shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further,* That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further,* That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further,* That $90,567,000 shall be for activities authorized by the Runaway and Homeless Youth Act, notwithstanding the allocation requirements of section 388(a) of such Act, of which $40,770,000 is for the transitional living program: *Provided further,* That $35,000,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations.

PROMOTING SAFE AND STABLE FAMILIES

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

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

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

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

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

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $_____, of which $5,500,000 shall be available 1,376,001,000 for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided,* That $149,670,000 shall be available for carrying out section 311 of the Older

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

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, ~~$349,751,000~~, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided,* That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $11,885,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further,* That of this amount, $50,000,000 is for minority AIDS prevention and treatment activities; and $20,000,000 shall be for an Information Technology Security and Innovation Fund for Department-wide activi- 361,364,000

expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55 and 56), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year. The following are definitions for the medical benefits of the Public Health Service Commissioned Officers that apply to 10 U.S.C. chapter 56, section 1116(c). The source of funds for the monthly accrual payments into the Department of Defense Medicare-Eligible Retiree Health Care Fund shall be the Retirement Pay and Medical Benefits for Commissioned Officers account. For purposes of this Act, the term "pay of members" shall be construed to be synonymous with retirement payments to U.S. Public Health Service officers who are retired for age, disability, or length of service; payments to survivors of deceased officers; medical care to active duty and retired members and dependents

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

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $2,246,680,000: *Provided,* That this amount is distributed as follows: Centers for Disease Control and Prevention, $1,543,440,000 of which $300,000,000 shall remain available until expended for the National Pharmaceutical Stockpile; Office of the Secretary, $152,240,000; Health Resources and Services Administration; $546,000,000; and the Agency for Healthcare Research and Quality, $5,000,000, to remain available until expended; *Provided further,* That at the discretion of the Secretary, these amounts may be transferred between categories subject to normal reprogramming procedures: *Provided further,* That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities or other organizations under authority of Section 214 of the Public Health Service Act for purposes related to homeland security, shall be treated as non-Federal employees for reporting pur-

poses only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

GENERAL PROVISIONS

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

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

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399F(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall

be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

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

SEC. 206. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.1 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 207. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this or any other ~~Act~~ Act may be transferred between appropriations,

but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That an appropriation may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

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

SEC. 209. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

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

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided,* That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further,* That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

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

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

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

(A) in subsection (b)(3), by striking "1997, 1998, 1999, 2000, and 2001" and inserting "1997, 1998, 1999, 2000, 2001, 2002 and 2003"; and

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

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

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2003 that the

State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

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

(c) The State is to maintain State expenditures in fiscal year 2003 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2002, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2002 State expenditures and all fiscal year 2003 obligations for tobacco prevention and compliance activities by program activity by July 31, 2003.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional

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

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

SEC. 215. In order for the Centers for Disease Control and Prevention to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2003, the Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agree-

ment, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

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

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

(1) in subsection (b)—

(A) in the caption, by striking "of cash or commodities" and inserting "and payment"; and

(B) in paragraph (1)—

(i) by striking "The Secretary of Agriculture shall allot and provide in the form of cash or commodities or a combination thereof (at the discretion of the State) to each State agency" and inserting "The Secretary shall allot and provide, in ac-

cordance with this section, to or on behalf of each State agency"; and

(ii) by striking "to each grantee" and inserting "to or on behalf of each grantee"; and

(2) in subsection (d)—

(A) in the caption, to read as follows: "Option to obtain commodities from Secretary of Agriculture";

(B) in paragraph (1), to read as follows: "Each State agency and each grantee under title VI shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain from the Secretary of Agriculture commodities available through any Federal food commodity processing program, at the rates at which such commodities are valued for purposes of such program.";

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

(D) by striking paragraph (3);

(E) by adding after paragraph (1) the following new paragraphs:

"(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as

the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI grantee under this subsection bears to the total value of commodities so received.

"(3) From the allotment under subsection (b) for each State agency and title VI grantee, the Secretary shall first reimburse the Secretary of Agriculture for costs of commodities received by such State agency or grantee under this subsection, and shall then pay the balance (if any) to such State agency or grantee.";

(F) in paragraph (4), as redesignated, in the first sentence, to read as follows: "Each State agency shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts."; and

(G) in paragraph (5), as redesignated, by striking "donation" and inserting "provision".

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

INSERT 62 A

~~SEC. 219. The Supplemental Appropriations Act, 2001 (Public Law 107–020) is amended, in the matter under the heading "LOW INCOME HOME ENERGY ASSISTANCE" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES", in chapter 7 of title II, by striking "amount for" and all that follows, and inserting the following: "amount for making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $100,000,000, to remain available until expended.".~~

SEC. 220. Notwithstanding any other provision of this Act, the $6,667,533,000 provided for the Head Start Act shall be exempt from the across-the-board rescission under section 601 of division N.

Insert 62A

Sec. 219. The Supplemental Appropriations Act, 2001 (Public Law 107-020) is amended, in the matter under the heading "Low Income Home Energy Assistance" under the heading "Administration for Children and Families" under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES", in chapter 7 of title II, by striking "$300,000,000" and inserting in lieu thereof, "$200,000,000", and by adding under such heading the following new paragraph: " For an additional amount for the Low Income Home Energy Assistance Program authorized under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621(e)), $100,000,000, to remain available until expended."

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2003".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $13,853,400,000, of which $4,~~636~~,199,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004, and of which $9,027,301,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: *Provided,* That $7,172,971,000 shall be available for basic grants under section 1124: *Provided further,* That up to $3,500,000 of these funds shall be available to the Secretary of Education on October 1, 2002, to obtain updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further,* That $1,365,031,000 shall be available for concentration grants under section 1124A: *Provided further,* That $1,670,239,000 shall be available for targeted grants under section 1125: *Provided further,* That $1,541,759,000 shall be available for education finance incentive grants under section 1125A: *Provided fur-*

651

ther, That $235,000,000 shall be available for comprehensive school reform grants under part F of the ESEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, 1,196,000,000 $———, of which $1,032,000,000 shall be for basic support payments under section 8003(b), $51,000,000 shall be for payments for children with disabilities under section 8003(d), $——— (45,000,000 shall be for construction under section 8007 and shall remain available through September 30, 2004, $60,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008~~: *Provided,* That $——— of the funds for section 8007 shall be available for the local educational agencies and in the amounts specified in the statement of the managers on the conference report accompanying this Act~~.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V, VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); part B of title II of the Higher Education Act; the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964, $——— (8,052,957,9, of which

$508,100,000 shall become available October 1, 2002, and shall remain available through September 30, 2004, of which $4,132,167,000 shall become available on July 1, 2003, and remain available through September 30, 2004, and of which $1,765,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: *Provided,* That up to $12,000,000 may be used to carry out section 2345 of the ESEA: *Provided further,* That of the amount made available for subpart 3, part C, of title II of the ESEA, $3,000,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the state legislatures: *Provided further,* That of the funds made available for subpart 2 of part A of title IV of the ESEA, $5,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further,* That $75,000,000 for continuing and new grants to demonstrate effective approaches to comprehensive school reform shall be allocated and expended in the same manner as the funds provided under the Fund for the Improvement of Education for this

purpose were allocated and expended in fiscal year 2002: *Provided further,* That $162,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2002, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities and of which not less than 95 percent shall become available on July 1, 2003, and remain available through September 30, 2004, for grants to local educational agencies: *Provided further,* That funds made available to local educational agencies under this subpart shall be used only ~~of~~ for activities related to establishing smaller learning communities in high schools: *Provided further,* That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further,* That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further,* That $387,000,000 shall be for subpart 1 of part A of title VI of the ESEA: *Provided further,* That no funds appropriated under this heading may be used to carry out

section 5494 under the Elementary and Secondary Education Act: *Provided further,* That $——— shall (814,660,00 be available to carry out part D of title V of the ESEA: *Provided further,* That $——— of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act. (212,160,000

INDIAN EDUCATION

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

ENGLISH LANGUAGE ACQUISITION

For carrying out title III, part A of the ESEA, $690,000,000, of which $494,000,000 shall become available on July 1, 2003, and shall remain available through September 30, 2004.

SPECIAL EDUCATION

10,095,639,000 For carrying out the Individuals with Disabilities Education Act, $———, of which $4,135,233,000 shall become available for obligation on July 1, 2003, and shall remain available through September 30, 2004, and of which $5,672,000,000 shall become available on October 1, 2003, and shall remain available through September 30, 2004, for academic year 2003–2004: *Provided,* That $10,000,000 shall be for Recording for the Blind and

Dyslexic to support the development, production, and circulation of recorded educational materials: *Provided further,* That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further,* That the amount for section 611(c) of the Act shall be equal to the amount available for that section in the Department of Education Appropriations Act, 2002, increased by the amount of inflation as specified in section 611(f)(1)(B)(ii) of the Act: *Provided further,* That $_____ of the funds for section 672 of the Act shall be available for the projects and in the amounts specified in the statement of the managers of the conference report accompanying this Act.

7,715,000

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $_____, of which $1,000,000 shall be used to improve the quality of applied orthotic and prosthetic research and help meet the demand for provider services: *Provided,* That the funds provided for title I of the Assistive Technology Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further,* That section 101(f) of the AT Act shall

2,956,382,000

not limit the award of an extension grant to three years: *Provided further,* That no State or outlying area awarded funds under section 101 shall receive less than the amount received in fiscal year 2002: *Provided further,* That $3,540,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

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

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $54,050,000, of which $1,600,000 shall be for construction and shall remain available until expended: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

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

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

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, and the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,956,060,000, of which $1,158,060,000 shall become available on July 1, 2003 and shall remain available through September 30, 2004 and of which $791,000,000 shall become available on October 1, 2003 and shall remain available through September 30, 2004: *Provided,* That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Applied Technology Education Act: *Provided further,* That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further,* That of the amount reserved for inte-

grated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further,* That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242: *Provided further,* That $23,500,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher

Education Act of 1965, as amended, $13,450,500,000, which shall remain available through September 30, 2004.

The maximum Pell Grant for which a student shall be eligible during award year 2003–2004 shall be $4,050.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), as amended, section 1543 of the Higher Education Amendments of 1992, title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $———, of which $3,000,000 for interest subsidies authorized by section 121 of the HEA, shall remain available until expended: *Provided,* That $10,000,000, to remain available through September 30, 2004, shall be available to fund fellowships for academic year 2004–2005 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further,* That $1,000,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further,* That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may

2,100,701,000

be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further,* That up to one percent of the funds referred to in the preceding proviso may be used for program evaluation, national outreach, and information dissemination activities: *Provided further,* That $140,599,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

HOWARD UNIVERSITY

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

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

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

loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

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

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by Public Law 107–279, $450,887,000: *Provided,* That of the amount appropriated, $140,000,000 shall be available for obligation through September 30, 2004: *Provided further,* That $5,000,000 shall be available to extend for one additional year the contract for the Eisenhower National Clearinghouse for Mathematics and Science Education authorized under section 2102(a)(2) of the Elementary and Secondary Education Act of 1965, prior to its amendment by the No Child Left Behind Act of 2001, Public Law 107–110.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $412,545,000, of which $12,795,000, to remain available until expended, shall be for building alterations and related expenses for the modernization of the Mary E. Switzer Building in Washington, D.C.

OFFICE FOR CIVIL RIGHTS

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

OFFICE OF THE INSPECTOR GENERAL

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

STUDENT AID ADMINISTRATION

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

GENERAL PROVISIONS

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

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

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

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. Section 1202 of the Elementary and Secondary Education Act of 1965 is amended by inserting the following subsection at the end thereof:

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

This title may be cited as the "Department of Education Appropriations Act, 2003".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $68,013,000, of which $5,769,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport: *Provided,* That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions

of the Domestic Volunteer Service Act of 1973, as amended, $356,205,000: *Provided,* That none of the funds made available to the Corporation for National and Community Service in this Act shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2005, $390,000,000: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further,* That for fiscal year 2003, in addition to the amounts provided above, $48,744,000, for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to

digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further,* That in addition to the funds provided under this heading in Public Law 106–554, $183,000 shall be available for administrative costs for fiscal year 2003, notwithstanding section 396(k)(3)(A) of the Public Broadcasting Act.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $41,425,000, including $1,500,000, to remain available through September 30, 2004, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical

assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further,* That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et. seq.), $7,178,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

For carrying out the Museum and Library Services Act, ~~$210,099,000~~ $245,485,000, of which $10,000,000 shall remain available until expended for the Recruiting and Educating Librarians for the 21st Century Initiative.

Insert 81A-1 to 81A-11

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: Provided, That of the amount provided,

$25,000 shall be awarded to the Abington Art Center, Jenkintown, Pennsylvania, for a work-study program for at-risk junior and high school students, $100,000 shall be awarded to the Aleutian World War II Museum in Alaska for interactive media display, $75,000 shall be awarded to the Allentown Art Museum, Allentown, Pennsylvania, for educational programs for 25 school districts in 7 Pennsylvania counties, $25,000 shall be awarded to the Alley Pond Environmental Center, Douglaston, New York, for environmental education programs, $500,000 shall be awarded to the American Village Project in Montevallo, Alabama, $100,000 shall be awarded to the Army Aviation Heritage Foundation in Ozark, Alabama, for educational programs, $175,000 shall be awarded to the Arts Council of New Orleans, $500,000 shall be awarded to the Asian Art Museum, San Francisco, California, for exhibits and education programs, $575,000 shall be awarded to the Berkshire Museum, Pittsfield, Massachusetts, for climate control systems to preserve collections, $400,000 shall be awarded to the Bishops Museum in Honolulu, Hawaii, $400,000 shall be awarded to the Boston Public Library Foundation, Boston, Massachusetts, for preservation and enhancement of the John Adams Presidential Library and for related educational programs, $250,000 shall be awarded to the Bowers Museum, City of Santa Ana, California, for education

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programs, publications and technology, $500,000 shall be awarded to the Brooklyn Children's Museum, Brooklyn, New York, for equipment and technology, exhibits and education programs, $100,000 shall be awarded to the Butler Area Public Library, Pennsylvania, for program enhancements, $275,000 shall be awarded to the California State University, San Marcos, California, to upgrade electronic catalog and to provide computer stations for the library, $175,000 shall be awarded to the Cape Cod Maritime Museum to develop exhibits and academic programs, $200,000 shall be awarded to the Carnegie Library of Pittsburgh, Pennsylvania, to purchase library materials and upgrade technology at the East Liberty Branch Library, $250,000 shall be awarded to the Carnegie Library, Union Springs, Alabama, for program development, $75,000 shall be awarded to the Chicago State University Gwendolyn Brooks Center to expand its repository of the literary works of Gwendolyn Brooks, $100,000 shall be awarded to the Chickasaw Cultural Center in Chickasaw, Oklahoma, $100,000 shall be awarded to the Children's Museum of Manhattan, New York, New York, to establish early childhood education programs and exhibits, $100,000 shall be awarded to the Children's Museum of Stockton, Stockton, California, for a Delta Region Exhibit, $100,000 shall be awarded to the City of Abilene, Texas, for the collection and display of artifacts, and for exhibits at the Texas Forts Trail Museum, $50,000 shall be awarded to the City of Anatuvik Pass Museum in Alaska for museum exhibits, $200,000 shall be awarded to the

Insert 21A-3

City of Dallas, Texas, for the Dallas Public Library, to establish "Teen Wise Centers" for at-risk youth, $150,000 shall be awarded to the Clark County Heritage Center, Springfield, Ohio, for technology upgrades and exhibit development, $250,000 shall be awarded to the Cleveland Health Museum, Ohio, for exhibits, $400,000 shall be awarded to the Commonwealth Zoological Corporation (Zoo New England), Boston, Massachusetts, for the "Living Classroom" science education program and for outreach, $800,000 shall be awarded to the Davenport Music History Museum in Davenport, Iowa, $300,000 shall be awarded to the Dayton Aviation Heritage National Historical Park in Ohio for education and cultural programs, $75,000 shall be awarded to the Delaware and Lehigh National Heritage Corridor, Easton, Pennsylvania, to establish a National Museum of Industrial History in Bethlehem, Pennsylvania, to display a repository of industrial machines, equipment and technology of the 19th and 20th centuries focusing on steel, $75,000 shall be awarded to the Delaware County Historical Society, Media, Pennsylvania, to develop and expand educational programs highlighting historical themes and sites relating to the Delaware County, $2,200,000 shall be awarded to the Discovery Center, Springfield, Missouri, $250,000 shall be awarded to the Downtown Chambersburg, Inc., Pennsylvania, $50,000 shall be awarded to the Eleanor Roosevelt's Papers at George Washington University for related program development, $100,000 shall be awarded to the Exploris Museum, for the Global

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Awareness Program, including exhibits, a film program, and educational programs, $100,000 shall be awarded to the Fine Arts Museums of San Francisco to expand educational programming and technology improvements at the de Young Museum, $1,000,000 shall be awarded to the Florida International Museum, St. Petersburg, Florida, for the Centennial Russian Museum Exhibit, $200,000 shall be awarded to the Franklin Institute, Philadelphia, Pennsylvania, for exhibits, professional development and educational programming to students to explore bioscience and biotechnology, $200,000 shall be awarded to the Frederick C. Crawford Museum of Transportation Industry, Cleveland, Ohio, for educational programming, planning and exhibits, $900,000 shall be awarded to the Fresno Metropolitan Museum of Art, History and Science, Fresno, California, for technology, exhibits, educational and outreach programs, and to develop a science-based exhibition and learning center, $100,000 shall be awarded to the Gadsden Museum of Art in Alabama for museum programs, $278,000 shall be awarded to the George Eastman House, Rochester, New York, for the "Picture Link" project, $100,000 shall be awarded to the Georgia Hall of Fame at Museum of Aviation in Warner Robins, Georgia, for educational activities and programs, $62,000 shall be awarded to the Glendale Public Library, Glendale, California, for personnel, equipment and other expenses to implement the Homework AssisTeens program, $200,000 shall be awarded to the Hesperia Community Library, Hesperia, California, to purchase

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library materials and upgrade technology, $150,000 shall be awarded to the Historical Society of Western Pennsylvania, for exhibits in conjunction with the 250th anniversary of the French and Indian War, $250,000 shall be awarded to the Holmdel Township Library, Monmouth County, New Jersey, for technology equipment and upgrades, $25,000 shall be awarded to the Hudson Waterfront Museum, Brooklyn, New York, to expand exhibits, education, arts and outreach programs, $200,000 shall be awarded to the Huntsville Museum of Art, Huntsville, Alabama, for exhibits and educational programs, $50,000 shall be awarded to the Imaginarium Science Center in Anchorage, Alaska, to develop science exhibits and distance delivery modules, $150,000 shall be awarded to the Interboro Public Library, Pennsylvania, for library programs, $150,000 shall be awarded to the International Wolf Center, Minneapolis, Minnesota, for education, outreach, and teacher training programs, $300,000 shall be awarded to the Iowa Radio Reading Information Service (IRRIS), $150,000 shall be awarded to the Italian-American Cultural Center of Iowa in Des Moines, Iowa, for exhibits, multi-media collections, and to display, $500,000 shall be awarded to the Kendall County Forest Preserve District, Yorkville, Illinois, for the consolidation and preservation of the collection at the Old Barn Museum, $2,000,000 shall be awarded to the Kent State University, Kent, Ohio, for an Institute for Library and Information Literacy Education project, $50,000 shall be awarded to the Kodiak Maritime Museum in Alaska, $150,000

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shall be awarded to the Lafayette College, Easton, Pennsylvania, for technology updates to the Skillman Library, $375,000 shall be awarded to the Leon County, Florida, for purchase of equipment and books for the Ft. Braden Branch Library, $300,000 shall be awarded to the Lewis and Clark College Bicentennial Hall in Portland, Oregon, for program and equipment support, $300,000 shall be awarded to the MacKay Library of Union County, Cranford, New Jersey, $75,000 shall be awarded to the Magic Library in Kirkwood, Missouri, for design and development of interactive exhibits and software, $50,000 shall be awarded to the Marion County Library, Marion, South Carolina, to establish a computer lab, $45,000 shall be awarded to the McKinley Museum, Canton, Ohio, for equipment, $200,000 shall be awarded to the Mexic-Arte Museum, Austin, Texas, $250,000 shall be awarded to the Middletown Township Public Library, Monmouth County, New Jersey, for technology equipment and upgrades, $300,000 shall be awarded to the Monterey County Youth Museum, Monterey, California, for interactive mobile exhibits and educational programs, $250,000 shall be awarded to the Museum of African Art, New York, New York, for exhibits and educational programs, $750,000 shall be awarded to the National Baseball Hall of Fame and Museum, Cooperstown, New York, for educational outreach using baseball to teach students through distance learning technology, $300,000 shall be awarded to the National Civil War Museum, Harrisburg, Pennsylvania, to develop and enhance educational

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exhibits and programs for area K–12 schools focusing on U.S. Civil War history, $90,000 shall be awarded to the National Cowgirl Museum and Hall of Fame, Fort Worth, Texas, for creation of and equipment for an audio tour of the permanent exhibition, $325,000 shall be awarded to the National Liberty Museum, Philadelphia, Pennsylvania, to institute a teacher-training program which will assist educators in responding to classroom challenges and establish a pilot program to address violence in schools, $650,000 shall be awarded to the National Mississippi River Museum and Aquarium in Dubuque, Iowa, $1,500,000 shall be awarded to the National Museum of Women in the Arts, Washington, D.C., $775,000 shall be awarded to the Native American Cultural and Educational Authority, Oklahoma City, Oklahoma, for exhibits for the museum, $75,000 shall be awarded to the Natural History Museum of Los Angeles, California, for its "Earth Odyssey" environmental science program, $350,000 shall be awarded to the Nevada State Historic Preservation Office, $500,000 shall be awarded to the New York Botanical Garden's Virtual Herbarium imaging project in Bronx, New York, $1,000,000 shall be awarded to the New York Hall of Science to develop, expand, and display science-related educational materials, $300,000 shall be awarded to the North Carolina State Museum of Natural Sciences, Raleigh, North Carolina, for development of environmental exhibits and educational programs, $250,000 shall be awarded to the North Dakota Lewis and Clark Bicentennial Foundation in

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Washburn, North Dakota, for exhibits and other interpretation, $250,000 shall be awarded to the Ogden Museum of Southern Art in New Orleans, Louisiana, $90,000 shall be awarded to the Oneonta City Library, Blount County, Alabama, for books, internet, audiovisual and reading aid, $200,000 shall be awarded to the Orangevale Library, Sacramento, California, for evaluation and analysis of existing library service, program and facilities, $400,000 shall be awarded to the Pennsylvania Trolley Museum for exhibit development and educational programs, $221,000 shall be awarded to the Pittsburgh Children's Museum, Pittsburgh, Pennsylvania, to develop and enhance educational exhibits and programs for area K–12 schools, $725,000 shall be awarded to the Please Touch Museum, Philadelphia, Pennsylvania to develop educational programs focusing on hands-on learning experiences, $75,000 shall be awarded to Rivertownes, Pennsylvania, $350,000 shall be awarded to the Rock and Roll Hall of Fame and Museum, Cleveland, Ohio, for music education programs for at-risk youth, $250,000 shall be awarded to Rutgers, the State University of New Jersey, New Brunswick, New Jersey, to catalog, organize and preserve collections at the Carey Library, $500,000 shall be awarded to the San Bernardino County Museum, California, to develop the Inland Empire Archival Heritage Center and Web Module, $50,000 shall be awarded to the Schoharie Free Library in Schoharie County, New York, to purchase books and equipment, $155,000 shall be awarded to the Science Center

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of Pinellas County, Inc., St. Petersburg, Florida, for a planetarium project, $450,000 shall be awarded to the Shaker Museum and Library, Old Chatham, New York, $100,000 shall be awarded to the Simon Wiesenthal Center's Los Angeles Museum for Tolerance, Los Angeles, California, for the Tools for Tolerance for Educators program to provide teacher training in diversity, tolerance and cooperation, $150,000 shall be awarded to the Smith Robertson Museum in Jackson, Mississippi, for the development of exhibits regarding civil rights, $25,000 shall be awarded to the St. Paul Public Library, Minnesota, to expand its School Work and Mentoring Place Program and its Small Business Resource Center, $200,000 shall be awarded to the Standing Bear Museum and Learning Center in Ponca City, Oklahoma, $75,000 shall be awarded to the State Historical Society of Iowa for Civil War flag restoration, $1,000,000 shall be awarded to the State Historical Society of Iowa in Des Moines, Iowa, for the development of exhibits for the World Food Prize, $100,000 shall be awarded to the State Theater of Easton, Easton, Pennsylvania, for technological infrastructure improvements and the development of educational programming, $125,000 shall be awarded to The International Storytelling Center in Jonesborough, Tennessee, $250,000 shall be awarded to The Museum of Science and Industry, Chicago, Illinois, for exhibits, education and outreach programs, $70,000 shall be awarded to the Tillamook County Library, Oregon, for modernization of library services, $200,000 shall be

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awarded to the Union City Public Library, New Jersey, for personnel, books and technology to improve library services for low-income individuals, $100,000 shall be awarded to the Union County Historical Society & Heritage Museum in Mississippi, for exhibit and program development, $400,000 shall be awarded to the University of Idaho for digital archiving, $200,000 shall be awarded to the University of Maine at Fort Kent to house the Acadian Archives which preserves, celebrates and disseminates information about the region's history, $400,000 shall be awarded to the Vietnam Archive Center, Texas Tech University, Lubbock, Texas, for digitization, $150,000 shall be awarded to the Virginia Living Museum for the expansion of its educational programs in its capital campaign project, $50,000 shall be awarded to the Wayne Art Center, Wayne, Pennsylvania, to develop programs in partnership with area K-12 schools for teacher training workshops and specialized workshops for students, $100,000 shall be awarded to the Westchester Library System, Ardsley, New York, for its digital divide online services project, $450,000 shall be awarded to the Whitney Museum of American Art to establish a touring exhibition program in Iowa, $300,000 shall be awarded to the Whittier Public Library, City of Whittier, California, to establish a children's homework center and family literacy center, $100,000 shall be awarded to the Willet Memorial Library in Macon, Georgia, for library enhancements, $150,000 shall be awarded to the Witte Museum of San Antonio, Texas, to develop the

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"American Originals" exhibit and educational programs, $100,000 shall be awarded to the Zimmer Children's Museum of Jewish Community Centers of Greater Los Angeles, Los Angeles, California, for the expansion of the YouThink program, $100,000 shall be awarded to the Zoological Society of Philadelphia, Pennsylvania, for educational programs for elementary and secondary students, and $500,000 shall be awarded to the St. Louis Children's Museum, St. Louis, Missouri, for a collaborative project with the St. Louis Public Library to create interactive exhibits and educational programs.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,585,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,010,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,858,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $238,982,000: *Pro-*

vided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,315,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $9,673,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $132,000,000, which shall include amounts becoming available in fiscal year 2003 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $132,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September

30, 2004, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $100,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $~~6,383,000~~ 6,363,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of

the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

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

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $300,177,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2004, $97,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

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

rity trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $23,914,392,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2004, $11,080,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $7,825,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances of funds provided under this paragraph at the end of fiscal year 2003 not needed for fiscal year 2003 shall remain available until expended to invest in the Social Se-

curity Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $111,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2003 exceed $111,000,000, the amounts shall be available in fiscal year 2004 only to the extent provided in advance in appropriations Acts.

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

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $21,000,000, together with not to exceed $62,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

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

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $16,362,000.

TITLE V—GENERAL PROVISIONS

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

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

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

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

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

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

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

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

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

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

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

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

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

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

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

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

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

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

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

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that

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

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

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

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

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

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

in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

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

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 515. Section 1708 of the United States Institute of Peace Act (22 U.S.C. 4607) is amended in subsection (g), by striking "on or before December 31, 1970".

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