

Calendar No. 509107TH CONGRESS
2^D SESSION**S. 2766****[Report No. 107-216]**

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

IN THE SENATE OF THE UNITED STATES

JULY 22, 2002

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

A BILL

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

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

1 Education, and related agencies for the fiscal year ending
2 September 30, 2003, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR

4 EMPLOYMENT AND TRAINING ADMINISTRATION

5 TRAINING AND EMPLOYMENT SERVICES

6 For necessary expenses of the Workforce Investment
7 Act, including the purchase and hire of passenger motor
8 vehicles, the construction, alteration, and repair of build-
9 ings and other facilities, and the purchase of real property
10 for training centers as authorized by the Workforce In-
11 vestment Act and the Women in Apprenticeship and Non-
12 traditional Occupations Act; and the National Skill Stand-
13 ards Act of 1994; \$3,170,364,000 plus reimbursements,
14 of which \$1,788,749,000 is available for obligation for the
15 period July 1, 2003 through June 30, 2004; of which
16 \$1,353,065,000 is available for obligation for the period
17 April 1, 2003 through June 30, 2004, including
18 \$1,127,965,000 to carry out chapter 4 of the Workforce
19 Investment Act and \$225,100,000 to carry out section
20 169 of such Act; and of which \$27,550,000 is available
21 for the period July 1, 2003 through June 30, 2006 for
22 necessary expenses of construction, rehabilitation, and ac-
23 quisition of Job Corps centers: *Provided*, That \$9,098,000
24 shall be for carrying out section 172 of the Workforce In-
25 vestment Act: *Provided further*, That, notwithstanding any

1 other provision of law or related regulation, \$80,770,000
2 shall be for carrying out section 167 of the Workforce In-
3 vestment Act, including \$74,965,000 for formula grants,
4 \$4,786,000 for migrant and seasonal housing, and
5 \$1,019,000 for other discretionary purposes: *Provided fur-*
6 *ther*, That funds provided to carry out section 171(d) of
7 the Workforce Investment Act may be used for demonstra-
8 tion projects that provide assistance to new entrants in
9 the workforce and incumbent workers: *Provided further*,
10 That no funds from any other appropriation shall be used
11 to provide meal services at or for Job Corps centers.

12 For necessary expenses of the Workforce Investment
13 Act, including the purchase and hire of passenger motor
14 vehicles, the construction, alteration, and repair of build-
15 ings and other facilities, and the purchase of real property
16 for training centers as authorized by the Workforce In-
17 vestment Act; \$2,463,000,000 plus reimbursements, of
18 which \$2,363,000,000 is available for obligation for the
19 period October 1, 2003 through June 30, 2004, and of
20 which \$100,000,000 is available for the period October 1,
21 2003 through June 30, 2006, for necessary expenses of
22 construction, rehabilitation, and acquisition of Job Corps
23 centers.

1 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
 2 AMERICANS

3 To carry out title V of the Older Americans Act of
 4 1965, as amended, \$450,000,000.

5 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

6 For payments during the current fiscal year of trade
 7 adjustment benefit payments and allowances under part
 8 I; and for training, allowances for job search and reloca-
 9 tion, and related State administrative expenses under part
 10 II, subchapters B and D, chapter 2, title II of the Trade
 11 Act of 1974, as amended, \$415,650,000, together with
 12 such amounts as may be necessary to be charged to the
 13 subsequent appropriation for payments for any period sub-
 14 sequent to September 15 of the current year.

15 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
 16 SERVICE OPERATIONS

17 For authorized administrative expenses,
 18 \$156,452,000, together with not to exceed
 19 \$3,475,451,000 (including not to exceed \$1,228,000
 20 which may be used for amortization payments to States
 21 which had independent retirement plans in their State em-
 22 ployment service agencies prior to 1980), which may be
 23 expended from the Employment Security Administration
 24 Account in the Unemployment Trust Fund including the
 25 cost of administering section 51 of the Internal Revenue
 26 Code of 1986, as amended, section 7(d) of the Wagner-

1 Peyser Act, as amended, the Trade Act of 1974, as
2 amended, the Immigration Act of 1990, and the Immigra-
3 tion and Nationality Act, as amended, and of which the
4 sums available in the allocation for activities authorized
5 by title III of the Social Security Act, as amended (42
6 U.S.C. 502–504), and the sums available in the allocation
7 for necessary administrative expenses for carrying out 5
8 U.S.C. 8501–8523, shall be available for obligation by the
9 States through December 31, 2003, except that funds
10 used for automation acquisitions shall be available for obli-
11 gation by the States through September 30, 2005; of
12 which \$156,452,000, together with not to exceed
13 \$773,283,000 of the amount which may be expended from
14 said trust fund, shall be available for obligation for the
15 period July 1, 2003 through June 30, 2004, to fund ac-
16 tivities under the Act of June 6, 1933, as amended, in-
17 cluding the cost of penalty mail authorized under 39
18 U.S.C. 3202(a)(1)(E) made available to States in lieu of
19 allotments for such purpose: *Provided*, That to the extent
20 that the Average Weekly Insured Unemployment (AWIU)
21 for fiscal year 2003 is projected by the Department of
22 Labor to exceed 4,526,000, an additional \$28,600,000
23 shall be available for obligation for every 100,000 increase
24 in the AWIU level (including a pro rata amount for any
25 increment less than 100,000) from the Employment Secu-

1 rity Administration Account of the Unemployment Trust
2 Fund: *Provided further*, That funds appropriated in this
3 Act which are used to establish a national one-stop career
4 center system, or which are used to support the national
5 activities of the Federal-State unemployment insurance
6 programs, may be obligated in contracts, grants or agree-
7 ments with non-State entities: *Provided further*, That
8 funds appropriated under this Act for activities authorized
9 under the Wagner-Peyser Act, as amended, and title III
10 of the Social Security Act, may be used by the States to
11 fund integrated Employment Service and Unemployment
12 Insurance automation efforts, notwithstanding cost alloca-
13 tion principles prescribed under Office of Management
14 and Budget Circular A-87.

15 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
16 OTHER FUNDS

17 For repayable advances to the Unemployment Trust
18 Fund as authorized by sections 905(d) and 1203 of the
19 Social Security Act, as amended, and to the Black Lung
20 Disability Trust Fund as authorized by section 9501(e)(1)
21 of the Internal Revenue Code of 1954, as amended; and
22 for nonrepayable advances to the Unemployment Trust
23 Fund as authorized by section 8509 of title 5, United
24 States Code, and to the “Federal unemployment benefits
25 and allowances” account, to remain available until Sep-
26 tember 30, 2004, \$463,000,000.

1 In addition, for making repayable advances to the
 2 Black Lung Disability Trust Fund in the current fiscal
 3 year after September 15, 2003, for costs incurred by the
 4 Black Lung Disability Trust Fund in the current fiscal
 5 year, such sums as may be necessary.

6 PROGRAM ADMINISTRATION

7 For expenses of administering employment and train-
 8 ing programs, \$121,032,000, including \$4,711,000 to ad-
 9 minister welfare-to-work grants, together with not to ex-
 10 ceed \$56,610,000, which may be expended from the Em-
 11 ployment Security Administration Account in the Unem-
 12 ployment Trust Fund.

13 PENSION AND WELFARE BENEFITS ADMINISTRATION

14 SALARIES AND EXPENSES

15 For necessary expenses for the Pension and Welfare
 16 Benefits Administration, \$114,044,000.

17 PENSION BENEFIT GUARANTY CORPORATION

18 PENSION BENEFIT GUARANTY CORPORATION FUND

19 The Pension Benefit Guaranty Corporation is author-
 20 ized to make such expenditures, including financial assist-
 21 ance authorized by section 104 of Public Law 96-364,
 22 within limits of funds and borrowing authority available
 23 to such Corporation, and in accord with law, and to make
 24 such contracts and commitments without regard to fiscal
 25 year limitations as provided by section 104 of the Govern-
 26 ment Corporation Control Act, as amended (31 U.S.C.

1 9104), as may be necessary in carrying out the program
 2 through September 30, 2003, for such Corporation: *Pro-*
 3 *vided*, That not to exceed \$13,050,000 shall be available
 4 for administrative expenses of the Corporation: *Provided*
 5 *further*, That expenses of such Corporation in connection
 6 with the termination of pension plans, for the acquisition,
 7 protection or management, and investment of trust assets,
 8 and for benefits administration services shall be consid-
 9 ered as non-administrative expenses for the purposes here-
 10 of, and excluded from the above limitation.

11 EMPLOYMENT STANDARDS ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses for the Employment Stand-
 14 ards Administration, including reimbursement to State,
 15 Federal, and local agencies and their employees for inspec-
 16 tion services rendered, \$382,067,000, together with
 17 \$2,029,000 which may be expended from the Special Fund
 18 in accordance with sections 39(c), 44(d) and 44(j) of the
 19 Longshore and Harbor Workers' Compensation Act: *Pro-*
 20 *vided*, That \$2,000,000 shall be for the development of
 21 an alternative system for the electronic submission of re-
 22 ports required to be filed under the Labor-Management
 23 Reporting and Disclosure Act of 1959, as amended, and
 24 for a computer database of the information for each sub-
 25 mission by whatever means, that is indexed and easily

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

18 SPECIAL BENEFITS

19 (INCLUDING TRANSFER OF FUNDS)

20 For the payment of compensation, benefits, and ex-
21 penses (except administrative expenses) accruing during
22 the current or any prior fiscal year authorized by title 5,
23 chapter 81 of the United States Code; continuation of ben-
24 efits as provided for under the heading “Civilian War Ben-
25 efits” in the Federal Security Agency Appropriation Act,
26 1947; the Employees’ Compensation Commission Appro-

1 priation Act, 1944; sections 4(c) and 5(f) of the War
2 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
3 cent of the additional compensation and benefits required
4 by section 10(h) of the Longshore and Harbor Workers'
5 Compensation Act, as amended, \$163,000,000, together
6 with such amounts as may be necessary to be charged to
7 the subsequent year appropriation for the payment of
8 compensation and other benefits for any period subse-
9 quent to August 15 of the current year: *Provided*, That
10 amounts appropriated may be used under section 8104 of
11 title 5, United States Code, by the Secretary of Labor to
12 reimburse an employer, who is not the employer at the
13 time of injury, for portions of the salary of a reemployed,
14 disabled beneficiary: *Provided further*, That balances of re-
15 imbursements unobligated on September 30, 2002, shall
16 remain available until expended for the payment of com-
17 pensation, benefits, and expenses: *Provided further*, That
18 in addition there shall be transferred to this appropriation
19 from the Postal Service and from any other corporation
20 or instrumentality required under section 8147(c) of title
21 5, United States Code, to pay an amount for its fair share
22 of the cost of administration, such sums as the Secretary
23 determines to be the cost of administration for employees
24 of such fair share entities through September 30, 2003:
25 *Provided further*, That of those funds transferred to this

1 account from the fair share entities to pay the cost of ad-
2 ministration of the Federal Employees' Compensation Act,
3 \$37,657,000 shall be made available to the Secretary as
4 follows: (1) for the operation of and enhancement to the
5 automated data processing systems, including document
6 imaging and conversion to a paperless office, \$24,928,000;
7 (2) for medical bill review and periodic roll management,
8 \$12,027,000; (3) for communications redesign, \$702,000;
9 and (4) the remaining funds shall be paid into the Treas-
10 ury as miscellaneous receipts: *Provided further*, That the
11 Secretary may require that any person filing a notice of
12 injury or a claim for benefits under chapter 81 of title
13 5, United States Code, or 33 U.S.C. 901 et seq., provide
14 as part of such notice and claim, such identifying informa-
15 tion (including Social Security account number) as such
16 regulations may prescribe.

17 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES
18 OCCUPATIONAL ILLNESS COMPENSATION FUND
19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses to administer the Energy
21 Employees Occupational Illness Compensation Act,
22 \$104,867,000, to remain available until expended: *Pro-*
23 *vided*, That the Secretary of Labor is authorized to trans-
24 fer to any Executive agency with authority under the En-
25 ergy Employees Occupational Illness Compensation Act,
26 including within the Department of Labor, such sums as

1 may be necessary in fiscal year 2003 to carry out those
2 authorities: *Provided further*, That the Secretary may re-
3 quire that any person filing a claim for benefits under the
4 Act provide as part of such claim, such identifying infor-
5 mation (including Social Security account number) as may
6 be prescribed.

7 BLACK LUNG DISABILITY TRUST FUND
8 (INCLUDING TRANSFER OF FUNDS)

9 Beginning in fiscal year 2003 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 sec-
15 tion 9501(c)(2) of that Act. In addition, the following
16 amounts shall be available from the Fund for fiscal year
17 2003 for expenses of operation and administration of the
18 Black Lung Benefits program, as authorized by section
19 9501(d)(5): \$31,987,000 for transfer to the Employment
20 Standards Administration, “Salaries and Expenses”;
21 \$22,952,000 for transfer to Departmental Management,
22 “Salaries and Expenses”; \$334,000 for transfer to De-
23 partmental Management, “Office of Inspector General”;
24 and \$356,000 for payments into miscellaneous receipts for
25 the expenses of the Department of Treasury.

1 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
2 SALARIES AND EXPENSES

3 For necessary expenses for the Occupational Safety
4 and Health Administration, \$469,604,000, including not
5 to exceed \$93,747,000 which shall be the maximum
6 amount available for grants to States under section 23(g)
7 of the Occupational Safety and Health Act (the “Act”),
8 which grants shall be no less than 50 percent of the costs
9 of State occupational safety and health programs required
10 to be incurred under plans approved by the Secretary
11 under section 18 of the Act, and including \$18,000,000
12 for safety and health standards, of which notwithstanding
13 any other provision of law, not less than \$2,000,000 is
14 available to provide for the reissuance of a rule relating
15 to ergonomics by the Secretary of Labor, in accordance
16 with section 6 of the Occupational Safety and Health Act;
17 and, in addition, notwithstanding 31 U.S.C. 3302, the Oc-
18 cupational Safety and Health Administration may retain
19 up to \$750,000 per fiscal year of training institute course
20 tuition fees, otherwise authorized by law to be collected,
21 and may utilize such sums for occupational safety and
22 health training and education grants: *Provided*, That, not-
23 withstanding 31 U.S.C. 3302, the Secretary of Labor is
24 authorized, during the fiscal year ending September 30,
25 2003, to collect and retain fees for services provided to

1 Nationally Recognized Testing Laboratories, and may uti-
2 lize such sums, in accordance with the provisions of 29
3 U.S.C. 9a, to administer national and international lab-
4 oratory recognition programs that ensure the safety of
5 equipment and products used by workers in the workplace:
6 *Provided further*, That none of the funds appropriated
7 under this paragraph shall be obligated or expended to
8 prescribe, issue, administer, or enforce any standard, rule,
9 regulation, or order under the Act which is applicable to
10 any person who is engaged in a farming operation which
11 does not maintain a temporary labor camp and employs
12 10 or fewer employees: *Provided further*, That no funds
13 appropriated under this paragraph shall be obligated or
14 expended to administer or enforce any standard, rule, reg-
15 ulation, or order under the Act with respect to any em-
16 ployer of 10 or fewer employees who is included within
17 a category having an occupational injury lost workday case
18 rate, at the most precise Standard Industrial Classifica-
19 tion Code for which such data are published, less than the
20 national average rate as such rates are most recently pub-
21 lished by the Secretary, acting through the Bureau of
22 Labor Statistics, in accordance with section 24 of that Act
23 (29 U.S.C. 673), except—

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

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

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

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

14 (5) to take any action authorized by such Act
15 with respect to a report of an employment accident
16 which is fatal to one or more employees or which re-
17 sults in hospitalization of two or more employees,
18 and to take any action pursuant to such investiga-
19 tion authorized by such Act; and

20 (6) to take any action authorized by such Act
21 with respect to complaints of discrimination against
22 employees for exercising rights under such Act:

23 *Provided further,* That the foregoing proviso shall not
24 apply to any person who is engaged in a farming operation
25 which does not maintain a temporary labor camp and em-

1 plies 10 or fewer employees: *Provided further*, That not
2 less than \$3,200,000 shall be used to extend funding for
3 the Institutional Competency Building training grants
4 which commenced in September 2000, for program activi-
5 ties for the period of September 30, 2003 to September
6 30, 2004, provided that a grantee has demonstrated satis-
7 factory performance: *Provided further*, That none of the
8 funds appropriated for safety and health standards shall
9 be used for any purpose other than for the development,
10 promulgation, review and evaluation of occupational safety
11 and health standards and regulations developed or issued
12 under Section 6 and Section 8 of the Occupational Safety
13 and Health Act.

14 MINE SAFETY AND HEALTH ADMINISTRATION

15 SALARIES AND EXPENSES

16 For necessary expenses for the Mine Safety and
17 Health Administration, \$261,841,000, including purchase
18 and bestowal of certificates and trophies in connection
19 with mine rescue and first-aid work, and the hire of pas-
20 senger motor vehicles; including up to \$1,000,000 for
21 mine rescue and recovery activities, which shall be avail-
22 able only to the extent that fiscal year 2003 obligations
23 for these activities exceed \$1,000,000; in addition, not to
24 exceed \$750,000 may be collected by the National Mine
25 Health and Safety Academy for room, board, tuition, and

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

20 BUREAU OF LABOR STATISTICS

21 SALARIES AND EXPENSES

22 For necessary expenses for the Bureau of Labor Sta-
23 tistics, including advances or reimbursements to State,
24 Federal, and local agencies and their employees for serv-
25 ices rendered, \$426,135,000, together with not to exceed

1 \$72,029,000, which may be expended from the Employ-
2 ment Security Administration Account in the Unemploy-
3 ment Trust Fund; and \$10,280,000 which shall be avail-
4 able for obligation for the period July 1, 2003 through
5 June 30, 2004, for Occupational Employment Statistics:
6 *Provided*, That \$1,500,000 is available to conduct focused
7 research on the causes and prevention of job-related inju-
8 ries and illnesses.

9 OFFICE OF DISABILITY EMPLOYMENT POLICY

10 SALARIES AND EXPENSES

11 For necessary expenses for the Office of Disability
12 Employment Policy to provide leadership, develop policy
13 and initiatives, and award grants furthering the objective
14 of eliminating barriers to the training and employment of
15 people with disabilities, \$47,015,000.

16 DEPARTMENTAL MANAGEMENT

17 SALARIES AND EXPENSES

18 For necessary expenses for Departmental Manage-
19 ment, including the hire of three sedans, and including
20 the management or operation, through contracts, grants
21 or other arrangements of Departmental activities con-
22 ducted by or through the Bureau of International Labor
23 Affairs, including bilateral and multilateral technical as-
24 sistance and other international labor activities, of which
25 the funds designated to carry out bilateral assistance

1 under the international child labor initiative shall be avail-
2 able for obligation through September 30, 2004, and not
3 less than \$3,000,000 shall be for an Office of Pension Par-
4 ticipant Advocacy, and \$55,000,000, for the acquisition of
5 Departmental information technology, architecture, infra-
6 structure, equipment, software and related needs which
7 will be allocated by the Department's Chief Information
8 Officer in accordance with the Department's capital in-
9 vestment management process to assure a sound invest-
10 ment strategy; \$396,313,000; together with not to exceed
11 \$310,000, which may be expended from the Employment
12 Security Administration Account in the Unemployment
13 Trust Fund: *Provided*, That no funds made available by
14 this Act may be used by the Solicitor of Labor to partici-
15 pate in a review in any United States court of appeals
16 of any decision made by the Benefits Review Board under
17 section 21 of the Longshore and Harbor Workers' Com-
18 pensation Act (33 U.S.C. 921) where such participation
19 is precluded by the decision of the United States Supreme
20 Court in *Director, Office of Workers' Compensation Pro-*
21 *grams v. Newport News Shipbuilding*, 115 S. Ct. 1278
22 (1995), notwithstanding any provisions to the contrary
23 contained in Rule 15 of the Federal Rules of Appellate
24 Procedure: *Provided further*, That no funds made available
25 by this Act may be used by the Secretary of Labor to re-

1 view a decision under the Longshore and Harbor Workers'
2 Compensation Act (33 U.S.C. 901 et seq.) that has been
3 appealed and that has been pending before the Benefits
4 Review Board for more than 12 months: *Provided further,*
5 That any such decision pending a review by the Benefits
6 Review Board for more than 1 year shall be considered
7 affirmed by the Benefits Review Board on the 1-year anni-
8 versary of the filing of the appeal, and shall be considered
9 the final order of the Board for purposes of obtaining a
10 review in the United States courts of appeals: *Provided*
11 *further,* That these provisions shall not be applicable to
12 the review or appeal of any decision issued under the
13 Black Lung Benefits Act (30 U.S.C. 901 et seq.).

14 VETERANS EMPLOYMENT AND TRAINING

15 Not to exceed \$191,537,000 may be derived from the
16 Employment Security Administration Account in the Un-
17 employment Trust Fund to carry out the provisions of 38
18 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and
19 Public Law 103–353, and which shall be available for obli-
20 gation by the States through December 31, 2003. To
21 carry out the Stewart B. McKinney Homeless Assistance
22 Act and section 168 of the Workforce Investment Act of
23 1998, \$26,550,000, of which \$7,550,000 shall be available
24 for obligation for the period July 1, 2003 through June
25 30, 2004.

1 OFFICE OF INSPECTOR GENERAL

2 For salaries and expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, as amended, \$54,159,000, together
5 with not to exceed \$5,597,000, which may be expended
6 from the Employment Security Administration Account in
7 the Unemployment Trust Fund.

8 GENERAL PROVISIONS

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

14 (TRANSFER OF FUNDS)

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

25 SEC. 103. In accordance with Executive Order No.
26 13126, none of the funds appropriated or otherwise made

1 available pursuant to this Act shall be obligated or ex-
2 pended for the procurement of goods mined, produced,
3 manufactured, or harvested or services rendered, whole or
4 in part, by forced or indentured child labor in industries
5 and host countries already identified by the U.S. Depart-
6 ment of Labor prior to enactment of this Act.

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

12 This title may be cited as the “Department of Labor
13 Appropriations Act, 2003”.

14 TITLE II—DEPARTMENT OF HEALTH AND
15 HUMAN SERVICES

16 HEALTH RESOURCES AND SERVICES ADMINISTRATION
17 HEALTH RESOURCES AND SERVICES

18 For carrying out titles II, III, IV, VII, VIII, X, XII,
19 XIX, and XXVI of the Public Health Service Act, section
20 427(a) of the Federal Coal Mine Health and Safety Act,
21 title V (including section 510), and sections 1128E and
22 1820 of the Social Security Act, the Health Care Quality
23 Improvement Act of 1986, as amended, the Native Hawai-
24 ian Health Care Act of 1988, as amended, the Cardiac
25 Arrest Survival Act of 2000, and the Poison Control Cen-

1 ter Enhancement and Awareness Act, \$6,175,402,000, of
2 which \$50,000,000 from general revenues, notwith-
3 standing section 1820(j) of the Social Security Act, shall
4 be available for carrying out the Medicare rural hospital
5 flexibility grants program under section 1820 of such Act:
6 *Provided*, That of the funds made available under this
7 heading, \$250,000 shall be available until expended for
8 facilities renovations at the Gillis W. Long Hansen’s Dis-
9 ease Center: *Provided further*, That in addition to fees au-
10 thorized by section 427(b) of the Health Care Quality Im-
11 provement Act of 1986, fees shall be collected for the full
12 disclosure of information under the Act sufficient to re-
13 cover the full costs of operating the National Practitioner
14 Data Bank, and shall remain available until expended to
15 carry out that Act: *Provided further*, That fees collected
16 for the full disclosure of information under the “Health
17 Care Fraud and Abuse Data Collection Program”, author-
18 ized by section 1128E(d)(2) of the Social Security Act,
19 shall be sufficient to recover the full costs of operating
20 the program, and shall remain available until expended to
21 carry out that Act: *Provided further*, That no more than
22 \$50,000,000 is available for carrying out the provisions
23 of Public Law 104–73: *Provided further*, That of the funds
24 made available under this heading, \$285,000,000 shall be
25 for the program under title X of the Public Health Service

1 Act to provide for voluntary family planning projects: *Pro-*
2 *vided further*, That amounts provided to said projects
3 under such title shall not be expended for abortions, that
4 all pregnancy counseling shall be nondirective, and that
5 such amounts shall not be expended for any activity (in-
6 cluding the publication or distribution of literature) that
7 in any way tends to promote public support or opposition
8 to any legislative proposal or candidate for public office:
9 *Provided further*, That \$739,000,000 shall be for State
10 AIDS Drug Assistance Programs authorized by section
11 2616 of the Public Health Service Act: *Provided further*,
12 That, notwithstanding section 502(a)(1) of the Social Se-
13 curity Act, not to exceed \$114,631,000 is available for car-
14 rying out special projects of regional and national signifi-
15 cance pursuant to section 501(a)(2) of such Act: *Provided*
16 *further*, That \$40,000,000 is available for special projects
17 of regional and national significance under section
18 501(a)(2) of the Social Security Act, which shall not be
19 counted toward compliance with the allocation required in
20 section 502(a)(1) of such Act, and which shall be used
21 only for making competitive grants to provide abstinence
22 education (as defined in section 510(b)(2) of such Act)
23 to adolescents and for evaluations (including longitudinal
24 evaluations) of activities under the grants and for Federal
25 costs of administering the grants: *Provided further*, That

1 grants under the immediately preceding proviso shall be
2 made only to public and private entities which agree that,
3 with respect to an adolescent to whom the entities provide
4 abstinence education under such grant, the entities will
5 not provide to that adolescent any other education regard-
6 ing sexual conduct, except that, in the case of an entity
7 expressly required by law to provide health information or
8 services the adolescent shall not be precluded from seeking
9 health information or services from the entity in a dif-
10 ferent setting than the setting in which the abstinence
11 education was provided: *Provided further*, That the funds
12 expended for such evaluations may not exceed 3.5 percent
13 of such amount.

14 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

15 ACCOUNT

16 Such sums as may be necessary to carry out the pur-
17 pose of the program, as authorized by title VII of the Pub-
18 lic Health Service Act, as amended. For administrative ex-
19 penses to carry out the guaranteed loan program, includ-
20 ing section 709 of the Public Health Service Act,
21 \$3,914,000.

22 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

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

1 1988, pursuant to subtitle 2 of title XXI of the Public
2 Health Service Act, to remain available until expended:
3 *Provided*, That for necessary administrative expenses, not
4 to exceed \$2,991,000 shall be available from the Trust
5 Fund to the Secretary of Health and Human Services.

6 CENTERS FOR DISEASE CONTROL AND PREVENTION

7 DISEASE CONTROL, RESEARCH, AND TRAINING

8 To carry out titles II, III, VII, XI, XV, XVII, XIX,
9 XXI, and XXVI of the Public Health Service Act, sections
10 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal
11 Mine Safety and Health Act of 1977, sections 20, 21, and
12 22 of the Occupational Safety and Health Act of 1970,
13 title IV of the Immigration and Nationality Act, and sec-
14 tion 501 of the Refugee Education Assistance Act of 1980;
15 including insurance of official motor vehicles in foreign
16 countries; and hire, maintenance, and operation of air-
17 craft, \$4,493,572,000, of which \$322,000,000 shall re-
18 main available until expended for equipment, and con-
19 struction and renovation of facilities, and of which
20 \$168,763,000 for international HIV/AIDS shall remain
21 available until September 30, 2004, and in addition, such
22 sums as may be derived from authorized user fees, which
23 shall be credited to this account: *Provided*, That in addi-
24 tion to amounts provided herein, \$54,191,000 shall be
25 available from amounts available under section 241 of the

1 Public Health Service Act to carry out the National Cen-
2 ter for Health Statistics Surveys: *Provided further*, That
3 none of the funds made available for injury prevention and
4 control at the Centers for Disease Control and Prevention
5 may be used to advocate or promote gun control: *Provided*
6 *further*, That the Director may redirect the total amount
7 made available under authority of Public Law 101–502,
8 section 3, dated November 3, 1990, to activities the Direc-
9 tor may so designate: *Provided further*, That the Congress
10 is to be notified promptly of any such transfer: *Provided*
11 *further*, That not to exceed \$15,000,000 may be available
12 for making grants under section 1509 of the Public
13 Health Service Act to not more than 15 States: *Provided*
14 *further*, That notwithstanding any other provision of law,
15 a single contract or related contracts for development and
16 construction of facilities may be employed which collec-
17 tively include the full scope of the project: *Provided fur-*
18 *ther*, That the solicitation and contract shall contain the
19 clause “availability of funds” found at 48 CFR 52.232–
20 18.

21 NATIONAL INSTITUTES OF HEALTH

22 NATIONAL CANCER INSTITUTE

23 For carrying out section 301 and title IV of the Pub-
24 lic Health Service Act with respect to cancer,
25 \$4,642,394,000.

1 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

2 For carrying out section 301 and title IV of the Pub-
 3 lic Health Service Act with respect to cardiovascular, lung,
 4 and blood diseases, and blood and blood products,
 5 \$2,820,011,000.

6 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL
 7 RESEARCH

8 For carrying out section 301 and title IV of the Pub-
 9 lic Health Service Act with respect to dental disease,
 10 \$374,067,000.

11 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
 12 KIDNEY DISEASES

13 For carrying out section 301 and title IV of the Pub-
 14 lic Health Service Act with respect to diabetes and diges-
 15 tive and kidney disease, \$1,637,347,000.

16 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
 17 AND STROKE

18 For carrying out section 301 and title IV of the Pub-
 19 lic Health Service Act with respect to neurological dis-
 20 orders and stroke, \$1,466,005,000.

21 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
 22 DISEASES

23 (INCLUDING TRANSFER OF FUNDS)

24 For carrying out section 301 and title IV of the Pub-
 25 lic Health Service Act with respect to allergy and infec-
 26 tious diseases, \$3,727,473,000: *Provided, That*

1 \$100,000,000 may be made available to International As-
2 sistance Programs, “Global Fund to Fight HIV/AIDS,
3 Malaria, and Tuberculosis”, to remain available until ex-
4 pended: *Provided further*, That up to \$150,000,000 shall
5 be for extramural facilities construction grants to enhance
6 the Nation’s capability to do research on biological and
7 other agents.

8 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

9 For carrying out section 301 and title IV of the Pub-
10 lic Health Service Act with respect to general medical
11 sciences, \$1,853,584,000.

12 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
13 DEVELOPMENT

14 For carrying out section 301 and title IV of the Pub-
15 lic Health Service Act with respect to child health and
16 human development, \$1,213,817,000.

17 NATIONAL EYE INSTITUTE

18 For carrying out section 301 and title IV of the Pub-
19 lic Health Service Act with respect to eye diseases and
20 visual disorders, \$634,290,000.

21 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
22 SCIENCES

23 For carrying out sections 301 and 311 and title IV
24 of the Public Health Service Act with respect to environ-
25 mental health sciences, \$617,258,000.

1 NATIONAL INSTITUTE ON AGING

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to aging,
4 \$1,000,099,000.

5 NATIONAL INSTITUTE OF ARTHRITIS AND
6 MUSCULOSKELETAL AND SKIN DISEASES

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to arthritis and mus-
9 culoskeletal and skin diseases, \$489,324,000.

10 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
11 COMMUNICATION DISORDERS

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to deafness and other
14 communication disorders, \$372,805,000.

15 NATIONAL INSTITUTE OF NURSING RESEARCH

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to nursing research,
18 \$131,438,000.

19 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
20 ALCOHOLISM

21 For carrying out section 301 and title IV of the Pub-
22 lic Health Service Act with respect to alcohol abuse and
23 alcoholism, \$418,773,000.

1 NATIONAL INSTITUTE ON DRUG ABUSE

2 For carrying out section 301 and title IV of the Pub-
3 lic Health Service Act with respect to drug abuse,
4 \$968,113,000.

5 NATIONAL INSTITUTE OF MENTAL HEALTH

6 For carrying out section 301 and title IV of the Pub-
7 lic Health Service Act with respect to mental health,
8 \$1,350,788,000.

9 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

10 For carrying out section 301 and title IV of the Pub-
11 lic Health Service Act with respect to human genome re-
12 search, \$468,037,000.

13 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
14 BIOENGINEERING

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to biomedical imaging
17 and bioengineering research, \$283,100,000.

18 NATIONAL CENTER FOR RESEARCH RESOURCES

19 For carrying out section 301 and title IV of the Pub-
20 lic Health Service Act with respect to research resources
21 and general research support grants, \$1,161,272,000:
22 *Provided*, That none of these funds shall be used to pay
23 recipients of the general research support grants program
24 any amount for indirect expenses in connection with such
25 grants: *Provided further*, That \$125,000,000 shall be for
26 extramural facilities construction grants.

1 NATIONAL CENTER FOR COMPLEMENTARY AND
2 ALTERNATIVE MEDICINE

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to complementary and
5 alternative medicine, \$114,149,000.

6 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
7 DISPARITIES

8 For carrying out section 301 and title IV of the Pub-
9 lic Health Service Act with respect to minority health and
10 health disparities research, \$186,929,000.

11 JOHN E. FOGARTY INTERNATIONAL CENTER

12 For carrying out the activities at the John E.
13 Fogarty International Center, \$60,880,000.

14 NATIONAL LIBRARY OF MEDICINE

15 For carrying out section 301 and title IV of the Pub-
16 lic Health Service Act with respect to health information
17 communications, \$310,299,000, of which \$4,000,000 shall
18 be available until expended for improvement of informa-
19 tion systems: *Provided*, That in fiscal year 2003, the Li-
20 brary may enter into personal services contracts for the
21 provision of services in facilities owned, operated, or con-
22 structed under the jurisdiction of the National Institutes
23 of Health.

1 BUILDINGS AND FACILITIES
2 (INCLUDING TRANSFER OF FUNDS)

3 For the study of, construction of, renovation of, and
4 acquisition of equipment for, facilities of or used by the
5 National Institutes of Health, including the acquisition of
6 real property, \$632,800,000, to remain available until ex-
7 pended: *Provided*, That notwithstanding any other provi-
8 sion of law, single contracts or related contracts, which
9 collectively include the full scope of the project, may be
10 employed for the development and construction of the first
11 and second phases of the John Edward Porter Neuro-
12 science Research Center: *Provided further*, That the solici-
13 tations and contracts shall contain the clause “availability
14 of funds” found at 48 CFR 52.232–18.

15 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

16 ADMINISTRATION

17 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

18 For carrying out titles V and XIX of the Public
19 Health Service Act with respect to substance abuse and
20 mental health services, the Protection and Advocacy for
21 Mentally Ill Individuals Act of 1986, and section 301 of
22 the Public Health Service Act with respect to program
23 management, \$3,237,538,000: *Provided*, That, \$955,000,
24 to remain available until expended, shall be for protection,
25 maintenance, and environmental remediation of the Fed-
26 erally owned facilities at St. Elizabeths Hospital.

1 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

2 HEALTHCARE RESEARCH AND QUALITY

3 For carrying out titles III and IX of the Public
4 Health Service Act, and part A of title XI of the Social
5 Security Act, \$202,645,000; in addition, amounts received
6 from Freedom of Information Act fees, reimbursable and
7 interagency agreements, and the sale of data shall be cred-
8 ited to this appropriation and shall remain available until
9 expended: *Provided*, That the amount made available pur-
10 suant to section 927(c) of the Public Health Service Act
11 shall not exceed \$106,000,000.

12 CENTERS FOR MEDICARE AND MEDICAID SERVICES

13 GRANTS TO STATES FOR MEDICAID

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

17 For making, after May 31, 2003, payments to States
18 under title XIX of the Social Security Act for the last
19 quarter of fiscal year 2003 for unanticipated costs, in-
20 curred for the current fiscal year, such sums as may be
21 necessary.

22 For making payments to States or in the case of sec-
23 tion 1928 on behalf of States under title XIX of the Social
24 Security Act for the first quarter of fiscal year 2004,
25 \$51,861,386,000, to remain available until expended.

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

5 PAYMENTS TO HEALTH CARE TRUST FUNDS

6 For payment to the Federal Hospital Insurance and
7 the Federal Supplementary Medical Insurance Trust
8 Funds, as provided under section 1844 of the Social Secu-
9 rity Act, sections 103(c) and 111(d) of the Social Security
10 Amendments of 1965, section 278(d) of Public Law 97-
11 248, and for administrative expenses incurred pursuant
12 to section 201(g) of the Social Security Act,
13 \$81,462,700,000.

14 PROGRAM MANAGEMENT

15 For carrying out, except as otherwise provided, titles
16 XI, XVIII, XIX, and XXI of the Social Security Act, titles
17 XIII and XXVII of the Public Health Service Act, and
18 the Clinical Laboratory Improvement Amendments of
19 1988, not to exceed \$2,570,981,000, to be transferred
20 from the Federal Hospital Insurance and the Federal Sup-
21 plementary Medical Insurance Trust Funds, as authorized
22 by section 201(g) of the Social Security Act; together with
23 all funds collected in accordance with section 353 of the
24 Public Health Service Act and section 1857(e)(2) of the
25 Social Security Act, and such sums as may be collected
26 from authorized user fees and the sale of data, which shall

1 remain available until expended, and together with admin-
2 istrative fees collected relative to Medicare overpayment
3 recovery activities, which shall remain available until ex-
4 pended: *Provided*, That all funds derived in accordance
5 with 31 U.S.C. 9701 from organizations established under
6 title XIII of the Public Health Service Act shall be cred-
7 ited to and available for carrying out the purposes of this
8 appropriation: *Provided further*, That from amounts ap-
9 propriated under this heading, \$3,000,000 for the man-
10 aged care system redesign shall remain available until ex-
11 pended: *Provided further*, That \$51,000,000, to remain
12 available until September 30, 2004, is for contract costs
13 for the Healthcare Integrated General Ledger Accounting
14 System: *Provided further*, That to the extent Medicare
15 claims volume is projected by the Centers for Medicare
16 and Medicaid Services (CMS) to exceed 223,500,000 Part
17 A claims and/or 870,000,000 Part B claims, an additional
18 \$46,800,000 shall be available for obligation for every
19 50,000,000 increase in Medicare claims volume (including
20 a pro rata amount for any increment less than
21 50,000,000) from the Federal Hospital Insurance and the
22 Federal Supplementary Medical Insurance Trust Fund:
23 *Provided further*, That the Secretary of Health and
24 Human Services is directed to collect fees in fiscal year
25 2003 from Medicare + Choice organizations pursuant to

1 section 1857(e)(2) of the Social Security Act and from eli-
 2 gible organizations with risk-sharing contracts under sec-
 3 tion 1876 of that Act pursuant to section 1876(k)(4)(D)
 4 of that Act.

5 HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
 6 GUARANTEE FUND

7 For carrying out subsections (d) and (e) of section
 8 1308 of the Public Health Service Act, any amounts re-
 9 ceived by the Secretary in connection with loans and loan
 10 guarantees under title XIII of the Public Health Service
 11 Act, to be available without fiscal year limitation for the
 12 payment of outstanding obligations. During fiscal year
 13 2003, no commitments for direct loans or loan guarantees
 14 shall be made.

15 ADMINISTRATION FOR CHILDREN AND FAMILIES
 16 PAYMENTS TO STATES FOR CHILD SUPPORT
 17 ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

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

25 For making payments to each State for carrying out
 26 the program of Aid to Families with Dependent Children

1 under title IV–A of the Social Security Act before the ef-
2 fective date of the program of Temporary Assistance for
3 Needy Families (TANF) with respect to such State, such
4 sums as may be necessary: *Provided*, That the sum of the
5 amounts available to a State with respect to expenditures
6 under such title IV–A in fiscal year 1997 under this ap-
7 propriation and under such title IV–A as amended by the
8 Personal Responsibility and Work Opportunity Reconcili-
9 ation Act of 1996 shall not exceed the limitations under
10 section 116(b) of such Act.

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

18 LOW INCOME HOME ENERGY ASSISTANCE

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

21 For making payments under title XXVI of the Omni-
22 bus Budget Reconciliation Act of 1981, \$300,000,000:
23 *Provided*, That these funds are for the unanticipated home
24 energy assistance needs of one or more States, as author-
25 ized by section 2604(e) of the Act: *Provided further*, That
26 these funds are hereby designated by the Congress to be

1 emergency requirements pursuant to section 251(b)(2)(A)
2 of the Balanced Budget and Emergency Deficit Control
3 Act of 1985: *Provided further*, That these funds shall be
4 made available only after submission to the Congress of
5 an official budget request by the President that includes
6 designation of the entire amount of the request as an
7 emergency requirement as defined in the Balanced Budget
8 and Emergency Deficit Control Act of 1985.

9 REFUGEE AND ENTRANT ASSISTANCE

10 For making payments for refugee and entrant assist-
11 ance activities authorized by title IV of the Immigration
12 and Nationality Act and section 501 of the Refugee Edu-
13 cation Assistance Act of 1980 (Public Law 96-422),
14 \$442,724,000: *Provided*, That funds appropriated pursu-
15 ant to section 414(a) of the Immigration and Nationality
16 Act for fiscal year 2003 shall be available for the costs
17 of assistance provided and other activities through Sep-
18 tember 30, 2005: *Provided further*, That up to
19 \$10,000,000 is available to carry out the Trafficking Vic-
20 tims Protection Act of 2000.

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

23 PAYMENTS TO STATES FOR THE CHILD CARE AND

24 DEVELOPMENT BLOCK GRANT

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

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

16 SOCIAL SERVICES BLOCK GRANT

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

24 CHILDREN AND FAMILIES SERVICES PROGRAMS

25 For carrying out, except as otherwise provided, the
26 Runaway and Homeless Youth Act, the Developmental

1 Disabilities Assistance and Bill of Rights Act, the Head
2 Start Act, the Child Abuse Prevention and Treatment Act,
3 sections 310 and 316 of the Family Violence Prevention
4 and Services Act, as amended, the Native American Pro-
5 grams Act of 1974, title II of Public Law 95–266 (adop-
6 tion opportunities), the Adoption and Safe Families Act
7 of 1997 (Public Law 105–89), sections 1201 and 1211
8 of the Children’s Health Act of 2000, the Abandoned In-
9 fants Assistance Act of 1988, the Early Learning Oppor-
10 tunities Act, part B(1) of title IV and sections 413, 429A,
11 1110, and 1115 of the Social Security Act, and sections
12 40155, 40211, and 40241 of Public Law 103–322; for
13 making payments under the Community Services Block
14 Grant Act, sections 436, 437, 439(h), 473A and 477(h)(2)
15 of the Social Security Act, and title IV of Public Law 105–
16 285, and for necessary administrative expenses to carry
17 out said Acts and titles I, IV, X, XI, XIV, XVI, and XX
18 of the Social Security Act, the Act of July 5, 1960 (24
19 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of
20 1981, title IV of the Immigration and Nationality Act, sec-
21 tion 501 of the Refugee Education Assistance Act of 1980,
22 section 5 of the Torture Victims Relief Act of 1998 (Public
23 Law 105–320), sections 40155, 40211, and 40241 of Pub-
24 lic Law 103–322, and section 126 and titles IV and V
25 of Public Law 100–485, \$8,864,054,000, of which

1 \$43,000,000, to remain available until September 30,
2 2004, shall be for grants to States for adoption incentive
3 payments, as authorized by section 473A of title IV of the
4 Social Security Act (42 U.S.C. 670–679) and may be
5 made for adoptions completed in fiscal years 2001 and
6 2002; of which \$6,870,000,000 shall be for making pay-
7 ments under the Head Start Act, of which \$1,400,000,000
8 shall become available October 1, 2003 and remain avail-
9 able through September 30, 2004: *Provided*, That notwith-
10 standing section 640(a)(6), of the funds made available
11 for the Head Start program, 11 percent shall be set aside
12 for the Early Head Start program; and of which
13 \$743,990,000 shall be for making payments under the
14 Community Services Block Grant Act: *Provided further*,
15 That \$2,500,000 shall be for the development and imple-
16 mentation of a rural comprehensive community develop-
17 ment technical assistance and capacity building program
18 in the states of West Virginia, Ohio, Kentucky, Iowa,
19 Michigan, Wisconsin and Indiana: *Provided further*, That
20 not less than \$7,500,000 shall be for section 680(3)(B)
21 of the Community Services Block Grant Act, as amended:
22 *Provided further*, That to the extent Community Services
23 Block Grant funds are distributed as grant funds by a
24 State to an eligible entity as provided under the Act, and
25 have not been expended by such entity, they shall remain

1 with such entity for carryover into the next fiscal year for
2 expenditure by such entity consistent with program pur-
3 poses: *Provided further*, That the Secretary shall establish
4 procedures regarding the disposition of intangible property
5 which permits grant funds, or intangible assets acquired
6 with funds authorized under section 680 of the Commu-
7 nity Services Block Grant Act, as amended, to become the
8 sole property of such grantees after a period of not more
9 than 12 years after the end of the grant for purposes and
10 uses consistent with the original grant: *Provided further*,
11 That funds appropriated for section 680(a)(2) of the Com-
12 munity Services Block Grant Act, as amended, shall be
13 available for financing construction and rehabilitation and
14 loans or investments in private business enterprises owned
15 by community development corporations: *Provided further*,
16 That \$93,000,000 shall be for activities authorized by the
17 Runaway and Homeless Youth Act, notwithstanding the
18 allocation requirements of section 388(a) of such Act, of
19 which \$41,800,000 is for the transitional living program:
20 *Provided further*, That \$45,000,000 is for a compassion
21 capital fund to provide grants to charitable organizations
22 to emulate model social service programs and to encourage
23 research on the best practices of social service organiza-
24 tions.

1 PROMOTING SAFE AND STABLE FAMILIES

2 For carrying out section 436 of the Social Security
3 Act, \$305,000,000 and for section 437, \$200,000,000.

4 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

5 ASSISTANCE

6 For making payments to States or other non-Federal
7 entities under title IV–E of the Social Security Act,
8 \$4,855,000,000.

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

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

17 ADMINISTRATION ON AGING

18 AGING SERVICES PROGRAMS

19 For carrying out, to the extent not otherwise pro-
20 vided, the Older Americans Act of 1965, as amended, and
21 section 398 of the Public Health Service Act,
22 \$1,383,907,000, of which \$7,500,000 shall be available for
23 activities regarding medication management, screening,
24 and education to prevent incorrect medication and adverse
25 drug reactions: *Provided*, That \$149,670,000 shall be
26 available for carrying out section 311 of the Older Ameri-

1 cans Act of 1965 consistent with the formula of such Act
2 (as amended by section 217 of this Act).

3 OFFICE OF THE SECRETARY

4 GENERAL DEPARTMENTAL MANAGEMENT

5 For necessary expenses, not otherwise provided, for
6 general departmental management, including hire of six
7 sedans, and for carrying out titles III, XVII, and XX of
8 the Public Health Service Act, and the United States-Mex-
9 ico Border Health Commission Act, \$371,535,000, to-
10 gether with \$5,851,000 to be transferred and expended
11 as authorized by section 201(g)(1) of the Social Security
12 Act from the Hospital Insurance Trust Fund and the Sup-
13 plemental Medical Insurance Trust Fund: *Provided*, That
14 of the funds made available under this heading for car-
15 rying out title XX of the Public Health Service Act,
16 \$11,885,000 shall be for activities specified under section
17 2003(b)(2), of which \$10,157,000 shall be for prevention
18 service demonstration grants under section 510(b)(2) of
19 title V of the Social Security Act, as amended, without
20 application of the limitation of section 2010(c) of said title
21 XX: *Provided further*, That of this amount, \$50,000,000
22 is for minority AIDS prevention and treatment activities;
23 and \$20,000,000 shall be for an Information Technology
24 Security and Innovation Fund for Department-wide activi-

1 ties involving cybersecurity, information technology secu-
2 rity, and related innovation projects.

3 OFFICE OF INSPECTOR GENERAL

4 For expenses necessary for the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, as amended, \$39,747,000: *Provided,*
7 That, of such amount, necessary sums are available for
8 providing protective services to the Secretary and inves-
9 tigating non-payment of child support cases for which non-
10 payment is a Federal offense under 18 U.S.C. 228.

11 OFFICE FOR CIVIL RIGHTS

12 For expenses necessary for the Office for Civil
13 Rights, \$30,328,000, together with not to exceed
14 \$3,314,000 to be transferred and expended as authorized
15 by section 201(g)(1) of the Social Security Act from the
16 Hospital Insurance Trust Fund and the Supplemental
17 Medical Insurance Trust Fund.

18 POLICY RESEARCH

19 For carrying out, to the extent not otherwise pro-
20 vided, research studies under section 1110 of the Social
21 Security Act and title III of the Public Health Service Act,
22 \$2,499,000: *Provided,* That in addition to amounts pro-
23 vided herein, \$18,000,000 shall be available from amounts
24 available under section 241 of the Public Health Service
25 Act to carry out national health or human services re-
26 search and evaluation activities: *Provided further,* That the

1 expenditure of any funds available under section 241 of
2 the Public Health Service Act are subject to the require-
3 ments of section 205 of this 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
8 law, for payments under the Retired Serviceman's Family
9 Protection Plan and Survivor Benefit Plan, for medical
10 care of dependents and retired personnel under the De-
11 pendants' Medical Care Act (10 U.S.C. ch. 55 and 56),
12 and for payments pursuant to section 229(b) of the Social
13 Security Act (42 U.S.C. 429(b)), such amounts as may
14 be required during the current fiscal year. The following
15 are definitions for the medical benefits of the Public
16 Health Service Commissioned Officers that apply to 10
17 U.S.C. chapter 56, section 1116(c). The source of funds
18 for the monthly accrual payments into the Department of
19 Defense Medicare-Eligible Retiree Health Care Fund shall
20 be the Retirement Pay and Medical Benefits for Commis-
21 sioned Officers account. For purposes of this Act, the term
22 "pay of members" shall be construed to be synonymous
23 with retirement payments to U.S. Public Health Service
24 officers who are retired for age, disability, or length of
25 service; payments to survivors of deceased officers; medical
26 care to active duty and retired members and dependents

1 and beneficiaries; and for payments to the Social Security
2 Administration for military service credits; all of which
3 payments are provided for by the Retirement Pay and
4 Medical Benefits for Commissioned Officers account.

5 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
6 FUND

7 For expenses necessary to support activities related
8 to countering potential biological, disease and chemical
9 threats to civilian populations, \$2,255,980,000: *Provided,*
10 That this amount is distributed as follows: Centers for
11 Disease Control and Prevention, \$1,541,740,000 of which
12 \$300,000,000 shall remain available until expended for
13 the National Pharmaceutical Stockpile; Office of the Sec-
14 retary, \$152,240,000; Health Resources and Services Ad-
15 ministration, \$547,000,000; Substance Abuse and Mental
16 Health Services Administration, \$10,000,000; and the
17 Agency for Healthcare Research and Quality, \$5,000,000.

18 GENERAL PROVISIONS

19 SEC. 201. Funds appropriated in this title shall be
20 available for not to exceed \$50,000 for official reception
21 and representation expenses when specifically approved by
22 the Secretary.

23 SEC. 202. The Secretary shall make available through
24 assignment not more than 60 employees of the Public
25 Health Service to assist in child survival activities and to
26 work in AIDS programs through and with funds provided

1 by the Agency for International Development, the United
2 Nations International Children's Emergency Fund or the
3 World Health Organization.

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

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

16 SEC. 205. None of the funds appropriated in this Act
17 may be expended pursuant to section 241 of the Public
18 Health Service Act, except for funds specifically provided
19 for in this Act, or for other taps and assessments made
20 by any office located in the Department of Health and
21 Human Services, prior to the Secretary's preparation and
22 submission of a report to the Committee on Appropria-
23 tions of the Senate and of the House detailing the planned
24 uses of such funds.

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

8 (TRANSFER OF FUNDS)

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

22 SEC. 208. The Director of the National Institutes of
23 Health, jointly with the Director of the Office of AIDS
24 Research, may transfer up to 3 percent among institutes,
25 centers, and divisions from the total amounts identified
26 by these two Directors as funding for research pertaining

1 to the human immunodeficiency virus: *Provided*, That the
2 Congress is promptly notified of the transfer.

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

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

21 SEC. 211. None of the funds appropriated by this Act
22 (including funds appropriated to any trust fund) may be
23 used to carry out the Medicare+Choice program if the
24 Secretary denies participation in such program to an oth-
25 erwise eligible entity (including a Provider Sponsored Or-

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

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

18 SEC. 213. The Foreign Operations, Export Financ-
 19 ing, and Related Programs Appropriations Act, 1990
 20 (Public Law 101–167) is amended—

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

22 (A) in subsection (b)(3), by striking
 23 “1997, 1998, 1999, 2000, and 2001” and in-
 24 serting “1997, 1998, 1999, 2000, 2001, 2002
 25 and 2003”; and

1 (B) in subsection (e), by striking “October
2 1, 2002” each place it appears and inserting
3 “October 1, 2003”; and

4 (2) in section 599E (8 U.S.C. 1255 note) in
5 subsection (b)(2), by striking “September 30, 2002”
6 and inserting “September 30, 2003”.

7 SEC. 214. (a) Except as provided by subsection (e)
8 none of the funds appropriated by this Act may be used
9 to withhold substance abuse funding from a State pursu-
10 ant to section 1926 of the Public Health Service Act (42
11 U.S.C. 300x-26) if such State certifies to the Secretary
12 of Health and Human Services by May 1, 2003 that the
13 State will commit additional State funds, in accordance
14 with subsection (b), to ensure compliance with State laws
15 prohibiting the sale of tobacco products to individuals
16 under 18 years of age.

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

24 (c) The State is to maintain State expenditures in
25 fiscal year 2003 for tobacco prevention programs and for

1 compliance activities at a level that is not less than the
2 level of such expenditures maintained by the State for fis-
3 cal year 2002, and adding to that level the additional
4 funds for tobacco compliance activities required under
5 subsection (a). The State is to submit a report to the Sec-
6 retary on all fiscal year 2002 State expenditures and all
7 fiscal year 2003 obligations for tobacco prevention and
8 compliance activities by program activity by July 31,
9 2003.

10 (d) The Secretary shall exercise discretion in enforce-
11 ing the timing of the State obligation of the additional
12 funds required by the certification described in subsection
13 (a) as late as July 31, 2003.

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

18 SEC. 215. In order for the Centers for Disease Con-
19 trol and Prevention to carry out international health ac-
20 tivities, including HIV/AIDS and other infectious disease,
21 chronic and environmental disease, and other health ac-
22 tivities abroad during fiscal year 2003, the Secretary of
23 Health and Human Services is authorized to—

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

4 (2) utilize the authorities contained in 22
5 U.S.C. 291 and 292 and directly or through contract
6 or cooperative agreement to lease, alter or renovate
7 facilities in foreign countries, to carry out programs
8 supported by this appropriation notwithstanding sec-
9 tion 307 of the Public Health Service Act.

10 In exercising the authority set forth in paragraphs (1) and
11 (2), the Secretary of Health and Human Services shall
12 consult with the Department of State to assure that
13 planned activities are within the legal strictures of the
14 State Department Basic Authorities Act of 1956, as
15 amended, and other applicable parts of title 22, United
16 States Code.

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

21 SEC. 217. (a) Section 311 of the Older Americans
22 Act of 1965 (42 U.S.C. 3030a) is amended—

23 (1) in subsection (b)—

1 (A) in the caption, by striking “of cash or
2 commodities” and inserting “and payment”;
3 and

4 (B) in paragraph (1)—

5 (i) by striking “The Secretary of Agri-
6 culture shall allot and provide in the form
7 of cash or commodities or a combination
8 thereof (at the discretion of the State) to
9 each State agency” and inserting “The
10 Secretary shall allot and provide, in ac-
11 cordance with this section, to or on behalf
12 of each State agency”; and

13 (ii) by striking “to each grantee” and
14 inserting “to or on behalf of each grant-
15 ee”; and

16 (2) in subsection (d)—

17 (A) in the caption, to read as follows: “Op-
18 tion to obtain commodities from Secretary of
19 Agriculture”;

20 (B) in paragraph (1), to read as follows:
21 “Each State agency and each grantee under
22 title VI shall be entitled to use all or any part
23 of amounts allotted under subsection (b) to ob-
24 tain from the Secretary of Agriculture commod-
25 ities available through any Federal food com-

1 modity processing program, at the rates at
2 which such commodities are valued for purposes
3 of such program.”;

4 (C) by redesignating paragraphs (2) and
5 (4) as paragraphs (4) and (5), respectively;

6 (D) by striking paragraph (3);

7 (E) by adding after paragraph (1) the fol-
8 lowing new paragraphs:

9 “(2) The Secretary of Agriculture shall deter-
10 mine and report to the Secretary, by such date as
11 the Secretary may require, the amount (if any) of its
12 allotment under subsection (b) which each State
13 agency and title VI grantee has elected to receive in
14 the form of commodities. Such amount shall include
15 an amount bearing the same ratio to the costs to the
16 Secretary of Agriculture of providing such commod-
17 ities under this subsection as the value of commod-
18 ities received by such State agency or title VI grant-
19 ee under this subsection bears to the total value of
20 commodities so received.

21 “(3) From the allotment under subsection (b)
22 for each State agency and title VI grantee, the Sec-
23 retary shall first reimburse the Secretary of Agri-
24 culture for costs of commodities received by such
25 State agency or grantee under this subsection, and

1 shall then pay the balance (if any) to such State
2 agency or grantee.”;

3 (F) in paragraph (4), as redesignated, in
4 the first sentence, to read as follows: “Each
5 State agency shall promptly and equitably dis-
6 burse amounts received under this subsection to
7 recipients of grants and contracts.”; and

8 (G) in paragraph (5), as redesignated, by
9 striking “donation” and inserting “provision”.

10 SEC. 218. Notwithstanding section 409B(c) of the
11 Public Health Service Act regarding a limitation on the
12 number of such grants, funds appropriated in this Act
13 may be expended by the Director of the National Insti-
14 tutes of Health to award Core Center Grants to encourage
15 the development of innovative multidisciplinary research
16 and provide training concerning Parkinson’s disease. Each
17 center funded under such grants shall be designated as
18 a Morris K. Udall Center for Research on Parkinson’s
19 Disease.

20 This title may be cited as the “Department of Health
21 and Human Services Appropriations Act, 2003”.

22 TITLE III—DEPARTMENT OF EDUCATION

23 EDUCATION FOR THE DISADVANTAGED

24 For carrying out title I of the Elementary and Sec-
25 ondary Education Act of 1965 (“ESEA”) and section

1 418A of the Higher Education Act of 1965,
2 \$14,087,400,000, of which \$5,266,199,000 shall become
3 available on July 1, 2003, and shall remain available
4 through September 30, 2004, and of which
5 \$8,627,301,000 shall become available on October 1,
6 2003, and shall remain available through September 30,
7 2004, for academic year 2003–2004: *Provided*, That
8 \$235,000,000 shall be available for comprehensive school
9 reform grants under part F of the ESEA: *Provided fur-*
10 *ther*, That \$7,172,971,000 shall be available for basic
11 grants under section 1124: *Provided further*, That up to
12 \$3,500,000 of these funds shall be available to the Sec-
13 retary of Education on October 1, 2002, to obtain updated
14 educational-agency-level census poverty data from the Bu-
15 reau of the Census: *Provided further*, That
16 \$1,365,031,000 shall be available for concentration grants
17 under section 1124A: *Provided further*, That
18 \$1,655,999,000 shall be available for targeted grants
19 under section 1125: *Provided further*, That
20 \$1,655,999,000 shall be available for education finance in-
21 centive grants under section 1125A: *Provided further*,
22 That \$100,000,000 shall be available for school improve-
23 ment grants under section 1003(g).

24 IMPACT AID

25 For carrying out programs of financial assistance to
26 federally affected schools authorized by title VIII of the

1 Elementary and Secondary Education Act of 1965,
2 \$1,200,500,000, of which \$1,032,500,000 shall be for
3 basic support payments under section 8003(b),
4 \$52,000,000 shall be for payments for children with dis-
5 abilities under section 8003(d), \$50,000,000 shall be for
6 construction under section 8007 and shall remain avail-
7 able through September 30, 2004, \$58,000,000 shall be
8 for Federal property payments under section 8002, and
9 \$8,000,000, to remain available until expended, shall be
10 for facilities maintenance under section 8008.

11 SCHOOL IMPROVEMENT PROGRAMS

12 For carrying out school improvement activities au-
13 thorized by titles II, IV, V, VI, and parts B and C of title
14 VII of the Elementary and Secondary Education Act of
15 1965 (“ESEA”); part B of title II of the Higher Edu-
16 cation Act; the McKinney-Vento Homeless Assistance Act;
17 and the Civil Rights Act of 1964, \$8,303,834,000, of
18 which \$507,109,000 shall become available October 1,
19 2002, and shall remain available through September 30,
20 2004, of which \$4,379,597,000 shall become available on
21 July 1, 2003, and remain available through September 30,
22 2004, and of which \$1,765,000,000 shall become available
23 on October 1, 2003, and shall remain available through
24 September 30, 2004, for academic year 2003–2004: *Pro-*
25 *vided*, That \$75,000,000 for continuing and new grants
26 to demonstrate effective approaches to comprehensive

1 school reform shall be allocated and expended in the same
2 manner as the funds provided under the Fund for the Im-
3 provement of Education for this purpose were allocated
4 and expended in fiscal year 2002: *Provided further*, That
5 \$142,189,000 shall be available to support the activities
6 authorized under subpart 4 of part D of title V of the
7 ESEA, of which up to 5 percent shall become available
8 on October 1, 2002, for evaluation, technical assistance,
9 school networking, peer review of applications, and pro-
10 gram outreach activities and of which not less than 95
11 percent shall become available on July 1, 2003, and re-
12 main available through September 30, 2004, for grants
13 to local educational agencies: *Provided further*, That funds
14 made available to local educational agencies under this
15 subpart shall be used only for activities related to estab-
16 lishing smaller learning communities in high schools: *Pro-*
17 *vided further*, That of the amount made available for sub-
18 part 3, part C, of title II of the ESEA, \$2,000,000 shall
19 be used by the Center for Civic Education to implement
20 a comprehensive program to improve public knowledge,
21 understanding, and support of the Congress and the state
22 legislatures: *Provided further*, That of the funds made
23 available for subpart 2 of part A of title IV of the ESEA,
24 \$7,000,000, to remain available until expended, shall be
25 for the Project School Emergency Response to Violence

1 program to provide education-related services to local edu-
2 cational agencies in which the learning environment has
3 been disrupted due to a violent or traumatic crisis: *Pro-*
4 *vided further*, That no funds appropriated under this head-
5 ing may be used to carry out section 5494 under the Ele-
6 mentary and Secondary Education Act: *Provided further*,
7 That \$876,350,000 shall be available to carry out part D
8 of title V of the ESEA.

9 INDIAN EDUCATION

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

13 ENGLISH LANGUAGE ACQUISITION

14 For carrying out title III, part A of the ESEA,
15 \$740,000,000, of which \$544,000,000 shall become avail-
16 able on July 1, 2003, and shall remain available through
17 September 30, 2004.

18 SPECIAL EDUCATION

19 For carrying out the Individuals with Disabilities
20 Education Act, \$9,696,424,000, of which \$3,335,233,000
21 shall become available for obligation on July 1, 2003, and
22 shall remain available through September 30, 2004, and
23 of which \$6,072,000,000 shall become available on Octo-
24 ber 1, 2003, and shall remain available through September
25 30, 2004, for academic year 2003–2004: *Provided*, That
26 \$9,500,000 shall be for Recording for the Blind and

1 Dyslexic to support the development, production, and cir-
2 culation of recorded educational materials: *Provided fur-*
3 *ther*, That \$1,500,000 shall be for the recipient of funds
4 provided by Public Law 105–78 under section
5 687(b)(2)(G) of the Act to provide information on diag-
6 nosis, intervention, and teaching strategies for children
7 with disabilities: *Provided further*, That the amount for
8 section 611(c) of the Act shall be equal to the amount
9 available for that section in the Department of Education
10 Appropriations Act, 2002, increased by the amount of in-
11 flation as specified in section 611(f)(1)(B)(ii) of the Act.

12 REHABILITATION SERVICES AND DISABILITY RESEARCH

13 For carrying out, to the extent not otherwise pro-
14 vided, the Rehabilitation Act of 1973, the Assistive Tech-
15 nology Act of 1998, and the Helen Keller National Center
16 Act, \$2,963,722,000, of which \$3,912,516 shall remain
17 available through September 30, 2004: *Provided*, That the
18 funds provided for title I of the Assistive Technology Act
19 of 1998 (“the AT Act”) shall be allocated notwithstanding
20 section 105(b)(1) of the AT Act: *Provided further*, That
21 Section 101(f) of the AT Act shall not limit the award
22 of an extension grant to three years: *Provided further*,
23 That no State or outlying area awarded funds under sec-
24 tion 101 shall receive less than the amount received in
25 fiscal year 2002: *Provided further*, That each State shall
26 be provided \$100,000 and each outlying area \$30,000 for

1 activities under section 102 of the AT Act: *Provided fur-*
 2 *ther*, That \$3,912,516 shall be used to support grants for
 3 up to 3 years to States under title III of the AT Act, of
 4 which the Federal share shall not exceed 75 percent in
 5 the first year, 50 percent in the second year, and 25 per-
 6 cent in the third year, and that the requirements in section
 7 301(c)(2) and section 302 of that Act shall not apply to
 8 such grants.

9 SPECIAL INSTITUTIONS FOR PERSONS WITH
 10 DISABILITIES

11 AMERICAN PRINTING HOUSE FOR THE BLIND

12 For carrying out the Act of March 3, 1879, as
 13 amended (20 U.S.C. 101 et seq.), \$15,500,000.

14 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

15 For the National Technical Institute for the Deaf
 16 under titles I and II of the Education of the Deaf Act
 17 of 1986 (20 U.S.C. 4301 et seq.), \$54,600,000, of which
 18 \$1,600,000 shall be for construction and shall remain
 19 available until expended: *Provided*, That from the total
 20 amount available, the Institute may at its discretion use
 21 funds for the endowment program as authorized under
 22 section 207.

23 GALLAUDET UNIVERSITY

24 For the Kendall Demonstration Elementary School,
 25 the Model Secondary School for the Deaf, and the partial
 26 support of Gallaudet University under titles I and II of

1 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
2 et seq.), \$98,438,000: *Provided*, That from the total
3 amount available, the University may at its discretion use
4 funds for the endowment program as authorized under
5 section 207.

6 VOCATIONAL AND ADULT EDUCATION

7 For carrying out, to the extent not otherwise pro-
8 vided, the Carl D. Perkins Vocational and Applied Tech-
9 nology Education Act, and the Adult Education and Fam-
10 ily Literacy Act, and title VIII–D of the Higher Education
11 Act of 1965, as amended, and Public Law 102–73,
12 \$1,938,060,000, of which \$1,140,060,000 shall become
13 available on July 1, 2003 and shall remain available
14 through September 30, 2004 and of which \$791,000,000
15 shall become available on October 1, 2003 and shall re-
16 main available through September 30, 2004: *Provided*,
17 That of the amounts made available for the Carl D. Per-
18 kins Vocational and Applied Technology Education Act,
19 \$7,000,000 shall be for tribally controlled postsecondary
20 vocational and technical institutions under section 117:
21 *Provided further*, That notwithstanding any other provi-
22 sion of law or any regulation, the Secretary of Education
23 shall not require the use of a restricted indirect cost rate
24 for grants issued pursuant to section 117 of the Carl D.
25 Perkins Vocational and Applied Technology Education
26 Act: *Provided further*, That \$10,000,000 shall be for car-

1 rying out section 118 of such Act: *Provided further*, That
2 of the amounts made available for the Carl D. Perkins
3 Vocational and Applied Technology Education Act,
4 \$5,000,000 shall be for demonstration activities author-
5 ized by section 207: *Provided further*, That of the amount
6 provided for Adult Education State Grants, \$70,000,000
7 shall be made available for integrated English literacy and
8 civics education services to immigrants and other limited
9 English proficient populations: *Provided further*, That of
10 the amount reserved for integrated English literacy and
11 civics education, notwithstanding section 211 of the Adult
12 Education and Family Literacy Act, 65 percent shall be
13 allocated to States based on a State's absolute need as
14 determined by calculating each State's share of a 10-year
15 average of the Immigration and Naturalization Service
16 data for immigrants admitted for legal permanent resi-
17 dence for the 10 most recent years, and 35 percent allo-
18 cated to States that experienced growth as measured by
19 the average of the 3 most recent years for which Immigra-
20 tion and Naturalization Service data for immigrants ad-
21 mitted for legal permanent residence are available, except
22 that no State shall be allocated an amount less than
23 \$60,000: *Provided further*, That of the amounts made
24 available for the Adult Education and Family Literacy
25 Act, \$9,500,000 shall be for national leadership activities

1 under section 243 and \$6,560,000 shall be for the Na-
2 tional Institute for Literacy under section 242: *Provided*
3 *further*, That \$25,000,000 shall be for Youth Offender
4 Grants, of which \$5,000,000 shall be used in accordance
5 with section 601 of Public Law 102-73 as that section
6 was in effect prior to the enactment of Public Law 105-
7 220.

8 STUDENT FINANCIAL ASSISTANCE

9 For carrying out subparts 1, 3 and 4 of part A, sec-
10 tion 428K, part C and part E of title IV of the Higher
11 Education Act of 1965, as amended, \$13,162,000,000,
12 which shall remain available through September 30, 2004.

13 The maximum Pell Grant for which a student shall
14 be eligible during award year 2003-2004 shall be \$4,100.

15 HIGHER EDUCATION

16 For carrying out, to the extent not otherwise pro-
17 vided, section 121 and titles II, III, IV, V, VI, and VII
18 of the Higher Education Act of 1965, as amended, title
19 VIII of the Higher Education Amendments of 1998
20 (“HEA”), and the Mutual Educational and Cultural Ex-
21 change Act of 1961, \$1,986,336,000, of which \$3,000,000
22 for interest subsidies authorized by section 121 of the
23 HEA, shall remain available until expended: *Provided*,
24 That \$12,000,000, to remain available through September
25 30, 2004, shall be available to fund fellowships for aca-
26 demic year 2004-2005 under part A, subpart 1 of title

1 VII of said Act, under the terms and conditions of part
2 A, subpart 1: *Provided further*, That \$1,000,000 is for
3 data collection and evaluation activities for programs
4 under the HEA, including such activities needed to comply
5 with the Government Performance and Results Act of
6 1993: *Provided further*, That \$23,000,000 shall be avail-
7 able for tribally controlled colleges and universities under
8 section 316 of the Higher Education Act of 1965: *Pro-*
9 *vided further*, That notwithstanding any other provision of
10 law, funds made available in this Act to carry out title
11 VI of the HEA and section 102(b)(6) of the Mutual Edu-
12 cational and Cultural Exchange Act of 1961 may be used
13 to support visits and study in foreign countries by individ-
14 uals who are participating in advanced foreign language
15 training and international studies in areas that are vital
16 to United States national security and who plan to apply
17 their language skills and knowledge of these countries in
18 the fields of government, the professions, or international
19 development: *Provided further*, That up to one percent of
20 the funds referred to in the preceding proviso may be used
21 for program evaluation, national outreach, and informa-
22 tion dissemination activities.

23

HOWARD UNIVERSITY

24

For partial support of Howard University (20 U.S.C.
25 121 et seq.), \$237,474,000, of which not less than
26 \$3,600,000 shall be for a matching endowment grant pur-

1 suant to the Howard University Endowment Act (Public
2 Law 98–480) and shall remain available until expended.

3 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
4 PROGRAM

5 For Federal administrative expenses authorized
6 under section 121 of the Higher Education Act of 1965,
7 \$762,000 to carry out activities related to existing facility
8 loans entered into under the Higher Education Act of
9 1965.

10 HISTORICALLY BLACK COLLEGE AND UNIVERSITY
11 CAPITAL FINANCING PROGRAM ACCOUNT

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

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

22 EDUCATION RESEARCH, STATISTICS, AND ASSESSMENT

23 For carrying out activities authorized by the Edu-
24 cational Research, Development, Dissemination, and Im-
25 provement Act of 1994, including part E; the National
26 Education Statistics Act of 1994, including sections 411

1 and 412; and title VI, part A of the Elementary and Sec-
2 ondary Education Act, \$445,887,000: *Provided*, That
3 \$58,000,000 of the amount available for the national edu-
4 cation research institutes shall be allocated notwith-
5 standing section 912(m)(1)(B–F) and subparagraphs (B)
6 and (C) of section 931(c)(2) of Public Law 103–227.

7 DEPARTMENTAL MANAGEMENT

8 PROGRAM ADMINISTRATION

9 For carrying out, to the extent not otherwise pro-
10 vided, the Department of Education Organization Act, in-
11 cluding rental of conference rooms in the District of Co-
12 lumbia and hire of three passenger motor vehicles,
13 \$412,093,000, of which \$12,795,000, to remain available
14 until expended, shall be for building alterations and re-
15 lated expenses for the modernization of the Mary E.
16 Switzer Building in Washington, D.C.

17 OFFICE FOR CIVIL RIGHTS

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

21 OFFICE OF THE INSPECTOR GENERAL

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

1 STUDENT AID ADMINISTRATION

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

7 GENERAL PROVISIONS

8 SEC. 301. No funds appropriated in this Act may be
9 used for the transportation of students or teachers (or for
10 the purchase of equipment for such transportation) in
11 order to overcome racial imbalance in any school or school
12 system, or for the transportation of students or teachers
13 (or for the purchase of equipment for such transportation)
14 in order to carry out a plan of racial desegregation of any
15 school or school system.

16 SEC. 302. None of the funds contained in this Act
17 shall be used to require, directly or indirectly, the trans-
18 portation of any student to a school other than the school
19 which is nearest the student's home, except for a student
20 requiring special education, to the school offering such
21 special education, in order to comply with title VI of the
22 Civil Rights Act of 1964. For the purpose of this section
23 an indirect requirement of transportation of students in-
24 cludes the transportation of students to carry out a plan
25 involving the reorganization of the grade structure of

1 schools, the pairing of schools, or the clustering of schools,
2 or any combination of grade restructuring, pairing or clus-
3 tering. The prohibition described in this section does not
4 include the establishment of magnet schools.

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

8 (TRANSFER OF FUNDS)

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

18 SEC. 305. Section 1202 of the Elementary and Sec-
19 ondary Education Act of 1965 is amended by inserting
20 the following subsection at the end thereof:

21 “(g) SUPPLEMENT, NOT SUPPLANT.—State or local
22 educational agency shall use funds received under this
23 subpart only to supplement the level of non-Federal funds
24 that, in the absence of funds under this subpart, would
25 be expended for activities authorized under this subpart,
26 and not to supplant those non-Federal funds.”.

1 SEC. 306. Notwithstanding section 1124(c)(2) of the
2 Elementary and Secondary Education Act of 1965 (20
3 U.S.C. 6333(c)(2)), for each fiscal year, if the local edu-
4 cational agency serving New York City receives an alloca-
5 tion under section 1122 of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 6332) in an amount
7 that is greater than the amount received by the agency
8 under section 1122 of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 6332) for fiscal year
10 2002, then—

11 (1) the agency shall distribute any funds re-
12 ceived under section 1122 of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C. 6332)
14 in excess of the amount of the fiscal year 2002 allo-
15 cation consistent with section 1113(c) of the Ele-
16 mentary and Secondary Education Act of 1965 (20
17 U.S.C. 6313(c)); and

18 (2) each county in New York City shall receive
19 an amount from the agency that is not less than the
20 amount the county received in fiscal year 2002.

21 SEC. 307. Section 7304 of the No Child Left Behind
22 Act of 2001, Public Law 107–110 is amended—

23 (1) by striking “(a)(2)(P) Dropout prevention
24 programs such as” and inserting “(a)(2)(P) Dropout
25 prevention programs operated by”; and

1 (2) by striking “(a)(2)(S) Provision of oper-
2 ational support and purchasing equipment,” and in-
3 serting “(a)(2)(S) Provision of operational support
4 and construction funding, and purchasing of equip-
5 ment,”.

6 SEC. 308. Section 7205 of the No Child Left Behind
7 Act of 2001, Public Law 107–110 is amended by adding
8 the following new subsection after subsection (L):

9 “(M) construction, renovation, and mod-
10 ernization of any elementary school, secondary
11 school, or structure related to an elementary
12 school or secondary school, run by the Depart-
13 ment of Education of the State of Hawaii, that
14 serves a predominantly Native Hawaiian stu-
15 dent body.”.

16 This title may be cited as the “Department of Edu-
17 cation Appropriations Act, 2003”.

18 TITLE IV—RELATED AGENCIES

19 ARMED FORCES RETIREMENT HOME

20 For expenses necessary for the Armed Forces Retire-
21 ment Home to operate and maintain the Armed Forces
22 Retirement Home—Washington and the Armed Forces
23 Retirement Home—Gulfport, to be paid from funds avail-
24 able in the Armed Forces Retirement Home Trust Fund,
25 \$67,340,000, of which \$5,712,000 shall remain available

1 until expended for construction and renovation of the
2 physical plants at the Armed Forces Retirement Home—
3 Washington and the Armed Forces Retirement Home—
4 Gulfport: *Provided*, That, notwithstanding any other pro-
5 vision of law, a single contract or related contracts for de-
6 velopment and construction, to include construction of a
7 facility at the United States Naval Home, may be em-
8 ployed which collectively include the full scope of the
9 project: *Provided further*, That the solicitation and con-
10 tract shall contain the clause “availability of funds” found
11 at 48 CFR 52.232–18 and 252.232–7007, Limitation of
12 Government Obligations.

13 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
14 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING
15 EXPENSES

16 For expenses necessary for the Corporation for Na-
17 tional and Community Service to carry out the provisions
18 of the Domestic Volunteer Service Act of 1973, as amend-
19 ed, \$381,063,000: *Provided*, That none of the funds made
20 available to the Corporation for National and Community
21 Service in this Act for activities authorized by part E of
22 title II of the Domestic Volunteer Service Act of 1973
23 shall be used to provide stipends or other monetary incen-
24 tives to volunteers or volunteer leaders whose incomes ex-

1 ceed the restrictions outlined in Part B of title II of such
2 Act.

3 CORPORATION FOR PUBLIC BROADCASTING

4 For payment to the Corporation for Public Broad-
5 casting, as authorized by the Communications Act of
6 1934, an amount which shall be available within limita-
7 tions specified by that Act, for the fiscal year 2005,
8 \$395,000,000: *Provided*, That no funds made available to
9 the Corporation for Public Broadcasting by this Act shall
10 be used to pay for receptions, parties, or similar forms
11 of entertainment for Government officials or employees:
12 *Provided further*, That none of the funds contained in this
13 paragraph shall be available or used to aid or support any
14 program or activity from which any person is excluded,
15 or is denied benefits, or is discriminated against, on the
16 basis of race, color, national origin, religion, or sex: *Pro-*
17 *vided further*, That for fiscal year 2003, in addition to the
18 amounts provided above, \$50,000,000, for costs related to
19 digital program production, development, and distribution,
20 associated with the transition of public broadcasting to
21 digital broadcasting, to be awarded as determined by the
22 Corporation in consultation with public radio and tele-
23 vision licensees or permittees, or their designated rep-
24 resentatives.

1 FEDERAL MEDIATION AND CONCILIATION SERVICE

2 SALARIES AND EXPENSES

3 For expenses necessary for the Federal Mediation
4 and Conciliation Service to carry out the functions vested
5 in it by the Labor Management Relations Act, 1947 (29
6 U.S.C. 171–180, 182–183), including hire of passenger
7 motor vehicles; for expenses necessary for the Labor-Man-
8 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
9 for expenses necessary for the Service to carry out the
10 functions vested in it by the Civil Service Reform Act,
11 Public Law 95–454 (5 U.S.C. ch. 71), \$41,218,000, in-
12 cluding \$1,500,000, to remain available through Sep-
13 tember 30, 2004, for activities authorized by the Labor-
14 Management Cooperation Act of 1978 (29 U.S.C. 175a):
15 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
16 charged, up to full-cost recovery, for special training ac-
17 tivities and other conflict resolution services and technical
18 assistance, including those provided to foreign govern-
19 ments and international organizations, and for arbitration
20 services shall be credited to and merged with this account,
21 and shall remain available until expended: *Provided fur-*
22 *ther*, That fees for arbitration services shall be available
23 only for education, training, and professional development
24 of the agency workforce: *Provided further*, That the Direc-
25 tor of the Service is authorized to accept and use on behalf

1 of the United States gifts of services and real, personal,
2 or other property in the aid of any projects or functions
3 within the Director's jurisdiction.

4 FEDERAL MINE SAFETY AND HEALTH REVIEW

5 COMMISSION

6 SALARIES AND EXPENSES

7 For expenses necessary for the Federal Mine Safety and
8 Health Review Commission (30 U.S.C. 801 et seq.),
9 \$7,127,000.

10 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

11 For carrying out the Museum and Library Services
12 Act, \$214,000,000.

13 MEDICARE PAYMENT ADVISORY COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary to carry out section 1805 of
16 the Social Security Act, \$9,050,000, to be transferred to
17 this appropriation from the Federal Hospital Insurance
18 and the Federal Supplementary Medical Insurance Trust
19 Funds.

20 NATIONAL COMMISSION ON LIBRARIES AND

21 INFORMATION SCIENCE

22 SALARIES AND EXPENSES

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

1 Act of July 20, 1970 (Public Law 91–345, as amended),
2 \$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, \$2,830,000.

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, \$243,223,000: *Pro-*
14 *vided*, That no part of this appropriation shall be available
15 to organize or assist in organizing agricultural laborers or
16 used in connection with investigations, hearings, direc-
17 tives, or orders concerning bargaining units composed of
18 agricultural laborers as referred to in section 2(3) of the
19 Act of July 5, 1935 (29 U.S.C. 152), and as amended
20 by the Labor-Management Relations Act, 1947, as amend-
21 ed, and as defined in section 3(f) of the Act of June 25,
22 1938 (29 U.S.C. 203), and including in said definition em-
23 ployees engaged in the maintenance and operation of
24 ditches, canals, reservoirs, and waterways when main-
25 tained or operated on a mutual, nonprofit basis and at

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

3 NATIONAL MEDIATION BOARD

4 SALARIES AND EXPENSES

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

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 \$9,577,000.

15 RAILROAD RETIREMENT BOARD

16 DUAL BENEFITS PAYMENTS ACCOUNT

17 For payment to the Dual Benefits Payments Ac-
18 count, authorized under section 15(d) of the Railroad Re-
19 tirement Act of 1974, \$132,000,000, which shall include
20 amounts becoming available in fiscal year 2003 pursuant
21 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
22 tion, an amount, not to exceed 2 percent of the amount
23 provided herein, shall be available proportional to the
24 amount by which the product of recipients and the average
25 benefit received exceeds \$132,000,000: *Provided*, That the

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

4 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

5 ACCOUNTS

6 For payment to the accounts established in the
7 Treasury for the payment of benefits under the Railroad
8 Retirement Act for interest earned on unnegotiated
9 checks, \$150,000, to remain available through September
10 30, 2004, which shall be the maximum amount available
11 for payment pursuant to section 417 of Public Law 98-
12 76.

13 LIMITATION ON ADMINISTRATION

14 For necessary expenses for the Railroad Retirement
15 Board for administration of the Railroad Retirement Act
16 and the Railroad Unemployment Insurance Act,
17 \$97,720,000, to be derived in such amounts as determined
18 by the Board from the railroad retirement accounts and
19 from moneys credited to the railroad unemployment insur-
20 ance administration fund: *Provided*, That notwithstanding
21 any other provision of law, no monies made available
22 under this head for administration of the Railroad Retire-
23 ment or Railroad Unemployment Insurance Acts shall be
24 available for payment of charges, in excess of actual rent
25 costs, pursuant to section 210(j) of the Federal Property

1 and Administrative Services Act of 1949, as amended (40
2 U.S.C. 490(j)).

3 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

4 For expenses necessary for the Office of Inspector
5 General for audit, investigatory and review activities, as
6 authorized by the Inspector General Act of 1978, as
7 amended, not more than \$6,300,000, to be derived from
8 the railroad retirement accounts and railroad unemploy-
9 ment insurance account: *Provided*, That none of the funds
10 made available in any other paragraph of this Act may
11 be transferred to the Office; used to carry out any such
12 transfer; used to provide any office space, equipment, of-
13 fice supplies, communications facilities or services, mainte-
14 nance services, or administrative services for the Office;
15 used to pay any salary, benefit, or award for any personnel
16 of the Office; used to pay any other operating expense of
17 the Office; or used to reimburse the Office for any service
18 provided, or expense incurred, by the Office: *Provided fur-*
19 *ther*, That funds made available under the heading in this
20 Act, or subsequent Departments of Labor, Health and
21 Human Services, and Education, and Related Agencies
22 Appropriations Act, may be used for any audit, investiga-
23 tion, or review of the Medicare program.

1 SOCIAL SECURITY ADMINISTRATION

2 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

3 For payment to the Federal Old-Age and Survivors
4 Insurance and the Federal Disability Insurance trust
5 funds, as provided under sections 201(m), 228(g), and
6 1131(b)(2) of the Social Security Act, \$20,400,000.

7 SPECIAL BENEFITS FOR DISABLED COAL MINERS

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

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

16 For making benefit payments under title IV of the
17 Federal Mine Safety and Health Act of 1977 for the first
18 quarter of fiscal year 2004, \$97,000,000, to remain avail-
19 able until expended.

20 SUPPLEMENTAL SECURITY INCOME PROGRAM

21 For carrying out titles XI and XVI of the Social Se-
22 curity Act, section 401 of Public Law 92-603, section 212
23 of Public Law 93-66, as amended, and section 405 of
24 Public Law 95-216, including payment to the Social Secu-
25 rity trust funds for administrative expenses incurred pur-
26 suant to section 201(g)(1) of the Social Security Act,

1 \$23,914,392,000, to remain available until expended: *Pro-*
2 *vided*, That any portion of the funds provided to a State
3 in the current fiscal year and not obligated by the State
4 during that year shall be returned to the Treasury.

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

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

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 offi-
16 cial reception and representation expenses, not more than
17 \$7,825,000,000 may be expended, as authorized by sec-
18 tion 201(g)(1) of the Social Security Act, from any one
19 or all of the trust funds referred to therein: *Provided*, That
20 not less than \$1,800,000 shall be for the Social Security
21 Advisory Board: *Provided further*, That unobligated bal-
22 ances of funds provided under this paragraph at the end
23 of fiscal year 2003 not needed for fiscal year 2003 shall
24 remain available until expended to invest in the Social Se-
25 curity Administration information technology and tele-
26 communications hardware and software infrastructure, in-

1 cluding related equipment and non-payroll administrative
2 expenses associated solely with this information technology
3 and telecommunications infrastructure: *Provided further,*
4 That reimbursement to the trust funds under this heading
5 for expenditures for official time for employees of the So-
6 cial Security Administration pursuant to section 7131 of
7 title 5, United States Code, and for facilities or support
8 services for labor organizations pursuant to policies, regu-
9 lations, or procedures referred to in section 7135(b) of
10 such title shall be made by the Secretary of the Treasury,
11 with interest, from amounts in the general fund not other-
12 wise appropriated, as soon as possible after such expendi-
13 tures are made.

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

24 From funds previously appropriated for this purpose,
25 any unobligated balances at the end of fiscal year 2002

1 shall be available to continue Federal-State partnerships
2 which will evaluate means to promote Medicare buy-in pro-
3 grams targeted to elderly and disabled individuals under
4 titles 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
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, as amended, \$21,000,000, together
10 with not to exceed \$62,000,000, to be transferred and ex-
11 pended as authorized by section 201(g)(1) of the Social
12 Security Act from the Federal Old-Age and Survivors In-
13 surance Trust Fund and the Federal Disability Insurance
14 Trust Fund.

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

1 UNITED STATES INSTITUTE OF PEACE
2 OPERATING EXPENSES

3 For necessary expenses of the United States Institute
4 of Peace as authorized in the United States Institute of
5 Peace Act, \$17,200,000.

6 TITLE V—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 SEC. 514. (a) Section 1708 of the United States In-
18 stitute of Peace Act (22 U.S.C. 4607) is amended in sub-
19 section (g), by striking "on or before December 31, 1970".

20 (b) Section 1710 of the United States Institute of
21 Peace Act (22 U.S.C. 4609) is amended in subsection
22 (a)(1), by striking the numeral "4" preceding the phrase
23 "succeeding fiscal years" and inserting the numeral "5".

1 This Act may be cited as the “Departments of Labor,
2 Health and Human Services, and Education, and Related
3 Agencies Appropriations Act, 2003”.

Calendar No. 509

107TH CONGRESS
2D SESSION

S. 2766

[Report No. 107-216]

A BILL

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

JULY 22, 2002

Read twice and placed on the calendar