affordability
 9 of inventions and products developed with Federal
 10 funds.

11 SEC. 225. STUDIES CONCERNING MAMMOGRAPHY
 12 STANDARDS. (a) STUDY BY GAO.—

13 (1) IN GENERAL.—The Comptroller General of
 14 the United States shall conduct a study of the pro-
 15 gram established under the Mammography Quality
 16 Standards Act of 1992 (section 354 of the Public
 17 Health Service Act (42 U.S.C. 263b)) (referred to in
 18 this section as the “MQSA”) to—

19 (A) evaluate the demonstration program re-
 20 garding frequency of inspections authorized
 21 under section 354(g) of the Public Health Service
 22 Act (42 U.S.C. 263b(g)), including the effect of
 23 the program on compliance with the MQSA;

24 (B) evaluate the factors that contributed to
 25 the closing of the approximately 700 mammog-

1 *raphy facilities nationwide since 2001, whether*
2 *those closings were due to consolidation or were*
3 *a true reduction in mammography availability,*
4 *explore the relationship between certified units*
5 *and facility capacity, and evaluate capacity*
6 *issues, and determine the effect these and other*
7 *closings have had on the accessibility of mam-*
8 *mography services, including for underserved*
9 *populations, since the April 2002 General Ac-*
10 *counting Office report on access to mammog-*
11 *raphy; and*

12 *(C) evaluate the role of States in acting as*
13 *accreditation bodies or certification bodies, or*
14 *both, in addition to inspection agents under the*
15 *MQSA, and in acting as accreditation bodies for*
16 *facilities in other States and determine whether*
17 *and how these roles affect the system of checks*
18 *and balances within the MQSA.*

19 *(2) REPORT.—Not later than 16 months after the*
20 *date of enactment of this Act, the Comptroller General*
21 *of the United States shall submit to the Committee on*
22 *Health, Education, Labor, and Pensions and the*
23 *Committee on Appropriations of the Senate and the*
24 *Committee on Energy and Commerce and the Com-*
25 *mittee on Appropriations of the House of Representa-*

1 *tives a report on the study described in paragraph*
2 *(1).*

3 *(b) STUDY BY THE INSTITUTE OF MEDICINE.—*

4 *(1) IN GENERAL.—Not later than 30 days after*
5 *the date of enactment of this Act, the Secretary of*
6 *Health and Human Services shall enter into an*
7 *agreement with the Institute of Medicine of the Na-*
8 *tional Academy of Sciences for the conduct of a study*
9 *and the making of recommendations regarding the*
10 *following:*

11 *(A) Ways to improve physicians' interpre-*
12 *tations of mammograms, including approaches*
13 *that could be taken under the MQSA without*
14 *negatively impacting access to quality mammog-*
15 *raphy.*

16 *(B) What changes could be made in the*
17 *MQSA to improve mammography quality, in-*
18 *cluding additional regulatory requirements that*
19 *would improve quality, as well as the reduction*
20 *or modification of regulatory requirements that*
21 *do not contribute to quality mammography, or*
22 *are no longer necessary to ensure quality mam-*
23 *mography. Such reduction or modification of*
24 *regulatory requirements and improvements in*
25 *the efficiency of the program are important to*

1 *help eliminate disincentives to enter or remain*
2 *in the field of mammography.*

3 (C) *Ways, including incentives, to ensure*
4 *that sufficient numbers of adequately trained*
5 *personnel at all levels are recruited and retained*
6 *to provide quality mammography services.*

7 (D)(i) *How data currently collected under*
8 *the MQSA could be used to improve the quality,*
9 *interpretation of, and access to mammography.*

10 (ii) *Identification of new data points that*
11 *could be collected to aid in the monitoring and*
12 *assessment of mammography quality and access.*

13 (E) *Other approaches that would improve*
14 *the quality of and access to mammography serv-*
15 *ices, including approaches to improving provi-*
16 *sions under the MQSA.*

17 (F) *Steps that should be taken to help make*
18 *available safe and effective new screening and di-*
19 *agnostic devices and tests for breast cancer.*

20 (2) *REPORT.—Not later than 15 months after the*
21 *date on which the agreement is entered into under*
22 *paragraph (1), the Institute of Medicine shall com-*
23 *plete the study described under such subsection and*
24 *submit a report to the Secretary of Health and*
25 *Human Services, the Committee on Health, Edu-*

1 *cation, Labor, and Pensions and the Committee on*
 2 *Appropriations of the Senate, and the Committee on*
 3 *Energy and Commerce and the Committee on Appro-*
 4 *priations of the House of Representatives.*

5 (3) *FUNDING.—Of the amounts appropriated*
 6 *under this title to the Office of the Secretary of*
 7 *Health and Human Services for general departmental*
 8 *management, \$500,000 shall be made available to*
 9 *carry out the study under this subsection.*

10 *SEC. 226. (a) FINDINGS.—The Senate finds that—*

11 (1) *Native American populations have seen an*
 12 *alarming increase in sexually transmitted disease*
 13 *prevalence in recent years; and*

14 (2) *a screening, treatment, and education pro-*
 15 *gram, administered by tribal health organizations or*
 16 *local health care providers, on Native American res-*
 17 *ervations with high rates of sexually transmitted dis-*
 18 *eases will help prevent a corresponding increase in*
 19 *the prevalence of HIV.*

20 (b) *GRANT PROGRAM.—From amounts appropriated*
 21 *under this title for the Centers for Disease Control and Pre-*
 22 *vention, there may be made available up to \$1,000,000 to*
 23 *enable the Director of the Centers for Disease Control and*
 24 *Prevention to carry out competitive grant program to*
 25 *strengthen local capacity on Native American reservations*

1 to screen for and treat sexually transmitted diseases and
 2 to educate local populations about such diseases, the con-
 3 sequences thereof, and how the transmission of such diseases
 4 can be prevented.

5 *SEC. 227. In addition to any amounts otherwise ap-*
 6 *propriated under this Act for the support of the improved*
 7 *newborn and child screening for heritable disorders pro-*
 8 *gram authorized under section 1109 of the Public Health*
 9 *Service Act (42 U.S.C. 300b–8), there may be appropriated*
 10 *up to an additional \$2,000,000 to carry out such program.*

11 *SEC. 228. SUMMER HEALTH CAREER INTRODUCTORY*
 12 *PROGRAMS. (a) FINDINGS.—Congress finds that—*

13 *(1) the success of the health care system is de-*
 14 *pendent on qualified personnel;*

15 *(2) hospitals and health facilities across the*
 16 *United States have been deeply impacted by declines*
 17 *among nurses, pharmacists, radiology and laboratory*
 18 *technicians, and other workers;*

19 *(3) the health care workforce shortage is not a*
 20 *short term problem and such workforce shortages can*
 21 *be expected for many years; and*

22 *(4) most States are looking for ways to address*
 23 *such shortages.*

24 *(b) GRANTS.—The Secretary of Health and Human*
 25 *Services, acting through the Bureau of Health Professions*

1 *of the Health Resources and Services Administration, may*
 2 *award not to exceed 5 grants for the establishment of sum-*
 3 *mer health career introductory programs for middle and*
 4 *high school students.*

5 (c) *ELIGIBILITY.—To be eligible to receive a grant*
 6 *under subsection (b) an entity shall—*

7 (1) *be an institution of higher education (as de-*
 8 *finied in section 101(a) of the Higher Education Act*
 9 *of 1965 (20 U.S.C. 1001(a)); and*

10 (2) *prepare and submit to the Secretary of*
 11 *Health and Human Services an application at such*
 12 *time, in such manner, and containing such informa-*
 13 *tion as the Secretary may require.*

14 (d) *DURATION.—The term of a grant under subsection*
 15 *(b) shall not exceed 4 years.*

16 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 17 *authorized to be appropriated to carry out this section, such*
 18 *sums as may be necessary for each of fiscal years 2004*
 19 *through 2007.*

20 *SEC. 229. Not later than 120 days after the date of*
 21 *enactment of this Act, the Director of the Centers for Disease*
 22 *Control and Prevention shall prepare a plan to comprehen-*
 23 *sively address blood safety and injection safety in Africa*
 24 *under the Global AIDS Program.*

1 *SEC. 230. Not later than May 1, 2004, the Secretary*
2 *of Health and Human Services shall submit to the appro-*
3 *priate committees of Congress a report concerning the man-*
4 *ner in which the Department of Health and Human Serv-*
5 *ices expends Federal funds for research, patient care, and*
6 *other activities relating to Hansen’s Disease. The report*
7 *shall include—*

8 *(1) the amounts provided for each research*
9 *project;*

10 *(2) the amounts provided to each of the 12 treat-*
11 *ment centers for each of research, patient care, and*
12 *other activities;*

13 *(3) the per patient expenditure of patient care*
14 *funds at each of the 12 treatment centers; and*

15 *(4) the mortality rates at each of the 12 treat-*
16 *ment centers.*

17 *SEC. 231. In addition to any amounts otherwise ap-*
18 *propriated under this Act to carry out activities under the*
19 *Child Abuse Prevention and Treatment Act (42 U.S.C. 5101*
20 *et seq.), there are appropriated—*

21 *(1) up to an additional \$143,000 may be used*
22 *to carry out activities under title I of such Act (child*
23 *abuse State grants);*

1 (2) *up to an additional \$212,000 may be used*
 2 *to carry out activities under title II of such Act (com-*
 3 *munity-based resource centers); and*

4 (3) *up to an additional \$2,100,000 may be used*
 5 *for child abuse discretionary grants under such Act.*

6 SEC. 232. (a) *FINDINGS.—The Senate finds that—*

7 (1) *a recent Aberdeen Area Indian Health Serv-*
 8 *ice infant mortality study identified protective and*
 9 *risk factors associated with Sudden Infant Death*
 10 *Syndrome (referred to in this section as “SIDS”);*

11 (2) *several conclusions from the study suggest*
 12 *courses of action to reduce the incidence of SIDS*
 13 *among Native American and other high-incidence*
 14 *populations;*

15 (3) *the study noted that alcohol consumption by*
 16 *women of childbearing age (especially during preg-*
 17 *nancy), maternal and environmental tobacco exposure*
 18 *during pregnancy, and pregnancy by women under*
 19 *the age of 20 increase the risk for SIDS;*

20 (4) *in 2000, for infants of African American*
 21 *mothers, the SIDS death rate was 2.4 times that for*
 22 *non-Hispanic white mothers;*

23 (5) *nationwide, SIDS rates for infants of Native*
 24 *American mothers were 2.6 times those of non-His-*
 25 *panic white mothers; and*

1 (6) *the Office of Minority Health of the Depart-*
2 *ment of Health and Human Services has the expertise*
3 *to coordinate SIDS disparity reduction efforts across*
4 *the Department of Health and Human Services.*

5 (b) *INCREASE IN FUNDING.—In addition to any*
6 *amounts otherwise appropriate in this Act to carry out ac-*
7 *tivities to reduce Sudden Infant Death Syndrome disparity*
8 *rates, there may be appropriated up to an additional*
9 *\$2,000,000 to enable the Director of the Office of Minority*
10 *Health of the Department of Health and Human Services*
11 *to carry out a demonstration project, in coordination with*
12 *the Administrator of the Health Resources and Services Ad-*
13 *ministration, the Director of the National Institutes of*
14 *Health, the Director of the Indian Health Services, the Ad-*
15 *ministrator of the Center for Medicare & Medicaid Services,*
16 *the Director of the Centers for Disease Control and Preven-*
17 *tion, and the heads of other agencies within the Department*
18 *of Health and Human Services (as appropriate), to reduce*
19 *Sudden Infant Death Syndrome disparity rates, and to*
20 *provide risk reduction education to African American and*
21 *Native American populations in the United States, includ-*
22 *ing efforts to reduce alcohol use by pregnant women, sup-*
23 *port for smoking cessation (maternal and secondhand) pro-*
24 *grams, and education of teenagers on the risk factors for*
25 *Sudden Infant Death Syndrome associated with teenage*

1 *pregnancy within African American and Native American*
 2 *communities.*

3 (c) *SENSE OF THE SENATE.—It is the sense of the Sen-*
 4 *ate that in carrying out the demonstration project under*
 5 *subsection (b), the Director of the Office of Minority Health*
 6 *is encouraged to—*

7 (1) *expand upon the similar pilot program for*
 8 *Native Americans that was funded by the Office of*
 9 *Minority Health; and*

10 (2) *coordinate with the Administrator of the*
 11 *Health Resources and Services Administration, the*
 12 *Director of the Centers for Disease Control and Pre-*
 13 *vention, the Director of the National Institutes of*
 14 *Health, the Director of the Indian Health Services,*
 15 *the Administrator of the Center for Medicare & Med-*
 16 *icaid Services, and the heads of other agencies within*
 17 *the Department of Health and Human Services (as*
 18 *appropriate) to support activities to reduce alcohol*
 19 *use by pregnant women, support smoking cessation*
 20 *(maternal and secondhand), and educate teenagers on*
 21 *the risk factors for SIDS associated with teenage*
 22 *pregnancy within the African American and Native*
 23 *American communities.*

24 *SEC. 233. There may be appropriated, up to*
 25 *\$2,000,000 to fund programs on community automatic ex-*

1 ternal defibrillators under section 312 of the Public Health
2 Service Act (42 U.S.C. 244).

3 SEC. 234. From the amounts appropriated under the
4 heading “OFFICE OF THE SECRETARY, GENERAL DEPART-
5 MENTAL MANAGEMENT” there may be made available an
6 additional \$2,000,000 to the Health Resources and Services
7 Administration for the purchase of automatic external
8 defibrillators and the training of individuals in cardiac life
9 support in rural areas.

10 SEC. 235. Notwithstanding any other provisions of
11 law, funds made available under this heading may be used
12 to continue operating the Council on Graduate Medical
13 Education established by section 301 of Public Law 102–
14 408.

15 SEC. 236. DESIGNATION OF SENATOR PAUL D.
16 WELLSTONE NIH MDCRC PROGRAM. (a) FINDINGS.—Con-
17 gress finds the following:

18 (1) On December 18, 2001, Public Law 107–84,
19 otherwise known as the Muscular Dystrophy Commu-
20 nity Assistance, Research and Education Amend-
21 ments of 2001, or the MD CARE Act, was signed into
22 law to provide for research and education with re-
23 spect to various forms of muscular dystrophy, includ-
24 ing Dechenne, Becker, limb girdle, congenital,

1 *facioscapulohumeral, myotonic, oculopharyngeal, dis-*
 2 *tal, and EmeryDreifuss muscular dystrophies.*

3 *(2) In response to the MD CARE Act of 2001,*
 4 *in September 2002, the National Institutes of Health*
 5 *(NIH) announced its intention to direct \$22,500,000*
 6 *over five years to its newly created Muscular Dys-*
 7 *trophy Cooperative Research Centers (MDCRC) pro-*
 8 *gram.*

9 *(3) Senator Paul D. Wellstone was a driving*
 10 *force behind enactment of the MD CARE Act, which*
 11 *led to the establishment of the MDCRC program.*

12 *(b) DESIGNATION.—The NIH Muscular Dystrophy Co-*
 13 *operative Research Centers (MDCRC) program shall be*
 14 *known and designated as the “Senator Paul D. Wellstone*
 15 *Muscular Dystrophy Cooperative Research Centers”, in*
 16 *honor of Senator Paul D. Wellstone who was deceased on*
 17 *October 25, 2002.*

18 *(c) REFERENCES.—Any reference in a law, regulation,*
 19 *document, paper, or other record of the United States to*
 20 *the NIH program of Muscular Dystrophy Cooperative Re-*
 21 *search Centers shall be deemed to be a reference to the “Sen-*
 22 *ator Paul D. Wellstone Muscular Dystrophy Cooperative*
 23 *Research Centers.*

24 *SEC. 237. (a) MOTHER-TO-CHILD HIV TRANSMISSION*
 25 *PREVENTION.—In addition to any amounts otherwise made*

1 *available under this Act to carry out mother-to-child HIV*
2 *transmission prevention activities, there shall be made*
3 *available an additional \$60,000,000 to carry out such ac-*
4 *tivities and \$1,000,000 for Non-Mother-to-Child activities.*

5 (b) *REDUCTION IN AMOUNTS.*—*Amounts made avail-*
6 *able under this Act for the administrative and related ex-*
7 *penses for departmental management for the Department*
8 *of Labor, the Department of Health and Human Services,*
9 *the Department of Education, shall be reduced on a pro*
10 *rata basis by \$61,000,000.*

11 SEC. 238. (a) *AUTHORITY.*—*Notwithstanding any*
12 *other provision of law, the Director of the National Insti-*
13 *tutes of Health may use funds available under section*
14 *402(i) of the Public Health Service Act (42 U.S.C. 282(i))*
15 *to enter into transactions (other than contracts, cooperative*
16 *agreements, or grants) to carry out research in support of*
17 *the NIH Roadmap Initiative of the Director.*

18 (b) *PEER REVIEW.*—*In entering into transactions*
19 *under subsection (a), the Director of the National Institutes*
20 *of Health may utilize such peer review procedures (includ-*
21 *ing consultation with appropriate scientific experts) as the*
22 *Director determines to be appropriate to obtain assessments*
23 *of scientific and technical merit. Such procedures shall*
24 *apply to such transactions in lieu of the peer review and*
25 *advisory council review procedures that would otherwise be*

1 *required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2),*
 2 *406(a)(3)(A), 492, and 494 of the Public Health Service*
 3 *Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A),*
 4 *289a, and 289c).*

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

7 ***TITLE III—DEPARTMENT OF EDUCATION***

8 ***EDUCATION FOR THE DISADVANTAGED***

9 *For carrying out title I of the Elementary and Sec-*
 10 *ondary Education Act of 1965 (“ESEA”) and section 418A*
 11 *of the Higher Education Act of 1965, \$14,103,356,000, of*
 12 *which \$6,582,294,000 shall become available on July 1,*
 13 *2004, and shall remain available through September 30,*
 14 *2005, and of which \$7,383,301,000 shall become available*
 15 *on October 1, 2004, and shall remain available through*
 16 *September 30, 2005, for academic year 2004–2005: Pro-*
 17 *vided, That \$7,107,282,000 shall be available for basic*
 18 *grants under section 1124: Provided further, That up to*
 19 *\$3,500,000 of these funds shall be available to the Secretary*
 20 *of Education on October 1, 2003, to obtain annually up-*
 21 *dated educational-agency-level census poverty data from the*
 22 *Bureau of the Census: Provided further, That*
 23 *\$1,365,031,000 shall be available for concentration grants*
 24 *under section 1124A: Provided further, That \$1,670,239,000*
 25 *shall be available for targeted grants under section 1125:*

1 *Provided further, That \$2,207,448,000 shall be available for*
 2 *education finance incentive grants under section 1125A:*
 3 *Provided further, That, notwithstanding any other provi-*
 4 *sion of law, the Secretary shall use data described in sec-*
 5 *tions 1124(a)(1)(B) and 1124(c)(1) of the ESEA that are*
 6 *available on July 1, 2003, to calculate grants for fiscal year*
 7 *2004 under part A of title I of that Act: Provided further,*
 8 *That from the \$8,842,000 available to carry out part E of*
 9 *title I, up to \$1,000,000 shall be available to the Secretary*
 10 *of Education to provide technical assistance to State and*
 11 *local educational agencies concerning part A of title I.*

12 *IMPACT AID*

13 *For carrying out programs of financial assistance to*
 14 *federally affected schools authorized by title VIII of the Ele-*
 15 *mentary and Secondary Education Act of 1965,*
 16 *\$1,193,226,000, of which \$1,030,292,000 shall be for basic*
 17 *support payments under section 8003(b), \$50,668,000 shall*
 18 *be for payments for children with disabilities under section*
 19 *8003(d), \$44,708,000 shall be for construction under section*
 20 *8007 and shall remain available through September 30,*
 21 *2005, \$59,610,000 shall be for Federal property payments*
 22 *under section 8002, and \$7,948,000, to remain available*
 23 *until expended, shall be for facilities maintenance under*
 24 *section 8008.*

1 *SCHOOL IMPROVEMENT PROGRAMS*

2 *For carrying out school improvement activities author-*
3 *ized by titles II, part B of title IV, part A and subparts*
4 *6 and 9 of part D of title V, subpart 1 of part A and part*
5 *B of title VI, and parts B and C of title VII of the Elemen-*
6 *tary and Secondary Education Act of 1965 (“ESEA”); the*
7 *McKinney-Vento Homeless Assistance Act; and the Civil*
8 *Rights Act of 1964, \$5,731,453,000, of which*
9 *\$4,173,944,000 shall become available on July 1, 2004, and*
10 *remain available through September 30, 2005, and of which*
11 *\$1,435,000,000 shall become available on October 1, 2004,*
12 *and shall remain available through September 30, 2005, for*
13 *academic year 2004–2005: Provided, That funds made*
14 *available to carry out part B of title VII of the ESEA may*
15 *be used for construction, renovation and modernization of*
16 *any elementary school, secondary school, or structure re-*
17 *lated to an elementary school or secondary school, run by*
18 *the Department of Education of the State of Hawaii, that*
19 *serves a predominantly Native Hawaiian student body:*
20 *Provided further, That funds made available to carry out*
21 *part C of title VII of the ESEA may be used for construc-*
22 *tion: Provided further, That \$390,000,000 shall be for sub-*
23 *part 1 of part A of title VI of the ESEA: Provided further,*
24 *That no funds appropriated under this heading may be*
25 *used to carry out section 5494 under the ESEA.*

1 *INDIAN EDUCATION*

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

5 *INNOVATION AND IMPROVEMENT*

6 *For carrying out activities authorized by part G of*
 7 *Title I, subpart 5 of part A and parts C and D of title*
 8 *II, and Parts B, C, and D of title V of the Elementary*
 9 *and Secondary Education Act of 1965 (“ESEA”),*
 10 *\$774,133,000: Provided, That \$9,935,000 shall be provided*
 11 *to the National Board for Professional Teaching Standards*
 12 *to carry out section 2151(c) of the ESEA: Provided further,*
 13 *That \$165,877,000 shall be available to carry out part D*
 14 *of title V of the ESEA.*

15 *SAFE SCHOOLS AND CITIZENSHIP EDUCATION*

16 *For carrying out subpart 3 of part C of title II, part*
 17 *A of title IV, and subparts 2, 3 and 10 of part D of title*
 18 *V of the Elementary and Secondary Education Act of 1965*
 19 *(“ESEA”), title VIII–D of the Higher Education Act of*
 20 *1965, as amended, and Public Law 102–73, \$818,547,000,*
 21 *of which \$447,017,000 shall become available on July 1,*
 22 *2004 and remain available through September 30, 2005:*
 23 *Provided, That of the amount available for subpart 2 of*
 24 *part A of title IV of the ESEA, \$850,000 shall be used to*
 25 *continue the National Recognition Awards program under*
 26 *the same guidelines outlined by section 120(f) of Public Law*

1 105–244: *Provided further, That \$422,017,000 shall be*
 2 *available for subpart 1 of part A of title IV and*
 3 *\$213,880,000 shall be available for subpart 2 of part A of*
 4 *title IV: Provided further, That of the funds available to*
 5 *carry out subpart 3 of part C of title II, up to \$11,922,000*
 6 *may be used to carry out section 2345 and \$2,980,000 shall*
 7 *be used by the Center for Civic Education to implement*
 8 *a comprehensive program to improve public knowledge, un-*
 9 *derstanding, and support of the Congress and the state leg-*
 10 *islatures: Provided further, That \$25,000,000 shall be for*
 11 *Youth Offender Grants, of which \$5,000,000 shall be used*
 12 *in accordance with section 601 of Public Law 102–73 as*
 13 *that section was in effect prior to enactment of Public Law*
 14 *105–220.*

15 *ENGLISH LANGUAGE ACQUISITION*

16 *For carrying out part A of title III of the ESEA,*
 17 *\$665,000,000, of which \$541,259,000 shall become available*
 18 *on July 1, 2004, and shall remain available through Sep-*
 19 *tember 30, 2005.*

20 *SPECIAL EDUCATION*

21 *For carrying out parts B, C, and D of the Individuals*
 22 *with Disabilities Education Act, \$11,027,464,000, of which*
 23 *\$5,337,533,000 shall become available for obligation on*
 24 *July 1, 2004, and shall remain available through September*
 25 *30, 2005, and of which \$5,402,000,000 shall become avail-*
 26 *able on October 1, 2004, and shall remain available through*

1 *September 30, 2005, for academic year 2004–2005: Pro-*
 2 *vided, That \$11,400,000 shall be for Recording for the Blind*
 3 *and Dyslexic to support the development, production, and*
 4 *circulation of recorded educational materials: Provided fur-*
 5 *ther, That \$1,500,000 shall be for the recipient of funds pro-*
 6 *vided by Public Law 105–78 under section 687(b)(2)(G) of*
 7 *the Act to provide information on diagnosis, intervention,*
 8 *and teaching strategies for children with disabilities: Pro-*
 9 *vided further, That the amount for section 611(c) of the Act*
 10 *shall be equal to the amount available for that section dur-*
 11 *ing fiscal year 2003, increased by the amount of inflation*
 12 *as specified in section 611(f)(1)(B)(ii) of the Act.*

13 *REHABILITATION SERVICES AND DISABILITY RESEARCH*

14 *For carrying out, to the extent not otherwise provided,*
 15 *the Rehabilitation Act of 1973, the Assistive Technology Act*
 16 *of 1998, and the Helen Keller National Center Act,*
 17 *\$3,004,360,000, of which \$1,000,000 shall be used to im-*
 18 *prove the quality of applied orthotic and prosthetic research*
 19 *and help meet the demand for provider services: Provided,*
 20 *That the funds provided for title I of the Assistive Tech-*
 21 *nology Act of 1998 (“the AT Act”) shall be allocated not-*
 22 *withstanding section 105(b)(1) of the AT Act: Provided fur-*
 23 *ther, That section 101(f) of the AT Act shall not limit the*
 24 *award of an extension grant to three years: Provided fur-*
 25 *ther, That no State or outlying area awarded funds under*

1 *section 101 shall receive less than the amount received in*
 2 *fiscal year 2003.*

3 *AMERICAN PRINTING HOUSE FOR THE BLIND*

4 *For carrying out the Act of March 3, 1879, as amended*
 5 *(20 U.S.C. 101 et seq.) including the acquisition of equip-*
 6 *ment, \$16,500,000.*

7 *NATIONAL TECHNICAL INSTITUTE FOR THE DEAF*

8 *For the National Technical Institute for the Deaf*
 9 *under titles I and II of the Education of the Deaf Act of*
 10 *1986 (20 U.S.C. 4301 et seq.), \$53,800,000, of which*
 11 *\$367,000 shall be for construction and shall remain avail-*
 12 *able until expended: Provided, That from the total amount*
 13 *available, the Institute may at its discretion use funds for*
 14 *the endowment program as authorized under 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 et*
 20 *seq.), \$100,800,000: Provided, That from the total amount*
 21 *available, the University may at its discretion use funds*
 22 *for the endowment program as authorized under section*
 23 *207.*

24 *VOCATIONAL AND ADULT EDUCATION*

25 *For carrying out, to the extent not otherwise provided,*
 26 *the Carl D. Perkins Vocational and Technical Education*

1 *Act of 1998, subparts 4 and 11 of part D of title V of the*
 2 *Elementary and Secondary Education Act of 1965, and the*
 3 *Adult Education and Family Literacy Act, \$2,093,990,000,*
 4 *of which \$1,274,943,000 shall become available on July 1,*
 5 *2004 and shall remain available through September 30,*
 6 *2005 and of which \$791,000,000 shall become available on*
 7 *October 1, 2004 and shall remain available through Sep-*
 8 *tember 30, 2005: Provided, That of the amount provided*
 9 *for Adult Education State Grants, \$69,545,000 shall be*
 10 *made available for integrated English literacy and civics*
 11 *education services to immigrants and other limited English*
 12 *proficient populations: Provided further, That of the*
 13 *amount reserved for integrated English literacy and civics*
 14 *education, notwithstanding section 211 of the Adult Edu-*
 15 *cation and Family Literacy Act, 65 percent shall be allo-*
 16 *cated to States based on a State's absolute need as deter-*
 17 *mined by calculating each State's share of a 10-year aver-*
 18 *age of the Immigration and Naturalization Service data for*
 19 *immigrants admitted for legal permanent residence for the*
 20 *10 most recent years, and 35 percent allocated to States*
 21 *that experienced growth as measured by the average of the*
 22 *3 most recent years for which Immigration and Naturaliza-*
 23 *tion Service data for immigrants admitted for legal perma-*
 24 *nent residence are available, except that no State shall be*
 25 *allocated an amount less than \$60,000: Provided further,*

1 *That of the amounts made available for the Adult Edu-*
 2 *cation and Family Literacy Act, \$9,223,000 shall be for*
 3 *national leadership activities under section 243 and*
 4 *\$6,732,000 shall be for the National Institute for Literacy*
 5 *under section 242: Provided further, That \$160,047,000*
 6 *shall be available to support the activities authorized under*
 7 *subpart 4 of part D of title V of the Elementary and Sec-*
 8 *ondary Education Act of 1965, of which up to 5 percent*
 9 *shall become available October 1, 2003, for evaluation, tech-*
 10 *nical assistance, school networking, peer review of applica-*
 11 *tions, and program outreach activities and of which not less*
 12 *than 95 percent shall become available on July 1, 2004,*
 13 *and remain available through September 30, 2005, for*
 14 *grants to local educational agencies: Provided further, That*
 15 *funds made available to local education agencies under this*
 16 *subpart shall be used only for activities related to estab-*
 17 *lishing smaller learning communities in high schools.*

18 *STUDENT FINANCIAL ASSISTANCE*

19 *For carrying out subparts 1, 3 and 4 of part A, part*
 20 *C and part E of title IV of the Higher Education Act of*
 21 *1965, as amended, \$14,174,115,000, which shall remain*
 22 *available through September 30, 2005.*

23 *The maximum Pell Grant for which a student shall*
 24 *be eligible during award year 2004–2005 shall be \$4,050.*

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under Section 458), to carry out part D of title I; subparts 1, 3, and 4 of part A; and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, \$104,703,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (“HEA”), as amended, section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, \$1,974,247,000, of which \$2,000,000 for interest subsidies authorized by section 121 of the HEA shall remain available until expended: Provided, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: Provided further, That \$9,935,000, to remain available through September 30, 2005, shall be available to fund fellowships for academic year 2005–2006 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That \$994,000 is for data collection and evaluation activities for programs under the HEA, includ-

1 *ing such activities needed to comply with the Government*
 2 *Performance and Results Act of 1993: Provided further,*
 3 *That notwithstanding any other provision of law, funds*
 4 *made available in this Act to carry out title VI of the HEA*
 5 *and section 102(b)(6) of the Mutual Educational and Cul-*
 6 *tural Exchange Act of 1961 may be used to support visits*
 7 *and study in foreign countries by individuals who are par-*
 8 *ticipating in advanced foreign language training and inter-*
 9 *national studies in areas that are vital to United States*
 10 *national security and who plan to apply their language*
 11 *skills and knowledge of these countries in the fields of gov-*
 12 *ernment, the professions, or international development: Pro-*
 13 *vided further, That up to 1 percent of the funds referred*
 14 *to in the preceding proviso may be used for program evalua-*
 15 *tion, national outreach, and information dissemination ac-*
 16 *tivities.*

17 *HOWARD UNIVERSITY*

18 *For partial support of Howard University (20 U.S.C.*
 19 *121 et seq.), \$238,440,000, of which not less than \$3,573,000*
 20 *shall be for a matching endowment grant pursuant to the*
 21 *Howard University Endowment Act (Public Law 98-480)*
 22 *and shall remain available until expended.*

23 *COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS*

24 *PROGRAM*

25 *For Federal administrative expenses authorized under*
 26 *section 121 of the Higher Education Act of 1965, \$774,000*

1 *to carry out activities related to existing facility loans en-*
 2 *tered into under the Higher Education Act of 1965.*

3 *HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL*
 4 *FINANCING PROGRAM ACCOUNT*

5 *The aggregate principal amount of outstanding bonds*
 6 *insured pursuant to section 344 of title III, part D of the*
 7 *Higher Education Act of 1965 shall not exceed*
 8 *\$355,000,000, and the cost, as defined in section 502 of the*
 9 *Congressional Budget Act of 1974, of such bonds shall not*
 10 *exceed zero.*

11 *For administrative expenses to carry out the Histori-*
 12 *cally Black College and University Capital Financing Pro-*
 13 *gram entered into pursuant to title III, part D of the High-*
 14 *er Education Act of 1965, as amended, \$210,000.*

15 *INSTITUTE OF EDUCATION SCIENCES*

16 *For carrying out activities authorized by Public Law*
 17 *107–279, \$452,956,000: Provided, That, of the amount ap-*
 18 *propriated, \$144,090,000 shall be available for obligation*
 19 *through September 30, 2005: Provided further, That of the*
 20 *amount provided to carry out title I, parts B and D of*
 21 *Public Law 107–279, \$24,362,000 shall be for the national*
 22 *research and development centers authorized under section*
 23 *133(c): Provided further, That \$4,968,000 shall be available*
 24 *to extend for one additional year the contract for the Eisen-*
 25 *hower National Clearinghouse for Mathematics and Science*
 26 *Education authorized under section 2102(a)(2) of the Ele-*

1 *mentary and Secondary Education Act of 1965, prior to*
 2 *its amendment by the No Child Left Behind Act of 2001,*
 3 *Public Law 107–110.*

4 *PROGRAM ADMINISTRATION*

5 *For carrying out, to the extent not otherwise provided,*
 6 *the Department of Education Organization Act, including*
 7 *rental of conference rooms in the District of Columbia and*
 8 *hire of three passenger motor vehicles, \$409,863,000, of*
 9 *which \$13,644,000, to remain available until expended,*
 10 *shall be for building alterations and related expenses for*
 11 *the relocation of Department staff to Potomac Center Plaza*
 12 *in Washington, D.C.: Provided, That of this amount, suffi-*
 13 *cient funds shall be available for the Secretary of Edu-*
 14 *cation, not later than 60 days after the last day of the fiscal*
 15 *year, to submit to Congress a report on the amount of ac-*
 16 *quisitions made by the Department of Education during*
 17 *such fiscal year of articles, materials, or supplies that were*
 18 *manufactured outside the United States. Such report shall*
 19 *separately indicate the dollar value of any articles, mate-*
 20 *rials, or supplies purchased by the Department of Edu-*
 21 *cation that were manufactured outside the United States,*
 22 *an itemized list of all waivers under the Buy American Act*
 23 *(41 U.S.C. 10a et seq.) that were granted with respect to*
 24 *such articles, materials, or supplies, and a summary of*
 25 *total procurement funds spent on goods manufactured in*
 26 *the United States versus funds spent on goods manufactured*

1 *outside of the United States. The Secretary of Education*
 2 *shall make the report publicly available by posting the re-*
 3 *port on an Internet website.*

4 *OFFICE FOR CIVIL RIGHTS*

5 *For expenses necessary for the Office for Civil Rights,*
 6 *as authorized by section 203 of the Department of Edu-*
 7 *cation Organization Act, \$91,275,000.*

8 *OFFICE OF THE INSPECTOR GENERAL*

9 *For expenses necessary for the Office of the Inspector*
 10 *General, as authorized by section 212 of the Department*
 11 *of Education Organization Act, \$44,137,000.*

12 *GENERAL PROVISIONS*

13 *SEC. 301. No funds appropriated in this Act may be*
 14 *used for the transportation of students or teachers (or for*
 15 *the purchase of equipment for such transportation) in order*
 16 *to overcome racial imbalance in any school or school system,*
 17 *or for the transportation of students or teachers (or for the*
 18 *purchase of equipment for such transportation) in order to*
 19 *carry out a plan of racial desegregation of any school or*
 20 *school system.*

21 *SEC. 302. None of the funds contained in this Act shall*
 22 *be used to require, directly or indirectly, the transportation*
 23 *of any student to a school other than the school which is*
 24 *nearest the student's home, except for a student requiring*
 25 *special education, to the school offering such special edu-*
 26 *cation, in order to comply with title VI of the Civil Rights*

1 *Act of 1964. For the purpose of this section an indirect re-*
2 *quirement of transportation of students includes the trans-*
3 *portation of students to carry out a plan involving the reor-*
4 *ganization of the grade structure of schools, the pairing of*
5 *schools, or the clustering of schools, or any combination of*
6 *grade restructuring, pairing or clustering. The prohibition*
7 *described in this section does not include the establishment*
8 *of magnet schools.*

9 *SEC. 303. No funds appropriated under this Act may*
10 *be used to prevent the implementation of programs of vol-*
11 *untary prayer and meditation in the public schools.*

(TRANSFER OF FUNDS)

13 *SEC. 304. Not to exceed 1 percent of any discretionary*
14 *funds (pursuant to the Balanced Budget and Emergency*
15 *Deficit Control Act of 1985, as amended) which are appro-*
16 *priated for the Department of Education in this Act may*
17 *be transferred between appropriations, but no such appro-*
18 *priation shall be increased by more than 3 percent by any*
19 *such transfer: Provided, That the Appropriations Commit-*
20 *tees of both Houses of Congress are notified at least 15 days*
21 *in advance of any transfer.*

22 *SEC. 305. (a) The matter under the heading “Title*
23 *III—Department of Education, Education for the Dis-*
24 *advantaged”, in Public Law 108–7 (117 Stat. 326) is*
25 *amended—*

1 (1) *by striking “\$4,651,199,000” and inserting*
 2 *“\$6,895,199,000”; and*

3 (2) *by striking “\$9,027,301,000” and inserting*
 4 *“\$6,783,301,000”.*

5 (b) *The additional fiscal year 2003 budget authority*
 6 *provided under subsection (a) shall not be subject to the re-*
 7 *scission required by Division N, section 601, of Public Law*
 8 *108–7.*

9 (c) *Subsections (a) and (b) shall become effective im-*
 10 *mediately upon enactment of this Act.*

11 *SEC. 306. None of the funds provided under this Act*
 12 *shall be used to implement or enforce the annual updates*
 13 *to the allowance for State and other taxes in the tables used*
 14 *in the Federal Needs Analysis Methodology to determine a*
 15 *student’s expected family contribution for the award year*
 16 *2004-2005 under part F of title IV of the Higher Education*
 17 *Act of 1965 (20 U.S.C. 1087kk et seq.) published in the Fed-*
 18 *eral Register on Friday, May 30, 2003 (68 Fed. Reg.*
 19 *32473), to the extent that such implementation or enforce-*
 20 *ment of the updates will reduce the amount of Federal stu-*
 21 *dent financial assistance for which a student is eligible:*
 22 *Provided, That of the funds appropriated in this Act for*
 23 *the National Institutes of Health, \$200,000,000 shall not*
 24 *be available for obligation until September 30, 2004.*

1 *SEC. 307. (a) ADDITIONAL FUNDING.—In addition to*
 2 *any amounts otherwise appropriated under this Act for*
 3 *grants to States under part B of the Individuals with Dis-*
 4 *abilities Education Act (20 U.S.C. 1411 et seq.), there are*
 5 *appropriated an additional \$1,200,000,000 for such grants.*

6 *(b) CUSTOMS USER FEES.—Section 13031(j)(3) of the*
 7 *Consolidated Omnibus Budget Reconciliation Act of 1985*
 8 *(19 U.S.C. 58c(j)(3)) is amended by striking “September*
 9 *30, 2003” and inserting “September 30, 2004”.*

10 *SEC. 308. In addition to any amounts that may be*
 11 *made available under this Act to carry out the Excellence*
 12 *in Economic Education Act of 2001 under subpart 13 of*
 13 *part D of title V of the Elementary and Secondary Edu-*
 14 *cation Act of 1965, there are appropriated, out of any*
 15 *money in the Treasury not otherwise appropriated,*
 16 *\$2,000,000 to carry out the Excellence in Economic Edu-*
 17 *cation Act of 2001.*

18 *SEC. 309. For necessary expenses for the Underground*
 19 *Railroad Education and Cultural Program, there are ap-*
 20 *propriated \$2,235,000.*

21 *SEC. 310. There are appropriated, out of any money*
 22 *in the Treasury not otherwise appropriated, to carry out*
 23 *section 208 of the Education Sciences Reform Act of 2002,*
 24 *\$80,000,000. All amounts in this Act for management and*
 25 *administration at the Department of Education are reduced*

1 *on a pro rata basis by an amount required to offset the*
 2 *\$80,000,000 appropriation made by this section.*

3 *SEC. 311. For activities authorized by part H of title*
 4 *I of the Elementary and Secondary Education Act, there*
 5 *are hereby appropriated up to \$5,000,000, which may be*
 6 *used to carry out such activities.*

7 *DANIEL PATRICK MOYNIHAN GLOBAL AFFAIRS INSTITUTE*

8 *SEC. 312. (a) DEFINITIONS.—In this section:*

9 *(1) ENDOWMENT FUND.—The term “endowment*
 10 *fund” means a fund established by the Maxwell*
 11 *School of Citizenship and Public Affairs of the Syra-*
 12 *cuse University in Syracuse, New York, for the pur-*
 13 *pose of generating income for the support of the*
 14 *School and other purposes as described in subsection*
 15 *(d).*

16 *(2) SCHOOL.—The term “School” means the*
 17 *Maxwell School of Citizenship and Public Affairs of*
 18 *the Syracuse University in Syracuse, New York.*

19 *(3) SECRETARY.—The term “Secretary” means*
 20 *the Secretary of Education.*

21 *(4) UNIVERSITY.—The term “University” means*
 22 *the Syracuse University in Syracuse, New York.*

23 *(b) DANIEL PATRICK MOYNIHAN GLOBAL AFFAIRS IN-*
 24 *STITUTE.—*

25 *(1) REDESIGNATION.—To be eligible for a grant*
 26 *under subsection (c), the University shall designate*

1 *the global affairs institute within the Maxwell School*
 2 *of Citizenship and Public Affairs of the University as*
 3 *the “Daniel Patrick Moynihan Global Affairs Insti-*
 4 *tute”.*

5 (2) *REFERENCES.*—Any reference in a law, map,
 6 *regulation, paper, or other record to the global affairs*
 7 *institute within the Maxwell School of Citizenship*
 8 *and Public Affairs of the University, shall be deemed*
 9 *to be a reference to the Daniel Patrick Moynihan*
 10 *Global Affairs Institute.*

11 (c) *GRANT FOR ENDOWMENT FUND.*—From amounts
 12 *appropriated under subsection (f), the Secretary may*
 13 *award a grant to the University for the establishment of*
 14 *an endowment fund to support the Daniel Patrick Moy-*
 15 *nihan Global Affairs Institute.*

16 (d) *DUTIES.*—Amounts received under a grant under
 17 *subsection (c), shall be used to—*

18 (1) *carry on the public and intellectual tradition*
 19 *of Senator Daniel Patrick Moynihan;*

20 (2) *sustain all of the core activities of the School;*

21 (3) *fund the residencies of visiting scholars and*
 22 *international leaders;*

23 (4) *support scholarship, training, and practice*
 24 *in countries that are often the most impoverished eco-*
 25 *nomically, institutionally, and civically;*

1 (5) *support partnerships with governments and*
 2 *other relevant entities around the world to train gov-*
 3 *ernment officials both at the School and in their home*
 4 *countries; and*

5 (6) *expand the facilities of the School.*

6 (e) *MISCELLANEOUS PROVISIONS RELATING TO THE*
 7 *ENDOWMENT FUND.—*

8 (1) *MANAGEMENT.—The endowment fund estab-*
 9 *lished under subsection (c) shall be managed in ac-*
 10 *cordance with the standard endowment policies estab-*
 11 *lished by the University.*

12 (2) *USE OF INTEREST AND INVESTMENT IN-*
 13 *COME.—Interest and other investment income earned*
 14 *from the endowment fund may be used to carry out*
 15 *the duties under subsection (d).*

16 (3) *DISTRIBUTION OF INTEREST AND INVEST-*
 17 *MENT INCOME.—Funds derived from the interest and*
 18 *other investment income earned from the endowment*
 19 *fund shall be available for expenditure by the Univer-*
 20 *sity for purposes consistent with subsection (d).*

21 (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 22 *authorized to be appropriated to carry out this section,*
 23 *\$10,000,000 to remain available until expended.*

1 *SEC. 313. In addition to any amounts otherwise ap-*
2 *propriated under this Act, there may be appropriated, out*
3 *of any money in the Treasury not otherwise appropriated—*

4 (1) *an additional \$4,000,000 to carry out title*
5 *III of the Elementary and Secondary Education Act*
6 *of 1965 (language instruction);*

7 (2) *up to \$1,000,000 to carry out part A of title*
8 *V of the Higher Education Act of 1965 (Hispanic-*
9 *serving institutions);*

10 (3) *up to \$500,000 to carry out part C of title*
11 *I of the Elementary and Secondary Education Act of*
12 *1965 (migrant education);*

13 (4) *up to an additional \$3,000,000 to carry out*
14 *high school equivalency program activities under sec-*
15 *tion 418A of the Higher Education Act of 1965*
16 *(HEP);*

17 (5) *up to an additional \$500,000 to carry out*
18 *college assistance migrant program activities under*
19 *section 418A of the Higher Education Act of 1965*
20 *(CAMP); and*

21 (6) *up to an additional \$1,000,000 to carry out*
22 *subpart 16 of part D of title V of the Elementary and*
23 *Secondary Education Act of 1965 (parental assist-*
24 *ance and local family information centers).*

1 *This title may be cited as the “Department of Edu-*
 2 *cation Appropriations Act, 2004”.*

3 *TITLE IV—RELATED AGENCIES*

4 *ARMED FORCES RETIREMENT HOME*

5 *For expenses necessary for the Armed Forces Retire-*
 6 *ment Home to operate and maintain the Armed Forces Re-*
 7 *irement Home—Washington and the Armed Forces Retire-*
 8 *ment Home—Gulfport, to be paid from funds available in*
 9 *the Armed Forces Retirement Home Trust Fund,*
 10 *\$65,279,000, of which \$1,983,000 shall remain available*
 11 *until expended for construction and renovation of the phys-*
 12 *ical plants at the Armed Forces Retirement Home—Wash-*
 13 *ington and the Armed Forces Retirement Home—Gulfport.*

14 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

15 *DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING*

16 *EXPENSES*

17 *For expenses necessary for the Corporation for Na-*
 18 *tional and Community Service to carry out the provisions*
 19 *of the Domestic Volunteer Service Act of 1973, as amended,*
 20 *\$350,187,000: Provided, That none of the funds made avail-*
 21 *able to the Corporation for National and Community Serv-*
 22 *ice in this Act for activities authorized by section 122 of*
 23 *Part C of Title I and Part E of Title II of the Domestic*
 24 *Volunteer Service Act of 1973 shall be used to provide sti-*
 25 *pends or other monetary incentives to volunteers or volun-*

1 *teer leaders whose incomes exceed 125 percent of the na-*
 2 *tional poverty level.*

3 *CORPORATION FOR PUBLIC BROADCASTING*

4 *For payment to the Corporation for Public Broad-*
 5 *casting, as authorized by the Communications Act of 1934,*
 6 *an amount which shall be available within limitations spec-*
 7 *ified by that Act, for the fiscal year 2006, \$400,000,000:*
 8 *Provided, That no funds made available to the Corporation*
 9 *for Public Broadcasting by this Act shall be used to pay*
 10 *for receptions, parties, or similar forms of entertainment*
 11 *for Government officials or employees: Provided further,*
 12 *That none of the funds contained in this paragraph shall*
 13 *be available or used to aid or support any program or activ-*
 14 *ity from which any person is excluded, or is denied benefits,*
 15 *or is discriminated against, on the basis of race, color, na-*
 16 *tional origin, religion, or sex: Provided further, That for*
 17 *fiscal year 2004, in addition to the amounts provided above,*
 18 *\$55,000,000 shall be for costs related to digital program*
 19 *production, development, and distribution, associated with*
 20 *the transition of public broadcasting to digital broad-*
 21 *casting, to be awarded as determined by the Corporation*
 22 *in consultation with public radio and television licensees*
 23 *or permittees, or their designated representatives: Provided*
 24 *further, That for fiscal year 2004, in addition to the*
 25 *amounts provided above, \$10,000,000 shall be for the costs*

1 associated with implementing the first phase of the next
 2 generation interconnection system.

3 *FEDERAL MEDIATION AND CONCILIATION SERVICE*

4 *SALARIES AND EXPENSES*

5 *For expenses necessary for the Federal Mediation and*
 6 *Conciliation Service to carry out the functions vested in*
 7 *it by the Labor Management Relations Act, 1947 (29 U.S.C.*
 8 *171–180, 182–183), including hire of passenger motor vehi-*
 9 *cles; for expenses necessary for the Labor-Management Co-*
 10 *operation Act of 1978 (29 U.S.C. 175a); and for expenses*
 11 *necessary for the Service to carry out the functions vested*
 12 *in it by the Civil Service Reform Act, Public Law 95–454*
 13 *(5 U.S.C. ch. 71), \$43,385,000, including \$1,500,000, to re-*
 14 *main available through September 30, 2005, for activities*
 15 *authorized by the Labor-Management Cooperation Act of*
 16 *1978 (29 U.S.C. 175a): Provided, That notwithstanding 31*
 17 *U.S.C. 3302, fees charged, up to full-cost recovery, for spe-*
 18 *cial training activities and other conflict resolution services*
 19 *and technical assistance, including those provided to foreign*
 20 *governments and international organizations, and for arbi-*
 21 *tration services shall be credited to and merged with this*
 22 *account, and shall remain available until expended: Pro-*
 23 *vided further, That fees for arbitration services shall be*
 24 *available only for education, training, and professional de-*
 25 *velopment of the agency workforce: Provided further, That*

1 *the Director of the Service is authorized to accept and use*
 2 *on behalf of the United States gifts of services and real, per-*
 3 *sonal, or other property in the aid of any projects or func-*
 4 *tions within the Director's jurisdiction.*

5 *FEDERAL MINE SAFETY AND HEALTH REVIEW*

6 *COMMISSION*

7 *SALARIES AND EXPENSES*

8 *For expenses necessary for the Federal Mine Safety*
 9 *and Health Review Commission (30 U.S.C. 801 et seq.),*
 10 *\$7,774,000.*

11 *INSTITUTE OF MUSEUM AND LIBRARY SERVICES*

12 *For carrying out the Museum and Library Services*
 13 *Act of 1996, \$243,889,000, to remain available until ex-*
 14 *pended.*

15 *MEDICARE PAYMENT ADVISORY COMMISSION*

16 *SALARIES AND EXPENSES*

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

21 *NATIONAL COMMISSION ON LIBRARIES AND INFORMATION*

22 *SCIENCE*

23 *SALARIES AND EXPENSES*

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

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

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, \$3,339,000.*

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, \$246,073,000: Provided,*
 14 *That no part of this appropriation shall be available to or-*
 15 *ganize or assist in organizing agricultural laborers or used*
 16 *in connection with investigations, hearings, directives, or*
 17 *orders concerning bargaining units composed of agricul-*
 18 *tural laborers as referred to in section 2(3) of the Act of*
 19 *July 5, 1935 (29 U.S.C. 152), and as amended by the*
 20 *Labor-Management Relations Act, 1947, as amended, and*
 21 *as defined in section 3(f) of the Act of June 25, 1938 (29*
 22 *U.S.C. 203), and including in said definition employees en-*
 23 *gaged in the maintenance and operation of ditches, canals,*
 24 *reservoirs, and waterways when maintained or operated on*
 25 *a mutual, nonprofit basis and at least 95 percent of the*

1 *water stored or supplied thereby is used for farming pur-*
 2 *poses.*

3 *NATIONAL MEDIATION BOARD*

4 *SALARIES AND EXPENSES*

5 *For expenses necessary to carry out the provisions of*
 6 *the Railway Labor Act, as amended (45 U.S.C. 151–188),*
 7 *including emergency boards appointed by the President,*
 8 *\$11,421,000.*

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 *\$9,610,000.*

15 *RAILROAD RETIREMENT BOARD*

16 *DUAL BENEFITS PAYMENTS ACCOUNT*

17 *For payment to the Dual Benefits Payments Account,*
 18 *authorized under section 15(d) of the Railroad Retirement*
 19 *Act of 1974, \$119,000,000, which shall include amounts be-*
 20 *coming available in fiscal year 2004 pursuant to section*
 21 *224(c)(1)(B) of Public Law 98–76; and in addition, an*
 22 *amount, not to exceed 2 percent of the amount provided*
 23 *herein, shall be available proportional to the amount by*
 24 *which the product of recipients and the average benefit re-*
 25 *ceived exceeds \$119,000,000: Provided, That the total*

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

4 *FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT*

5 *ACCOUNTS*

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

12 *LIMITATION ON ADMINISTRATION*

13 *For necessary expenses for the Railroad Retirement*
 14 *Board for administration of the Railroad Retirement Act*
 15 *and the Railroad Unemployment Insurance Act,*
 16 *\$99,350,000, to be derived in such amounts as determined*
 17 *by the Board from the railroad retirement accounts and*
 18 *from moneys credited to the railroad unemployment insur-*
 19 *ance administration fund.*

20 *LIMITATION ON THE OFFICE OF INSPECTOR GENERAL*

21 *For expenses necessary for the Office of Inspector Gen-*
 22 *eral for audit, investigatory and review activities, as au-*
 23 *thorized by the Inspector General Act of 1978, as amended,*
 24 *not more than \$6,322,000, to be derived from the railroad*
 25 *retirement accounts and railroad unemployment insurance*
 26 *account: Provided, That none of the funds made available*

1 *in any other paragraph of this Act may be transferred to*
 2 *the Office; used to carry out any such transfer; used to pro-*
 3 *vide any office space, equipment, office supplies, commu-*
 4 *nications facilities or services, maintenance services, or ad-*
 5 *ministrative services for the Office; used to pay any salary,*
 6 *benefit, or award for any personnel of the Office; used to*
 7 *pay any other operating expense of the Office; or used to*
 8 *reimburse the Office for any service provided, or expense*
 9 *incurred, by the Office: Provided further, That funds made*
 10 *available under the heading in this Act, or subsequent De-*
 11 *partments of Labor, Health and Human Services, and Edu-*
 12 *cation, and Related Agencies Appropriations Acts, may be*
 13 *used for any audit, investigation, or review of the Medicare*
 14 *program.*

15 *SOCIAL SECURITY ADMINISTRATION*

16 *PAYMENTS TO SOCIAL SECURITY TRUST FUNDS*

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

21 *SUPPLEMENTAL SECURITY INCOME PROGRAM*

22 *For carrying out titles XI and XVI of the Social Secu-*
 23 *rity Act, section 401 of Public Law 92–603, section 212*
 24 *of Public Law 93–66, as amended, and section 405 of Public*
 25 *Law 95–216, including payment to the Social Security*
 26 *trust funds for administrative expenses incurred pursuant*

1 to section 201(g)(1) of the Social Security Act,
 2 \$26,290,000,000, to remain available until expended: Pro-
 3 vided, That any portion of the funds provided to a State
 4 in the current fiscal year and not obligated by the State
 5 during that year shall be returned to the Treasury.

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

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

13 *LIMITATION ON ADMINISTRATIVE EXPENSES*

14 For necessary expenses, including the hire of two pas-
 15 senger motor vehicles, and not to exceed \$20,000 for official
 16 reception and representation expenses, not more than
 17 \$8,410,000,000 may be expended, as authorized by section
 18 201(g)(1) of the Social Security Act, from any one or all
 19 of the trust funds referred to therein: Provided, That not
 20 less than \$1,800,000 shall be for the Social Security Advi-
 21 sory Board: Provided further, That unobligated balances of
 22 funds provided under this paragraph at the end of fiscal
 23 year 2004 not needed for fiscal year 2004 shall remain
 24 available until expended to invest in the Social Security
 25 Administration information technology and telecommuni-
 26 cations hardware and software infrastructure, including re-

1 *lated equipment and non-payroll administrative expenses*
 2 *associated solely with this information technology and tele-*
 3 *communications infrastructure: Provided further, That re-*
 4 *imbursement to the trust funds under this heading for ex-*
 5 *penditures for official time for employees of the Social Secu-*
 6 *rity Administration pursuant to section 7131 of title 5,*
 7 *United States Code, and for facilities or support services*
 8 *for labor organizations pursuant to policies, regulations, or*
 9 *procedures referred to in section 7135(b) of such title shall*
 10 *be made by the Secretary of the Treasury, with interest,*
 11 *from amounts in the general fund not otherwise appro-*
 12 *priated, as soon as possible after such expenditures are*
 13 *made: Provided further, That \$107,000,000 shall not be*
 14 *available for obligation until September 30, 2004.*

15 *In addition, \$120,000,000 to be derived from adminis-*
 16 *tration fees in excess of \$5.00 per supplementary payment*
 17 *collected pursuant to section 1616(d) of the Social Security*
 18 *Act or section 212(b)(3) of Public Law 93–66, which shall*
 19 *remain available until expended. To the extent that the*
 20 *amounts collected pursuant to such section 1616(d) or*
 21 *212(b)(3) in fiscal year 2004 exceed \$120,000,000, the*
 22 *amounts shall be available in fiscal year 2005 only to the*
 23 *extent provided in advance in appropriations Acts.*

24 *From funds previously appropriated for this purpose,*
 25 *any unobligated balances at the end of fiscal year 2003 shall*

1 *be available to continue Federal-State partnerships which*
 2 *will evaluate means to promote Medicare buy-in programs*
 3 *targeted to elderly and disabled individuals under titles*
 4 *XVIII and XIX of the Social Security Act.*

5 *OFFICE OF INSPECTOR GENERAL*
 6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For expenses necessary for the Office of Inspector Gen-*
 8 *eral in carrying out the provisions of the Inspector General*
 9 *Act of 1978, as amended, \$20,863,000, together with not to*
 10 *exceed \$61,597,000, to be transferred and expended as au-*
 11 *thorized by section 201(g)(1) of the Social Security Act from*
 12 *the Federal Old-Age and Survivors Insurance Trust Fund*
 13 *and the Federal Disability Insurance Trust Fund.*

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

22 *UNITED STATES INSTITUTE OF PEACE*
 23 *OPERATING EXPENSES*

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

1 *TITLE V—GENERAL PROVISIONS*

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

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

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

21 *(b) No part of any appropriation contained in this*
22 *Act shall be used to pay the salary or expenses of any grant*
23 *or contract recipient, or agent acting for such recipient, re-*
24 *lated to any activity designed to influence legislation or ap-*

1 *appropriations pending before the Congress or any State legis-*
2 *lature.*

3 *SEC. 504. The Secretaries of Labor and Education are*
4 *authorized to make available not to exceed \$28,000 and*
5 *\$20,000, respectively, from funds available for salaries and*
6 *expenses under titles I and III, respectively, for official re-*
7 *ception and representation expenses; the Director of the*
8 *Federal Mediation and Conciliation Service is authorized*
9 *to make available for official reception and representation*
10 *expenses not to exceed \$5,000 from the funds available for*
11 *“Salaries and expenses, Federal Mediation and Concilia-*
12 *tion Service”; and the Chairman of the National Mediation*
13 *Board is authorized to make available for official reception*
14 *and representation expenses not to exceed \$5,000 from funds*
15 *available for “Salaries and expenses, National Mediation*
16 *Board”.*

17 *SEC. 505. Notwithstanding any other provision of this*
18 *Act, no funds appropriated under this Act shall be used to*
19 *carry out any program of distributing sterile needles or sy-*
20 *ringes for the hypodermic injection of any illegal drug.*

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

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

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

17 SEC. 507. *When issuing statements, press releases, re-*
18 *quests for proposals, bid solicitations and other documents*
19 *describing projects or programs funded in whole or in part*
20 *with Federal money, all grantees receiving Federal funds*
21 *included in this Act, including but not limited to State and*
22 *local governments and recipients of Federal research grants,*
23 *shall clearly state: (1) the percentage of the total costs of*
24 *the program or project which will be financed with Federal*
25 *money; (2) the dollar amount of Federal funds for the*

1 *project or program; and (3) percentage and dollar amount*
 2 *of the total costs of the project or program that will be fi-*
 3 *nanced by non-governmental sources.*

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

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

12 *(c) The term “health benefits coverage” means the*
 13 *package of services covered by a managed care provider or*
 14 *organization pursuant to a contract or other arrangement.*

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

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

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

1 (b) *Nothing in the preceding section shall be construed*
 2 *as prohibiting the expenditure by a State, locality, entity,*
 3 *or private person of State, local, or private funds (other*
 4 *than a State’s or locality’s contribution of Medicaid match-*
 5 *ing funds).*

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

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

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

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

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

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

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

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

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

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

22 *(2) such entity has not submitted a report as re-*
23 *quired by that section for the most recent year for*
24 *which such requirement was applicable to such entity.*

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

9 *SEC. 514. None of the funds made available in this*
10 *Act may be transferred to any department, agency, or in-*
11 *strumentality of the United States Government, except pur-*
12 *suant to a transfer made by, or transfer authority provided*
13 *in, this Act or any other appropriation Act.*

14 *SEC. 515. (a) IN GENERAL.—Amounts made available*
15 *under this Act for the administrative and related expenses*
16 *for departmental management for the Department of Labor,*
17 *the Department of Health and Human Services, and the*
18 *Department of Education shall be reduced on a pro rata*
19 *basis by \$52,190,000.*

20 *(b) LIMITATION.—The reduction required by sub-*
21 *section (a) shall not apply to the Food and Drug Adminis-*
22 *tration and the Indian Health Service.*

23 *SEC. 516. In addition to any amounts otherwise ap-*
24 *propriated under this Act for the Special Volunteers for*

1 *Homeland Security program, there may be appropriated*
2 *an additional \$5,000,000 for such program.*

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

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

H. R. 2660

AMENDMENT