

***In the Senate of the United States,***

*November 18, 2003.*

*Resolved*, That the bill from the House of Representatives (H.R. 2861) entitled “An Act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *Departments of Veteran Affairs and Housing and Urban*  
4 *Development, and for sundry independent agencies, boards,*  
5 *commissions, corporations, and offices for the fiscal year*  
6 *ending September 30, 2004, and for other purposes, namely:*

1 *TITLE I—DEPARTMENT OF VETERANS AFFAIRS*2 *VETERANS BENEFITS ADMINISTRATION*3 *COMPENSATION AND PENSIONS*4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the payment of compensation benefits to or on be-*  
6 *half of veterans and a pilot program for disability examina-*  
7 *tions as authorized by law (38 U.S.C. 107, chapters 11, 13,*  
8 *18, 51, 53, 55, and 61); pension benefits to or on behalf*  
9 *of veterans as authorized by law (38 U.S.C. chapters 15,*  
10 *51, 53, 55, and 61; 92 Stat. 2508); and burial benefits,*  
11 *emergency and other officers' retirement pay, adjusted-serv-*  
12 *ice credits and certificates, payment of premiums due on*  
13 *commercial life insurance policies guaranteed under the*  
14 *provisions of article IV of the Soldiers' and Sailors' Civil*  
15 *Relief Act of 1940 (50 U.S.C. App. 540 et seq.) and for*  
16 *other benefits as authorized by law (38 U.S.C. 107, 1312,*  
17 *1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C.*  
18 *App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat.*  
19 *1198), \$29,845,127,000, to remain available until expended:*  
20 *Provided, That not to exceed \$17,056,000 of the amount ap-*  
21 *propriated under this heading shall be reimbursed to “Gen-*  
22 *eral operating expenses” and “Medical care” for necessary*  
23 *expenses in implementing those provisions authorized in the*  
24 *Omnibus Budget Reconciliation Act of 1990, and in the*  
25 *Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53,*  
26 *and 55), the funding source for which is specifically pro-*

1 vided as the “Compensation and pensions” appropriation:  
 2 Provided further, That such sums as may be earned on an  
 3 actual qualifying patient basis, shall be reimbursed to  
 4 “Medical facilities revolving fund” to augment the funding  
 5 of individual medical facilities for nursing home care pro-  
 6 vided to pensioners as authorized.

#### 7 READJUSTMENT BENEFITS

8 For the payment of readjustment and rehabilitation  
 9 benefits to or on behalf of veterans as authorized by law  
 10 (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55,  
 11 and 61), \$2,529,734,000, to remain available until ex-  
 12 pended: Provided, That expenses for rehabilitation program  
 13 services and assistance which the Secretary is authorized  
 14 to provide under section 3104(a) of title 38, United States  
 15 Code, other than under subsection (a)(1), (2), (5), and (11)  
 16 of that section, shall be charged to this account.

#### 17 VETERANS INSURANCE AND INDEMNITIES

18 For military and naval insurance, national service life  
 19 insurance, servicemen’s indemnities, service-disabled vet-  
 20 erans insurance, and veterans mortgage life insurance as  
 21 authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat.  
 22 487, \$29,017,000, to remain available until expended.

1     *VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM*

2                                     *ACCOUNT*

3                             *(INCLUDING TRANSFER OF FUNDS)*

4             *For the cost of direct and guaranteed loans, such sums*  
 5 *as may be necessary to carry out the program, as authorized*  
 6 *by 38 U.S.C. chapter 37, as amended: Provided, That such*  
 7 *costs, including the cost of modifying such loans, shall be*  
 8 *as defined in section 502 of the Congressional Budget Act*  
 9 *of 1974, as amended: Provided further, That during fiscal*  
 10 *year 2004, within the resources available, not to exceed*  
 11 *\$300,000 in gross obligations for direct loans are authorized*  
 12 *for specially adapted housing loans.*

13             *In addition, for administrative expenses to carry out*  
 14 *the direct and guaranteed loan programs, \$154,850,000,*  
 15 *which may be transferred to and merged with the appro-*  
 16 *priation for “General operating expenses”.*

17                             *EDUCATION LOAN FUND PROGRAM ACCOUNT*

18                             *(INCLUDING TRANSFER OF FUNDS)*

19             *For the cost of direct loans, \$1,000, as authorized by*  
 20 *38 U.S.C. 3698, as amended: Provided, That such costs, in-*  
 21 *cluding the cost of modifying such loans, shall be as defined*  
 22 *in section 502 of the Congressional Budget Act of 1974, as*  
 23 *amended: Provided further, That these funds are available*  
 24 *to subsidize gross obligations for the principal amount of*  
 25 *direct loans not to exceed \$3,400.*

1        *In addition, for administrative expenses necessary to*  
 2        *carry out the direct loan program, \$70,000, which may be*  
 3        *transferred to and merged with the appropriation for “Gen-*  
 4        *eral operating expenses”.*

5        *VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT*  
 6        *(INCLUDING TRANSFER OF FUNDS)*

7        *For the cost of direct loans, \$52,000, as authorized by*  
 8        *38 U.S.C. chapter 31, as amended: Provided, That such*  
 9        *costs, including the cost of modifying such loans, shall be*  
 10        *as defined in section 502 of the Congressional Budget Act*  
 11        *of 1974, as amended: Provided further, That funds made*  
 12        *available under this heading are available to subsidize gross*  
 13        *obligations for the principal amount of direct loans not to*  
 14        *exceed \$3,938,000: Provided further, That the loan level*  
 15        *shall be considered an estimate and not a limitation.*

16        *In addition, for administrative expenses necessary to*  
 17        *carry out the direct loan program, \$300,000, which may*  
 18        *be transferred to and merged with the appropriation for*  
 19        *“General operating expenses”.*

20        *NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM*  
 21        *ACCOUNT*

22        *(INCLUDING TRANSFER OF FUNDS)*

23        *For administrative expenses to carry out the direct*  
 24        *loan program authorized by 38 U.S.C. chapter 37, sub-*  
 25        *chapter V, as amended, \$571,000, which may be transferred*

1 *to and merged with the appropriation for “General oper-*  
 2 *ating expenses”.*

3 *GUARANTEED TRANSITIONAL HOUSING LOANS FOR*  
 4 *HOMELESS VETERANS PROGRAM ACCOUNT*

5 *For the administrative expenses to carry out the guar-*  
 6 *anteed transitional housing loan program authorized by 38*  
 7 *U.S.C. chapter 37, subchapter VI, not to exceed \$750,000*  
 8 *of the amounts appropriated by this Act for “General oper-*  
 9 *ating expenses” and “Medical care” may be expended.*

10 *VETERANS HEALTH ADMINISTRATION*

11 *MEDICAL CARE*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For necessary expenses for the maintenance and oper-*  
 14 *ation of hospitals, nursing homes, and domiciliary facili-*  
 15 *ties; for furnishing, as authorized by law, inpatient and*  
 16 *outpatient care and treatment to beneficiaries of the De-*  
 17 *partment of Veterans Affairs, including care and treatment*  
 18 *in facilities not under the jurisdiction of the department;*  
 19 *and furnishing recreational facilities, supplies, and equip-*  
 20 *ment; funeral, burial, and other expenses incidental thereto*  
 21 *for beneficiaries receiving care in the department; adminis-*  
 22 *trative expenses in support of planning, design, project*  
 23 *management, real property acquisition and disposition,*  
 24 *construction and renovation of any facility under the juris-*  
 25 *diction or for the use of the department; oversight, engineer-*  
 26 *ing and architectural activities not charged to project cost;*

1 repairing, altering, improving or providing facilities in the  
2 several hospitals and homes under the jurisdiction of the  
3 department, not otherwise provided for, either by contract  
4 or by the hire of temporary employees and purchase of ma-  
5 terials; uniforms or allowances therefor, as authorized by  
6 5 U.S.C. 5901–5902; aid to State homes as authorized by  
7 38 U.S.C. 1741; administrative and legal expenses of the  
8 department for collecting and recovering amounts owed the  
9 department as authorized under 38 U.S.C. chapter 17, and  
10 the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et  
11 seq., \$25,488,080,000, plus reimbursements: Provided, That,  
12 notwithstanding any other provision of law, the Secretary  
13 of Veterans Affairs shall establish a priority for treatment  
14 for veterans who are service-connected disabled, lower in-  
15 come, or have special needs: Provided further, That, not-  
16 withstanding any other provision of law, the Secretary of  
17 Veterans Affairs shall give priority funding for the provi-  
18 sion of basic medical benefits to veterans in enrollment pri-  
19 ority groups 1 through 6: Provided further, That of the  
20 funds made available under this heading, \$1,100,000,000  
21 is for equipment and land and structures object classifica-  
22 tions only, which amount shall not become available for ob-  
23 ligation until August 1, 2004, and shall remain available  
24 until September 30, 2005: Provided further, That of the  
25 funds made available under this heading, not to exceed

1 \$1,100,000,000 shall be available until September 30, 2005:  
 2 Provided further, That of the funds made available under  
 3 this heading, the Secretary may transfer up to  
 4 \$400,000,000 to “Construction, major projects” for purposes  
 5 of implementing CARES subject to a determination by the  
 6 Secretary that such funds will improve access and quality  
 7 of veteran’s health care needs: Provided further, That, not-  
 8 withstanding any other provision of law, the Secretary of  
 9 Veterans Affairs may provide prescription drugs to enrolled  
 10 veterans with privately written prescriptions based on re-  
 11 quirements established by the Secretary: Provided further,  
 12 That the Secretary of Veterans Affairs shall conduct by con-  
 13 tract a program of recovery audits for the fee basis and  
 14 other medical services contracts with respect to payments  
 15 for hospital care; and, notwithstanding 31 U.S.C. 3302(b),  
 16 amounts collected, by setoff or otherwise, as the result of  
 17 such audits shall be available, without fiscal year limita-  
 18 tion, for the purposes for which funds are appropriated  
 19 under this heading and the purposes of paying a contractor  
 20 a percent of the amount collected as a result of an audit  
 21 carried out by the contractor: Provided further, That all  
 22 amounts so collected under the preceding proviso with re-  
 23 spect to a designated health care region (as that term is  
 24 defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net  
 25 of payments to the contractor, to that region: Provided fur-



1 *ther, That such sums as may be deposited to the Medical*  
 2 *Care Collections Fund pursuant to 38 U.S.C. 1729A may*  
 3 *be transferred to this account, to remain available until ex-*  
 4 *pended for the purposes of this account: Provided further,*  
 5 *That Medical Care Collections Funds may be used for con-*  
 6 *struction, alteration and improvement of any parking facil-*  
 7 *ity set forth in 38 U.S.C. 8109: Provided further, That of*  
 8 *the unobligated balances remaining from prior year recov-*  
 9 *eries under this heading, \$270,000,000 is rescinded.*

10 *For an additional amount for “Medical care”,*  
 11 *\$1,300,000,000.*

12 *MEDICAL AND PROSTHETIC RESEARCH*

13 *For necessary expenses in carrying out programs of*  
 14 *medical and prosthetic research and development as author-*  
 15 *ized by 38 U.S.C. chapter 73, to remain available until*  
 16 *September 30, 2005, \$413,000,000 plus reimbursements.*

17 *MEDICAL ADMINISTRATION AND MISCELLANEOUS*

18 *OPERATING EXPENSES*

19 *For necessary expenses in the administration of the*  
 20 *medical, hospital, nursing home, domiciliary, construction,*  
 21 *supply, and research activities, as authorized by law; ad-*  
 22 *ministrative expenses in support of capital policy activities,*  
 23 *\$79,146,000: Provided further, That of the funds made*  
 24 *available under this heading, not to exceed, \$4,000,000 shall*  
 25 *be available until September 30, 2005, plus reimbursements:*  
 26 *Provided further, That technical and consulting services of-*

1 *ferred by the Facilities Management Field Support Service,*  
 2 *including project management and real property adminis-*  
 3 *tration (including leases, site acquisition and disposal ac-*  
 4 *tivities directly supporting projects), shall be provided to*  
 5 *Department of Veterans Affairs components only on a reim-*  
 6 *bursable basis, and such amounts will remain available*  
 7 *until September 30, 2004.*

8 *DEPARTMENTAL ADMINISTRATION*

9 *GENERAL OPERATING EXPENSES*

10 *For necessary operating expenses of the Department of*  
 11 *Veterans Affairs, not otherwise provided for, including ad-*  
 12 *ministrative expenses in support of department-wide cap-*  
 13 *ital planning, management and policy activities, uniforms*  
 14 *or allowances therefor; not to exceed \$25,000 for official re-*  
 15 *ception and representation expenses; hire of passenger*  
 16 *motor vehicles; and reimbursement of the General Services*  
 17 *Administration for security guard services, and the Depart-*  
 18 *ment of Defense for the cost of overseas employee mail,*  
 19 *\$1,283,272,000: Provided, That expenses for services and as-*  
 20 *sistance authorized under 38 U.S.C. 3104(a)(1), (2), (5),*  
 21 *and (11) that the Secretary determines are necessary to en-*  
 22 *able entitled veterans: (1) to the maximum extent feasible,*  
 23 *to become employable and to obtain and maintain suitable*  
 24 *employment; or (2) to achieve maximum independence in*  
 25 *daily living, shall be charged to this account: Provided fur-*

1 *ther, That the Veterans Benefits Administration shall be*  
 2 *funded at not less than \$1,004,704,000: Provided further,*  
 3 *That of the funds made available under this heading, not*  
 4 *to exceed \$64,000,000 shall be available for obligation until*  
 5 *September 30, 2005: Provided further, That from the funds*  
 6 *made available under this heading, the Veterans Benefits*  
 7 *Administration may purchase up to two passenger motor*  
 8 *vehicles for use in operations of that Administration in Ma-*  
 9 *nila, Philippines.*

10 NATIONAL CEMETERY ADMINISTRATION

11 *For necessary expenses of the National Cemetery Ad-*  
 12 *ministration for operations and maintenance, not otherwise*  
 13 *provided for, including uniforms or allowances therefor;*  
 14 *cemeterial expenses as authorized by law; purchase of one*  
 15 *passenger motor vehicle for use in cemeterial operations;*  
 16 *and hire of passenger motor vehicles, \$144,203,000: Pro-*  
 17 *vided, That of the funds made available under this heading,*  
 18 *not to exceed \$7,200,000 shall be available until September*  
 19 *30, 2005.*

20 OFFICE OF INSPECTOR GENERAL

21 *For necessary expenses of the Office of Inspector Gen-*  
 22 *eral in carrying out the provisions of the Inspector General*  
 23 *Act of 1978, as amended, \$62,250,000, to remain available*  
 24 *until September 30, 2005.*

1                    *CONSTRUCTION, MAJOR PROJECTS*

2            *For constructing, altering, extending and improving*  
3 *any of the facilities under the jurisdiction or for the use*  
4 *of the Department of Veterans Affairs, or for any of the*  
5 *purposes set forth in sections 316, 2404, 2406, 8102, 8103,*  
6 *8106, 8108, 8109, 8110, and 8122 of title 38, United States*  
7 *Code, including planning, architectural and engineering*  
8 *services, maintenance or guarantee period services costs as-*  
9 *sociated with equipment guarantees provided under the*  
10 *project, services of claims analysts, offsite utility and storm*  
11 *drainage system construction costs, and site acquisition,*  
12 *where the estimated cost of a project is more than the*  
13 *amount set forth in 38 U.S.C. 8104(a)(3)(A) or where funds*  
14 *for a project were made available in a previous major*  
15 *project appropriation, \$272,690,000, to remain available*  
16 *until expended, of which \$183,000,000 shall be for Capital*  
17 *Asset Realignment for Enhanced Services (CARES) activi-*  
18 *ties; and of which \$10,000,000 shall be to make reimburse-*  
19 *ments as provided in 41 U.S.C. 612 for claims paid for*  
20 *contract disputes: Provided, That except for advance plan-*  
21 *ning activities, including needs assessments which may or*  
22 *may not lead to capital investments, and other capital asset*  
23 *management related activities, such as portfolio develop-*  
24 *ment and management activities, and investment strategy*  
25 *studies funded through the advance planning fund and the*

1 *planning and design activities funded through the design*  
 2 *fund and CARES funds, including needs assessments which*  
 3 *may or may not lead to capital investments, none of the*  
 4 *funds appropriated under this heading shall be used for any*  
 5 *project which has not been approved by the Congress in the*  
 6 *budgetary process: Provided further, That funds provided*  
 7 *in this appropriation for fiscal year 2004, for each ap-*  
 8 *proved project (except those for CARES activities referenced*  
 9 *above) shall be obligated: (1) by the awarding of a construc-*  
 10 *tion documents contract by September 30, 2004; and (2)*  
 11 *by the awarding of a construction contract by September*  
 12 *30, 2005: Provided further, That the Secretary of Veterans*  
 13 *Affairs shall promptly report in writing to the Committees*  
 14 *on Appropriations any approved major construction project*  
 15 *in which obligations are not incurred within the time limi-*  
 16 *tations established above: Provided further, That no funds*  
 17 *from any other account except the “Parking revolving*  
 18 *fund”, may be obligated for constructing, altering, extend-*  
 19 *ing, or improving a project which was approved in the*  
 20 *budget process and funded in this account until 1 year after*  
 21 *substantial completion and beneficial occupancy by the De-*  
 22 *partment of Veterans Affairs of the project or any part*  
 23 *thereof with respect to that part only.*

24 *CONSTRUCTION, MINOR PROJECTS*

25 *For constructing, altering, extending, and improving*  
 26 *any of the facilities under the jurisdiction or for the use*

1 of the Department of Veterans Affairs, including planning  
2 and assessments of needs which may lead to capital invest-  
3 ments, architectural and engineering services, maintenance  
4 or guarantee period services costs associated with equipment  
5 guarantees provided under the project, services of claims an-  
6 alysts, offsite utility and storm drainage system construc-  
7 tion costs, and site acquisition, or for any of the purposes  
8 set forth in sections 316, 2404, 2406, 8102, 8103, 8106,  
9 8108, 8109, 8110, 8122, and 8162 of title 38, United States  
10 Code, where the estimated cost of a project is equal to or  
11 less than the amount set forth in 38 U.S.C. 8104(a)(3)(A),  
12 \$252,144,000, to remain available until expended, along  
13 with unobligated balances of previous “Construction, minor  
14 projects” appropriations which are hereby made available  
15 for any project where the estimated cost is equal to or less  
16 than the amount set forth in 38 U.S.C. 8104(a)(3)(A), of  
17 which \$42,000,000 shall be for Capital Asset Realignment  
18 for Enhanced Services (CARES) activities: Provided, That  
19 from amounts appropriated under this heading, additional  
20 amounts may be used for CARES activities upon notifica-  
21 tion of and approval by the Committees on Appropriations:  
22 Provided further, That funds in this account shall be avail-  
23 able for: (1) repairs to any of the nonmedical facilities  
24 under the jurisdiction or for the use of the department  
25 which are necessary because of loss or damage caused by

1 *any natural disaster or catastrophe; and (2) temporary*  
 2 *measures necessary to prevent or to minimize further loss*  
 3 *by such causes.*

4 *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*  
 5 *FACILITIES*

6 *For grants to assist States to acquire or construct*  
 7 *State nursing home and domiciliary facilities and to re-*  
 8 *model, modify or alter existing hospital, nursing home and*  
 9 *domiciliary facilities in State homes, for furnishing care*  
 10 *to veterans as authorized by 38 U.S.C. 8131–8137,*  
 11 *\$102,100,000, to remain available until expended.*

12 *GRANTS FOR THE CONSTRUCTION OF STATE VETERANS*  
 13 *CEMETERIES*

14 *For grants to aid States in establishing, expanding,*  
 15 *or improving State veterans cemeteries as authorized by 38*  
 16 *U.S.C. 2408, \$32,000,000, to remain available until ex-*  
 17 *pended.*

18 *ADMINISTRATIVE PROVISIONS*  
 19 *(INCLUDING TRANSFER OF FUNDS)*

20 *SEC. 101. Any appropriation for fiscal year 2004 for*  
 21 *“Compensation and pensions”, “Readjustment benefits”,*  
 22 *and “Veterans insurance and indemnities” may be trans-*  
 23 *ferred to any other of the mentioned appropriations.*

24 *SEC. 102. Appropriations available to the Department*  
 25 *of Veterans Affairs for fiscal year 2004 for salaries and ex-*

1 *penses shall be available for services authorized by 5 U.S.C.*  
2 *3109.*

3 *SEC. 103. No appropriations in this Act for the De-*  
4 *partment of Veterans Affairs (except the appropriations for*  
5 *“Construction, major projects”, “Construction, minor*  
6 *projects”, and the “Parking revolving fund”) shall be avail-*  
7 *able for the purchase of any site for or toward the construc-*  
8 *tion of any new hospital or home.*

9 *SEC. 104. No appropriations in this Act for the De-*  
10 *partment of Veterans Affairs shall be available for hos-*  
11 *pitalization or examination of any persons (except bene-*  
12 *ficiaries entitled under the laws bestowing such benefits to*  
13 *veterans, and persons receiving such treatment under 5*  
14 *U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reim-*  
15 *bursement of cost is made to the “Medical care” account*  
16 *at such rates as may be fixed by the Secretary of Veterans*  
17 *Affairs.*

18 *SEC. 105. Appropriations available to the Department*  
19 *of Veterans Affairs for fiscal year 2004 for “Compensation*  
20 *and pensions”, “Readjustment benefits”, and “Veterans in-*  
21 *surance and indemnities” shall be available for payment*  
22 *of prior year accrued obligations required to be recorded*  
23 *by law against the corresponding prior year accounts with-*  
24 *in the last quarter of fiscal year 2003.*



1       *SEC. 106. Appropriations accounts available to the De-*  
2 *partment of Veterans Affairs for fiscal year 2004 shall be*  
3 *available to pay prior year obligations of corresponding*  
4 *prior year appropriations accounts resulting from title X*  
5 *of the Competitive Equality Banking Act, Public Law 100–*  
6 *86, except that if such obligations are from trust fund ac-*  
7 *counts they shall be payable from “Compensation and pen-*  
8 *sions”.*

9       *SEC. 107. Notwithstanding any other provision of law,*  
10 *during fiscal year 2004, the Secretary of Veterans Affairs*  
11 *shall, from the National Service Life Insurance Fund (38*  
12 *U.S.C. 1920), the Veterans’ Special Life Insurance Fund*  
13 *(38 U.S.C. 1923), and the United States Government Life*  
14 *Insurance Fund (38 U.S.C. 1955), reimburse the “General*  
15 *operating expenses” account for the cost of administration*  
16 *of the insurance programs financed through those accounts:*  
17 *Provided, That reimbursement shall be made only from the*  
18 *surplus earnings accumulated in an insurance program in*  
19 *fiscal year 2004 that are available for dividends in that*  
20 *program after claims have been paid and actuarially deter-*  
21 *mined reserves have been set aside: Provided further, That*  
22 *if the cost of administration of an insurance program ex-*  
23 *ceeds the amount of surplus earnings accumulated in that*  
24 *program, reimbursement shall be made only to the extent*  
25 *of such surplus earnings: Provided further, That the Sec-*

1   retary shall determine the cost of administration for fiscal  
2   year 2004 which is properly allocable to the provision of  
3   each insurance program and to the provision of any total  
4   disability income insurance included in such insurance  
5   program.

6       SEC. 108. Notwithstanding any other provision of law,  
7   the Department of Veterans Affairs shall continue the Fran-  
8   chise Fund pilot program authorized to be established by  
9   section 403 of Public Law 103–356 until October 1, 2004:  
10  Provided, That the Franchise Fund, established by title I  
11  of Public Law 104–204 to finance the operations of the  
12  Franchise Fund pilot program, shall continue until October  
13  1, 2004.

14       SEC. 109. Amounts deducted from enhanced-use lease  
15  proceeds to reimburse an account for expenses incurred by  
16  that account during a prior fiscal year for providing en-  
17  hanced-use lease services, may be obligated during the fiscal  
18  year in which the proceeds are received.

19       SEC. 110. Funds available in any Department of Vet-  
20  erans Affairs appropriation for fiscal year 2004 or funds  
21  for salaries and other administrative expenses shall also be  
22  available to reimburse the Office of Resolution Management  
23  and the Office of Employment Discrimination Complaint  
24  Adjudication for all services provided at rates which will  
25  recover actual costs but not exceed \$29,318,000 for the Office

1 *of Resolution Management and \$3,059,000 for the Office of*  
 2 *Employment and Discrimination Complaint Adjudication:*  
 3 *Provided, That payments may be made in advance for serv-*  
 4 *ices to be furnished based on estimated costs: Provided fur-*  
 5 *ther, That amounts received shall be credited to “General*  
 6 *operating expenses” for use by the office that provided the*  
 7 *service.*

8       *SEC. 111. No appropriations in this Act for the De-*  
 9 *partment of Veterans Affairs shall be available to enter into*  
 10 *any new lease of real property if the estimated annual rent-*  
 11 *al is more than \$300,000 unless the Secretary submits a*  
 12 *report which the Committees on Appropriations of the Con-*  
 13 *gress approve within 30 days following the date on which*  
 14 *the report is received.*

15       *SEC. 112. No appropriations in this Act for the De-*  
 16 *partment of Veterans Affairs shall be available for hos-*  
 17 *pitalization or treatment of any person by reason of eligi-*  
 18 *bility under section 1710(a)(3) of title 38, United States*  
 19 *Code, unless that person has disclosed to the Secretary of*  
 20 *Veterans Affairs, in such form as the Secretary may*  
 21 *require—*

22               *(1) current, accurate third-party reimbursement*  
 23       *information for purposes of section 1729 of such title;*  
 24       *and*

1           (2) *annual income information for purposes of*  
2           *section 1722 of such title.*

3           *SEC. 113. None of the funds in this Act may be used*  
4           *to implement sections 2 and 5 of Public Law 107–287.*

5           *SEC. 114. Receipts that would otherwise be credited to*  
6           *the Veterans Extended Care Revolving Fund, the Medical*  
7           *Facilities Revolving Fund, the Special Therapeutic and Re-*  
8           *habilitation Fund, the Nursing Home Revolving Fund, the*  
9           *Veterans Health Services Improvement Fund, and the Park-*  
10          *ing Revolving Fund shall be deposited into the Medical Care*  
11          *Collections Fund, and shall be transferred to the Medical*  
12          *Care account, to remain available until expended, to carry*  
13          *out the purposes of the Medical Care account.*

14          *SEC. 115. Notwithstanding any other provision of law,*  
15          *at the discretion of the Secretary of Veterans Affairs, pro-*  
16          *ceeds or revenues derived from enhanced-use leasing activi-*  
17          *ties (including disposal) that are deposited into the Medical*  
18          *Care Collections Fund may be transferred and merged with*  
19          *major construction and minor construction accounts and*  
20          *be used for construction (including site acquisition and dis-*  
21          *position), alterations and improvements of any medical fa-*  
22          *cility under the jurisdiction or for the use of the Depart-*  
23          *ment of Veterans Affairs. Such sums as realized are in addi-*  
24          *tion to the amount provided for in the Major and Minor*  
25          *Construction appropriations.*

1       *SEC. 116. Notwithstanding paragraph (2) of section*  
2   *8163(c) of title 38, United States Code, the Secretary of Vet-*  
3   *erans Affairs may enter into an enhanced-use lease with*  
4   *the Medical University Hospital Authority, a public au-*  
5   *thority of the State of South Carolina, for approximately*  
6   *0.48 acres of underutilized property at the Charleston De-*  
7   *partment of Veterans Affairs Medical Center, Charleston,*  
8   *South Carolina, at any time after 30 days after the date*  
9   *of the submittal of the notice required by paragraph (1)*  
10   *of that section with respect to such property. The Secretary*  
11   *is not required to submit a report on the lease as otherwise*  
12   *required by paragraph (4) of that section.*

13       *SEC. 117. Notwithstanding any other provision of law,*  
14   *the Secretary of Veterans Affairs shall make the North Chi-*  
15   *cago VA Medical Center available to the Navy to the max-*  
16   *imum extent feasible. The Secretary shall report to the Sen-*  
17   *ate Appropriations Committee by June 30, 2004, regarding*  
18   *the progress in modifying North Chicago VA Medical Cen-*  
19   *ter's surgical suite and emergency and urgent care centers*  
20   *for use by veterans and Department of Defense beneficiaries.*  
21   *Further, the Secretary shall consider having the new joint*  
22   *VA/Navy ambulatory care center to serve both veterans and*  
23   *Department of Defense beneficiaries sited on or adjacent to*  
24   *the North Chicago VA Medical Center and shall consult*  
25   *with the Secretary of the Navy to select the site for the cen-*

1 *ter. The Secretary of Veterans Affairs shall report to the*  
 2 *Senate Appropriations Committee on the site selection by*  
 3 *June 30, 2004.*

4 *SEC. 118. (a) TREATMENT OF PIONEER HOMES IN*  
 5 *ALASKA AS STATE HOME FOR VETERANS.—The Secretary*  
 6 *of Veterans Affairs may—*

7 *(1) treat the Pioneer Homes in the State of Alas-*  
 8 *ka collectively as a single State home for veterans for*  
 9 *purposes of section 1741 of title 38, United States*  
 10 *Code; and*

11 *(2) make per diem payments to the State of*  
 12 *Alaska for care provided to veterans in the Pioneer*  
 13 *Homes in accordance with the provisions of that sec-*  
 14 *tion.*

15 *(b) TREATMENT NOTWITHSTANDING NON-VETERAN*  
 16 *RESIDENCY.—The Secretary shall treat the Pioneer Homes*  
 17 *as a State home under subsection (a) notwithstanding the*  
 18 *residency of non-veterans in one or more of the Pioneer*  
 19 *Homes.*

20 *(c) PIONEER HOMES DEFINED.—In this section, the*  
 21 *term “Pioneer Homes” means the six regional homes in the*  
 22 *State of Alaska known as Pioneer Homes, which are located*  
 23 *in the following:*

24 *(1) Anchorage, Alaska.*

25 *(2) Fairbanks, Alaska.*

1           (3) *Juneau, Alaska.*

2           (4) *Ketchikan, Alaska.*

3           (5) *Palmer, Alaska.*

4           (6) *Sitka, Alaska.*

5           SEC. 119. (a) *FINDINGS ON ACCESS TO PRIMARY*  
 6 *HEALTH CARE OF VETERANS IN RURAL AREAS.—The Sen-*  
 7 *ate makes the following findings:*

8           (1) *The Secretary of Veterans Affairs has ap-*  
 9 *pointed a commission, called the Capital Asset Re-*  
 10 *alignment for Enhanced Services (CARES) Commis-*  
 11 *sion, and directed it to make specific recommenda-*  
 12 *tions regarding the realignment and allocation of*  
 13 *capital assets necessary to meet the demand for vet-*  
 14 *erans health care services over the next 20 years.*

15          (2) *The Department of Veterans Affairs accessi-*  
 16 *bility standard for primary health care provides that*  
 17 *at least 70 percent of the veterans enrolled in each of*  
 18 *the regional “markets” of the Department should live*  
 19 *within a specified driving time of a Department pri-*  
 20 *mary care facility. That driving time is 30 minutes*  
 21 *for veterans living in urban and rural areas and 60*  
 22 *minutes for veterans living in highly rural areas.*

23          (3) *The Draft National CARES Plan issued by*  
 24 *the Under Secretary for Health would place veterans*  
 25 *in 18 rural and highly rural regional markets outside*

1     *the Department accessibility standard for primary*  
 2     *health care until at least fiscal year 2022, which*  
 3     *means that thousands of veterans will have to con-*  
 4     *tinuing traveling up to 3–4 hours each way to visit*  
 5     *a Department primary care facility.*

6             *(4) The 18 rural and highly rural markets that*  
 7     *will remain outside the Department accessibility*  
 8     *standard for primary health care comprise all or*  
 9     *parts of Arkansas, Idaho, Illinois, Indiana, Iowa,*  
 10     *Kansas, Kentucky, Louisiana, Maine, Minnesota,*  
 11     *Mississippi, Missouri, Montana, Nebraska, North*  
 12     *Carolina, North Dakota, Ohio, Oklahoma, Oregon,*  
 13     *South Dakota, Tennessee, Texas, Virginia, Wash-*  
 14     *ington, and West Virginia.*

15            *(5) Health care facilities for veterans are dis-*  
 16     *proportionately needed in rural and highly rural*  
 17     *areas because the residents of such areas are generally*  
 18     *older, poorer, and sicker than their urban counter-*  
 19     *parts.*

20            *(b) SENSE OF SENATE.—It is the sense of the Senate*  
 21     *that—*

22             *(1) the CARES Commission should give as much*  
 23     *attention to solving the special needs of veterans who*  
 24     *live in rural areas as it does to providing for the*



1        *health care needs of veterans living in more highly*  
2        *populated areas;*

3            *(2) the CARES Commission should reject the*  
4        *portions of the Draft National CARES Plan that*  
5        *would prevent any regional market of the Department*  
6        *from complying with the Department accessibility*  
7        *standard for primary health care, which provides that*  
8        *at least 70 percent of the veterans residing in each*  
9        *market be within specified driving times of a Depart-*  
10       *ment primary care facility; and*

11           *(3) the CARES Commission should recommend*  
12       *to the Secretary the investments and initiatives that*  
13       *are necessary to achieve the Department accessibility*  
14       *standard for primary health care in each of the rural*  
15       *and highly rural health care markets of the Depart-*  
16       *ment.*

17       *SEC. 120. Not later than 120 days after the date of*  
18       *the enactment of this Act, the Secretary of Veterans Affairs*  
19       *shall enter into an agreement with the Institute of Medicine*  
20       *of the National Academy of Sciences under which agreement*  
21       *the Institute of Medicine shall develop and evaluate epide-*  
22       *miological studies on Vietnam veterans in accordance with*  
23       *the recommendations of the 2003 National Academy of*  
24       *Sciences report entitled “Characterizing Exposure of Vet-*

erans to Agent Orange and Other Herbicides Used in Vietnam: Interim Findings and Recommendations”.

SEC. 121. No funds appropriated or otherwise made available for the Department of Veterans Affairs by this Act or any other Act may be obligated or expended to implement the policy contained in the memorandum of the Department of Veterans Affairs dated July 18, 2002, from the Deputy Under Secretary for Health for Operations and Management with the subject “Status of VHA Enrollment and Associated Issues” or any other policy prohibiting the Directors of the Veterans Integrated Service Networks (VISNs) from conducting outreach or marketing to enroll new veterans within their Networks.

## TITLE II—DEPARTMENT OF HOUSING AND

### URBAN DEVELOPMENT

#### PUBLIC AND INDIAN HOUSING

##### HOUSING CERTIFICATE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities and assistance under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (“the Act” herein), not otherwise provided for, \$18,433,606,000, and amounts that are recaptured in this account, to remain available until expended: Provided, That of the amounts made available under this heading, \$14,233,606,379 and the aforementioned recaptures shall be available on October 1, 2003 and \$4,200,000,000 shall be

1 *available on October 1, 2004: Provided further, That*  
2 *amounts made available under this heading are provided*  
3 *as follows:*

4           (1) \$16,202,616,000 for expiring or terminating  
5       section 8 project-based subsidy contracts (including  
6       section 8 moderate rehabilitation contracts), for  
7       amendments to section 8 project-based subsidy con-  
8       tracts, for contracts entered into pursuant to section  
9       441 of the McKinney-Vento Homeless Assistance Act,  
10      for the 1-year renewal of section 8 contracts for units  
11      in projects that are subject to approved plans of ac-  
12      tion under the Emergency Low Income Housing Pres-  
13      ervation Act of 1987 or the Low-Income Housing  
14      Preservation and Resident Homeownership Act of  
15      1990, and for renewals of expiring section 8 tenant-  
16      based annual contributions contracts (including  
17      amendments and renewals of enhanced vouchers  
18      under any provision of law authorizing such assist-  
19      ance under section 8(t) of the Act (42 U.S.C.  
20      1437f(t))): Provided, That notwithstanding any other  
21      provision of law, the Secretary shall renew expiring  
22      section 8 tenant-based annual contributions contracts  
23      for each public housing agency (including for agencies  
24      participating in the Moving to Work demonstration,  
25      unit months representing section 8 tenant-based as-

1        *sistance funds committed by the public housing agen-*  
2        *cy for specific purposes, other than reserves, that are*  
3        *authorized pursuant to any agreement and conditions*  
4        *entered into under such demonstration, and utilized*  
5        *in compliance with any applicable program obliga-*  
6        *tion deadlines) based on the total number of unit*  
7        *months which were under lease as reported on the*  
8        *most recent end-of-year financial statement submitted*  
9        *by the public housing agency to the Department, ad-*  
10       *justed by such additional information submitted by*  
11       *the public housing agency to the Secretary which the*  
12       *Secretary determines to be timely and reliable regard-*  
13       *ing the total number of unit months under lease at*  
14       *the time of renewal of the annual contributions con-*  
15       *tract, and by applying an inflation factor based on*  
16       *local or regional factors to the actual per unit cost as*  
17       *reported: Provided further, That funds may be made*  
18       *available in this paragraph to support a total number*  
19       *of unit months under lease that exceeds a public hous-*  
20       *ing agency's authorized level of units under lease to*  
21       *the extent that the use of these funds is part of a*  
22       *strategy for a public housing agency to attain its au-*  
23       *thorized level of units under contract: Provided fur-*  
24       *ther, That when a public housing agency is over its*  
25       *authorized contract level, that public housing agency*

1     *may not issue another voucher (including turnover*  
2     *vouchers) until that public housing agency is at or*  
3     *below its authorized contract level for vouchers.*

4             *(2) \$461,329,000 for a central fund to be allo-*  
5     *cated by the Secretary for the support of section 8*  
6     *subsidy contracts or amendments to such contracts,*  
7     *and for such other purposes as are set forth in this*  
8     *paragraph: Provided, That subject to the following*  
9     *proviso, the Secretary shall use amounts in such fund,*  
10    *as necessary, for contract amendments to maintain*  
11    *the total number of unit months under lease (up to*  
12    *the authorized level) including turnover and*  
13    *reissuance of authorized vouchers, and for contract*  
14    *amendments resulting from a significant increase in*  
15    *per-unit costs, or otherwise provide funds so that pub-*  
16    *lic housing agencies may lease units up to their au-*  
17    *thorized unit level: Provided further, That the Sec-*  
18    *retary may use up to \$36,000,000 in such funds for*  
19    *incremental vouchers under section 8 of the Act to be*  
20    *used for non-elderly disabled families affected by the*  
21    *designation of a public housing development under*  
22    *section 7 of the Act, the establishment of preferences*  
23    *in accordance with section 651 of the Housing and*  
24    *Community Development Act of 1992 (42 U.S.C.*  
25    *13611), or the restriction of occupancy to elderly fam-*

1 *ilies in accordance with section 658 of such Act (42*  
2 *U.S.C. 13618): Provided further, That the Secretary*  
3 *may only allocate the incremental vouchers under the*  
4 *previous proviso upon a determination that there are*  
5 *adequate funds under this heading to fund all voucher*  
6 *needs in this fiscal year: Provided further, That if a*  
7 *public housing agency, at any point in time during*  
8 *their fiscal year, has obligated the amounts made*  
9 *available to such agency pursuant to paragraph (1)*  
10 *under this heading for the renewal of expiring section*  
11 *8 tenant-based annual contributions contracts, and if*  
12 *such agency has expended 50 percent of the amounts*  
13 *available to such agency in its annual contributions*  
14 *contract reserve account, the Secretary shall make*  
15 *available such amounts as are necessary from*  
16 *amounts available from such central fund to fund*  
17 *amendments under the preceding proviso within 30*  
18 *days of a request from such agency: Provided further,*  
19 *That none of the funds made available in this para-*  
20 *graph may be used to support a total number of unit*  
21 *months under lease which exceeds a public housing*  
22 *agency's authorized level of units under contract: Pro-*  
23 *vided further, That the Secretary shall provide quar-*  
24 *terly reports to the Committees on Appropriations of*

1        *the House and the Senate on the obligation of funds*  
2        *provided in this paragraph;*

3                (3) \$252,203,000 for section 8 rental assistance  
4        *for relocation and replacement of housing units that*  
5        *are demolished or disposed of pursuant to the Omni-*  
6        *bus Consolidated Rescissions and Appropriations Act*  
7        *of 1996 (Public Law 104–134), conversion of section*  
8        *23 projects to assistance under section 8, the family*  
9        *unification program under section 8(x) of the Act, re-*  
10       *location of witnesses in connection with efforts to*  
11       *combat crime in public and assisted housing pursu-*  
12       *ant to a request from a law enforcement or prosecu-*  
13       *tion agency, enhanced vouchers under any provision*  
14       *of law authorizing such assistance under section 8(t)*  
15       *of the Act (42 U.S.C.1437f(t)), and tenant protection*  
16       *assistance, including replacement and relocation as-*  
17       *sistance;*

18                (4) \$72,000,000 for family self-sufficiency coordi-  
19        *nators under section 23 of the Act;*

20                (5) not to exceed \$1,339,448,400 for administra-  
21        *tive and other expenses of public housing agencies in*  
22        *administering the section 8 tenant-based rental assist-*  
23        *ance program: Provided, That the fee otherwise au-*  
24        *thorized under section 8(q) of the Act shall be deter-*  
25        *mined in accordance with section 8(q), as in effect*

1       *immediately before the enactment of the Quality*  
2       *Housing and Work Responsibility Act of 1998;*

3               (6) \$100,000,000 for contract administrators for  
4       *section 8 project-based assistance;*

5               (7) not less than \$3,010,000 shall be transferred  
6       *to the Working Capital Fund for the development of*  
7       *and modifications to information technology systems*  
8       *which serve activities under “Public and Indian*  
9       *Housing”;* and

10              (8) up to \$3,000,000 for an outside audit by a  
11       *major accounting firm to assess the current status of*  
12       *all funds within this account, including the amounts*  
13       *of obligated and unobligated funds for all programs*  
14       *funded under this heading for fiscal year 2004 as well*  
15       *as the availability of funds currently appropriated*  
16       *under this heading for fiscal years 2005 and there-*  
17       *after.*

18       *The Secretary may transfer up to 15 percent of funds*  
19       *provided under paragraphs (1), (2), (3) or (5), herein to*  
20       *paragraphs (1), (2), (3) or (5), if the Secretary determines*  
21       *that such action is necessary because the funding provided*  
22       *under one such paragraph otherwise would be depleted and*  
23       *as a result, the maximum utilization of section 8 tenant-*  
24       *based assistance with the funds appropriated for this pur-*  
25       *pose by this Act would not be feasible: Provided, That prior*



1 to undertaking the transfer of funds in excess of 10 percent  
2 from any paragraph pursuant to the previous proviso, the  
3 Secretary shall notify the Chairman and Ranking Member  
4 of the Subcommittees on Veterans Affairs and Housing and  
5 Urban Development, and Independent Agencies of the Com-  
6 mittees on Appropriations of the House of Representatives  
7 and the Senate and shall not transfer any such funds until  
8 30 days after such notification: Provided further, That,  
9 hereafter, the Secretary shall require public housing agen-  
10 cies to submit accounting data for funds disbursed under  
11 this heading in this Act and prior Acts by source and pur-  
12 pose of such funds: Provided further, That incremental  
13 vouchers previously made available under this heading for  
14 non-elderly disabled families shall, to the extent practicable,  
15 continue to be provided to non-elderly disabled families  
16 upon turnover: Provided further, That \$1,372,000,000 is re-  
17 scinded from unobligated balances remaining from funds  
18 appropriated to the Department of Housing and Urban De-  
19 velopment under this heading or the heading “Annual con-  
20 tributions for assisted housing” or any other heading for  
21 fiscal year 2003 and prior years, to be effected by the Sec-  
22 retary no later than September 30, 2004: Provided further,  
23 That any such balances governed by reallocation provisions  
24 under the statute authorizing the program for which the  
25 funds were originally appropriated shall be available for

1 *the rescission: Provided further, That any obligated bal-*  
 2 *ances of contract authority from fiscal year 1974 and prior*  
 3 *that have been terminated shall be cancelled.*

4 *PUBLIC HOUSING CAPITAL FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For the Public Housing Capital Fund Program to*  
 7 *carry out capital and management activities for public*  
 8 *housing agencies, as authorized under section 9 of the*  
 9 *United States Housing Act of 1937, as amended (42 U.S.C.*  
 10 *1437g), \$2,641,000,000 (the “Act”), to remain available*  
 11 *until September 30, 2007: Provided, That of the total*  
 12 *amount provided under this heading, in addition to*  
 13 *amounts otherwise allocated under this heading,*  
 14 *\$400,000,000 shall be allocated for such capital and man-*  
 15 *agement activities only among public housing agencies that*  
 16 *have obligated all assistance for the agency for fiscal years*  
 17 *2001 and 2002 made available under this same heading in*  
 18 *accordance with the requirements under paragraphs (1)*  
 19 *and (2) of section 9(j) of such Act: Provided further, That*  
 20 *notwithstanding any other provision of law or regulation,*  
 21 *during fiscal year 2004, the Secretary may not delegate to*  
 22 *any Department official other than the Deputy Secretary*  
 23 *any authority under paragraph (2) of such section 9(j) re-*  
 24 *garding the extension of the time periods under such section*  
 25 *for obligation of amounts made available for fiscal years*  
 26 *1998, 1999, 2000, 2001, 2002, 2003, or 2004: Provided fur-*

1 *ther, That with respect to any amounts made available*  
 2 *under the Public Housing Capital Fund for fiscal years*  
 3 *1999, 2000, 2001, 2002, 2003, or 2004 that remain unobli-*  
 4 *gated in violation of paragraph (1) of such section 9(j) or*  
 5 *unexpended in violation of paragraph (5)(A) of such section*  
 6 *9(j), the Secretary shall recapture any such amounts and*  
 7 *reallocate such amounts among public housing agencies de-*  
 8 *termined under 6(j) of the Act to be high-performing: Pro-*  
 9 *vided further, That for purposes of this heading, the term*  
 10 *“obligate” means, with respect to amounts, that the*  
 11 *amounts are subject to a binding agreement that will result*  
 12 *in outlays immediately or in the future: Provided further,*  
 13 *That of the total amount provided under this heading, up*  
 14 *to \$50,000,000 shall be for carrying out activities under sec-*  
 15 *tion 9(h) of such Act, of which up to \$13,000,000 shall be*  
 16 *for the provision of remediation services to public housing*  
 17 *agencies identified as “troubled” under the Section 8 Man-*  
 18 *agement Assessment Program and for surveys used to cal-*  
 19 *culate local Fair Market Rents and assess housing condi-*  
 20 *tions in connection with rental assistance under section 8*  
 21 *of the Act: Provided further, That of the total amount pro-*  
 22 *vided under this heading, up to \$500,000 shall be for lease*  
 23 *adjustments to section 23 projects, and no less than*  
 24 *\$10,610,000 shall be transferred to the Working Capital*  
 25 *Fund for the development of and modifications to informa-*

1 *tion technology systems which serve programs or activities*  
 2 *under “Public and Indian housing”: Provided further, That*  
 3 *no funds may be used under this heading for the purposes*  
 4 *specified in section 9(k) of the United States Housing Act*  
 5 *of 1937, as amended: Provided further, That of the total*  
 6 *amount provided under this heading, up to \$40,000,000*  
 7 *shall be available for the Secretary of Housing and Urban*  
 8 *Development to make grants to public housing agencies for*  
 9 *emergency capital needs resulting from emergencies and*  
 10 *natural disasters in fiscal year 2003: Provided further,*  
 11 *That of the total amount provided under this heading,*  
 12 *\$15,000,000 shall be for Neighborhood Networks grants for*  
 13 *activities authorized in section 9(d)(1)(E) of the United*  
 14 *States Housing Act of 1937, as amended: Provided further,*  
 15 *That notwithstanding any other provision of law, amounts*  
 16 *made available in the previous proviso shall be awarded*  
 17 *to public housing agencies on a competitive basis as pro-*  
 18 *vided in section 102 of the Department of Housing and*  
 19 *Urban Development Reform Act of 1989: Provided further,*  
 20 *That of the total amount provided under this heading,*  
 21 *\$55,000,000 shall be for supportive services, service coordi-*  
 22 *nators and congregate services as authorized by section 34*  
 23 *of the Act and the Native American Housing Assistance and*  
 24 *Self-Determination Act of 1996: Provided further, That of*  
 25 *the total amount provided under this heading, up to*

1 \$125,000,000 shall be for grants and credit subsidy to sup-  
 2 port a loan guarantee and loan program for the develop-  
 3 ment of public housing units in mixed income housing de-  
 4 velopments: Provided further, That the first proviso under  
 5 this heading in the Departments of Veterans Affairs and  
 6 Housing and Urban Development, and Independent Agen-  
 7 cies Appropriations Act, 2003 is amended by striking  
 8 “1998, 1999”.

9 PUBLIC HOUSING OPERATING FUND

10 For payments to public housing agencies for the oper-  
 11 ation and management of public housing, as authorized by  
 12 section 9(e) of the United States Housing Act of 1937, as  
 13 amended (42 U.S.C. 1437g(e)), \$3,576,600,000: Provided,  
 14 That of the total amount provided under this heading,  
 15 \$10,000,000 shall be for programs, as determined appro-  
 16 priate by the Attorney General, which assist in the inves-  
 17 tigation, prosecution, and prevention of violent crimes and  
 18 drug offenses in public and federally-assisted low-income  
 19 housing, including Indian housing, which shall be adminis-  
 20 tered by the Department of Justice through a reimbursable  
 21 agreement with the Department of Housing and Urban De-  
 22 velopment: Provided further, That, in fiscal year 2004 and  
 23 all fiscal years hereafter, no amounts under this heading  
 24 in any appropriations Act may be used for payments to  
 25 public housing agencies for the costs of operation and man-  
 26 agement of public housing for any year prior to the current

1 *year of such Act: Provided further, That no funds may be*  
 2 *used under this heading for the purposes specified in section*  
 3 *9(k) of the United States Housing Act of 1937, as amended.*

4 *REVITALIZATION OF SEVERELY DISTRESSED PUBLIC*

5 *HOUSING (HOPE VI)*

6 *For grants to public housing agencies for demolition,*  
 7 *site revitalization, replacement housing, and tenant-based*  
 8 *assistance grants to projects as authorized by section 24 of*  
 9 *the United States Housing Act of 1937, as amended (“such*  
 10 *Act”), \$195,115,000, to remain available until expended:*  
 11 *Provided, That the Secretary may recapture funds from*  
 12 *grants previously awarded under this heading in fiscal year*  
 13 *1997 and prior fiscal years for use in making grants in*  
 14 *fiscal year 2004 as authorized under section 24 of such Act:*  
 15 *Provided further, That the Secretary may only recapture*  
 16 *grants under the previous proviso where the Secretary deter-*  
 17 *mines that a project is less than 90 percent complete and*  
 18 *that the project is unlikely to be completed successfully with-*  
 19 *in the next 2 fiscal years: Provided further, That the Sec-*  
 20 *retary shall not recapture funds from any HOPE VI project*  
 21 *that has unobligated funds due to litigation or a court or-*  
 22 *dered consent decree: Provided further, That the Secretary*  
 23 *shall establish an alternative housing plan to meet tenant*  
 24 *needs where the Secretary is recapturing HOPE VI funds*  
 25 *from a public housing agency with a failed HOPE VI*  
 26 *project and the Secretary may recapture only the amount*

1 *of funds which are not necessary to meet the requirements*  
 2 *of the alternative housing plan: Provided further, That the*  
 3 *Secretary shall report to the Congress by December 15, 2003*  
 4 *on the status of all HOPE VI projects that are unlikely*  
 5 *to be completed according to program requirements: Pro-*  
 6 *vided further, That the Secretary shall report to the Con-*  
 7 *gress on any decision to recapture funds from a HOPE VI*  
 8 *project, including the justification for the decision and the*  
 9 *provisions of the alternative housing plan: Provided further,*  
 10 *That the Secretary may use up to \$3,000,000 of the funds*  
 11 *made available under this heading for technical assistance*  
 12 *and contract expertise, to be provided directly or indirectly*  
 13 *by grants, contracts or cooperative agreements, including*  
 14 *training and cost of necessary travel for participants in*  
 15 *such training, by or to officials and employees of the depart-*  
 16 *ment and of public housing agencies and to residents: Pro-*  
 17 *vided further, That none of such funds shall be used directly*  
 18 *or indirectly by granting competitive advantage in awards*  
 19 *to settle litigation or pay judgments, unless expressly per-*  
 20 *mitted herein.*

21 *NATIVE AMERICAN HOUSING BLOCK GRANTS*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *For the Native American Housing Block Grants pro-*  
 24 *gram, as authorized under title I of the Native American*  
 25 *Housing Assistance and Self-Determination Act of 1996*  
 26 *(NAHASDA) (25 U.S.C. 4111 et seq.), \$646,600,000, to re-*

1 *main available until expended, of which \$2,200,000 shall*  
 2 *be contracted through the Secretary as technical assistance*  
 3 *and capacity building to be used by the National American*  
 4 *Indian Housing Council in support of the implementation*  
 5 *of NAHASDA; of which \$4,000,000 shall be to support the*  
 6 *inspection of Indian housing units, contract expertise,*  
 7 *training, and technical assistance in the training, over-*  
 8 *sight, and management of Indian housing and tenant-based*  
 9 *assistance, including up to \$300,000 for related travel; and*  
 10 *of which no less than \$2,720,000 shall be transferred to the*  
 11 *Working Capital Fund for development of and modifica-*  
 12 *tions to information technology systems which serve pro-*  
 13 *grams or activities under “Public and Indian housing”:*  
 14 *Provided, That of the amount provided under this heading,*  
 15 *\$2,000,000 shall be made available for the cost of guaran-*  
 16 *teed notes and other obligations, as authorized by title VI*  
 17 *of NAHASDA: Provided further, That such costs, including*  
 18 *the costs of modifying such notes and other obligations, shall*  
 19 *be as defined in section 502 of the Congressional Budget*  
 20 *Act of 1974, as amended: Provided further, That these funds*  
 21 *are available to subsidize the total principal amount of any*  
 22 *notes and other obligations, any part of which is to be guar-*  
 23 *anteed, not to exceed \$16,658,000: Provided further, That*  
 24 *for administrative expenses to carry out the guaranteed*  
 25 *loan program, up to \$150,000 from amounts in the first*



1 *proviso, which shall be transferred to and merged with the*  
 2 *appropriation for “Salaries and expenses”, to be used only*  
 3 *for the administrative costs of these guarantees.*

4 *INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM*

5 *ACCOUNT*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For the cost of guaranteed loans, as authorized by sec-*  
 8 *tion 184 of the Housing and Community Development Act*  
 9 *of 1992 (12 U.S.C. 1715z–13a), \$5,300,000, to remain*  
 10 *available until expended: Provided, That such costs, includ-*  
 11 *ing the costs of modifying such loans, shall be as defined*  
 12 *in section 502 of the Congressional Budget Act of 1974, as*  
 13 *amended: Provided further, That these funds are available*  
 14 *to subsidize total loan principal, any part of which is to*  
 15 *be guaranteed, not to exceed \$197,243,000.*

16 *In addition, for administrative expenses to carry out*  
 17 *the guaranteed loan program, up to \$250,000 from amounts*  
 18 *in the first paragraph, which shall be transferred to and*  
 19 *merged with the appropriation for “Salaries and expenses”,*  
 20 *to be used only for the administrative costs of these guaran-*  
 21 *tees.*

22 *NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND*

23 *PROGRAM ACCOUNT*

24 *(INCLUDING TRANSFER OF FUNDS)*

25 *For the cost of guaranteed loans, as authorized by sec-*  
 26 *tion 184A of the Housing and Community Development Act*

1 of 1992 (12 U.S.C. 1715z–13b), \$1,035,000, to remain  
 2 available until expended: *Provided, That such costs, includ-*  
 3 *ing the costs of modifying such loans, shall be as defined*  
 4 *in section 502 of the Congressional Budget Act of 1974, as*  
 5 *amended: Provided further, That these funds are available*  
 6 *to subsidize total loan principal, any part of which is to*  
 7 *be guaranteed, not to exceed \$39,712,000.*

8       *In addition, for administrative expenses to carry out*  
 9 *the guaranteed loan program, up to \$35,000 from amounts*  
 10 *in the first paragraph, which shall be transferred to and*  
 11 *merged with the appropriation for “Salaries and expenses”,*  
 12 *to be used only for the administrative costs of these guaran-*  
 13 *tees.*

#### 14           COMMUNITY PLANNING AND DEVELOPMENT

##### 15       HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

16       *For carrying out the Housing Opportunities for Per-*  
 17 *sons with AIDS program, as authorized by the AIDS Hous-*  
 18 *ing Opportunity Act (42 U.S.C. 12901 et seq.),*  
 19 *\$291,000,000, to remain available until September 30,*  
 20 *2005: Provided, That the Secretary shall renew all expiring*  
 21 *contracts for permanent supportive housing that were fund-*  
 22 *ed under section 854(c)(3) of such Act that meet all pro-*  
 23 *gram requirements before awarding funds for new contracts*  
 24 *and activities authorized under this section: Provided fur-*  
 25 *ther, That the formula funds made available under this*

1 heading for fiscal year 2004 shall be awarded to eligible  
 2 grantees under the same rules and requirements as were in  
 3 effect for fiscal year 2003: Provided further, That the Sec-  
 4 retary may use up to \$3,000,000 of the funds under this  
 5 heading for training, oversight, and technical assistance ac-  
 6 tivities.

7 *RURAL HOUSING AND ECONOMIC DEVELOPMENT*

8 *For the Office of Rural Housing and Economic Devel-*  
 9 *opment in the Department of Housing and Urban Develop-*  
 10 *ment, \$25,000,000 to remain available until expended,*  
 11 *which amount shall be awarded by June 1, 2004, to Indian*  
 12 *tribes, State housing finance agencies, State community*  
 13 *and/or economic development agencies, local rural non-*  
 14 *profits and community development corporations to sup-*  
 15 *port innovative housing and economic development activi-*  
 16 *ties in rural areas: Provided, That all grants shall be*  
 17 *awarded on a competitive basis as specified in section 102*  
 18 *of the Department of Housing and Urban Development Re-*  
 19 *form Act of 1989.*

20 *COMMUNITY DEVELOPMENT FUND*

21 *(INCLUDING TRANSFERS OF FUNDS)*

22 *For assistance to units of State and local government,*  
 23 *and to other entities, for economic and community develop-*  
 24 *ment activities, and for other purposes, \$4,950,000,000, to*  
 25 *remain available until September 30, 2006: Provided, That*  
 26 *of the amount provided, \$4,545,700,000 is for carrying out*

1 *the community development block grant program under*  
 2 *title I of the Housing and Community Development Act of*  
 3 *1974, as amended (the “Act” herein) (42 U.S.C. 5301 et*  
 4 *seq.): Provided further, That not to exceed 20 percent of any*  
 5 *grant made with funds appropriated under this heading*  
 6 *(other than a grant made available in this paragraph to*  
 7 *the Housing Assistance Council or the National American*  
 8 *Indian Housing Council, or a grant using funds under sec-*  
 9 *tion 107(b)(3) of the Act) shall be expended for “Planning*  
 10 *and Management Development” and “Administration”, as*  
 11 *defined in regulations promulgated by the Department:*  
 12 *Provided further, That \$72,500,000 shall be for grants to*  
 13 *Indian tribes notwithstanding section 106(a)(1) of such Act;*  
 14 *\$3,300,000 shall be for a grant to the Housing Assistance*  
 15 *Council; \$2,600,000 shall be for a grant to the National*  
 16 *American Indian Housing Council; \$52,500,000 shall be for*  
 17 *grants pursuant to section 107 of the Act; no less than*  
 18 *\$4,900,000 shall be transferred to the Working Capital*  
 19 *Fund for the development of and modification to informa-*  
 20 *tion technology systems which serve programs or activities*  
 21 *under “Community planning and development”;*  
 22 *\$12,000,000 shall be for grants pursuant to the Self Help*  
 23 *Homeownership Opportunity Program; \$35,500,000 shall*  
 24 *be for capacity building, of which \$31,500,000 shall be for*  
 25 *Capacity Building for Community Development and Af-*

1 *fordable Housing for LISC and the Enterprise Foundation*  
 2 *for activities as authorized by section 4 of the HUD Dem-*  
 3 *onstration Act of 1993 (42 U.S.C. 9816 note), as in effect*  
 4 *immediately before June 12, 1997, with not less than*  
 5 *\$5,000,000 of the funding to be used in rural areas, includ-*  
 6 *ing tribal areas, and of which \$4,000,000 shall be for capac-*  
 7 *ity building activities administered by Habitat for Human-*  
 8 *ity International; \$10,000,000 for the Native Hawaiian*  
 9 *Housing Block Grant Program, as authorized under the Na-*  
 10 *tive American Housing Assistance and Self-Determination*  
 11 *Act of 1996 (25 U.S.C. 4111 et seq.), of which \$400,000*  
 12 *shall be for training and technical assistance; \$60,000,000*  
 13 *shall be available for YouthBuild program activities author-*  
 14 *ized by subtitle D of title IV of the Cranston-Gonzalez Na-*  
 15 *tional Affordable Housing Act, as amended, and such ac-*  
 16 *tivities shall be an eligible activity with respect to any*  
 17 *funds made available under this heading: Provided, That*  
 18 *local YouthBuild programs that demonstrate an ability to*  
 19 *leverage private and nonprofit funding shall be given a pri-*  
 20 *ority for YouthBuild funding: Provided further, That no*  
 21 *more than 10 percent of any grant award under the*  
 22 *YouthBuild program may be used for administrative costs:*  
 23 *Provided further, That of the amount made available for*  
 24 *YouthBuild not less than \$10,000,000 is for grants to estab-*  
 25 *lish YouthBuild programs in underserved and rural areas*

1 *and \$2,000,000 is to be made available for a grant to*  
 2 *YouthBuild USA for capacity building for community de-*  
 3 *velopment and affordable housing activities as specified in*  
 4 *section 4 of the HUD Demonstration Act of 1993, as*  
 5 *amended.*

6 *Of the amount made available under this heading,*  
 7 *\$21,000,000 shall be available for neighborhood initiatives*  
 8 *that are utilized to improve the conditions of distressed and*  
 9 *blighted areas and neighborhoods, to stimulate investment,*  
 10 *economic diversification, and community revitalization in*  
 11 *areas with population outmigration or a stagnating or de-*  
 12 *clining economic base, or to determine whether housing ben-*  
 13 *efits can be integrated more effectively with welfare reform*  
 14 *initiatives: Provided, That these grants shall be provided*  
 15 *in accordance with the terms and conditions specified in*  
 16 *the report accompanying this Act.*

17 *Of the amount made available under this heading,*  
 18 *\$140,000,000 shall be available for grants for the Economic*  
 19 *Development Initiative (EDI) to finance a variety of tar-*  
 20 *geted economic investments in accordance with the terms*  
 21 *and conditions specified in the report accompanying this*  
 22 *Act.*

23 *The referenced statement of the managers under this*  
 24 *heading in title II of Division K of the Consolidated Appro-*  
 25 *priations Resolution, 2003 (Public Law 108–7; H. Rept.*

10       *The referenced statement of the managers under this*  
11   *heading in title II of Division K of the Consolidated Appro-*  
12   *priations Resolution, 2003 (Public Law 108-7; H. Rept.*  
13   *108-10) is deemed to be amended with respect to item num-*  
14   *ber 324 by striking “225,000” and inserting “209,000”.*

## 17 (INCLUDING TRANSFER OF FUNDS)

18        *For the cost of guaranteed loans, \$6,325,000, to remain*  
19 *available until September 30, 2005, as authorized by section*  
20 *108 of the Housing and Community Development Act of*  
21 *1974, as amended: Provided, That such costs, including the*  
22 *cost of modifying such loans, shall be as defined in section*  
23 *502 of the Congressional Budget Act of 1974, as amended:*  
24 *Provided further, That these funds are available to subsidize*  
25 *total loan principal, any part of which is to be guaranteed,*  
26 *not to exceed \$275,000,000, notwithstanding any aggregate*

1 *limitation on outstanding obligations guaranteed in section*  
 2 *108(k) of the Housing and Community Development Act*  
 3 *of 1974, as amended.*

4 *In addition, for administrative expenses to carry out*  
 5 *the guaranteed loan program, \$1,000,000 which shall be*  
 6 *transferred to and merged with the appropriation for “Sal-*  
 7 *aries and expenses”.*

#### 8 *BROWNFIELDS REDEVELOPMENT*

9 *For Economic Development Grants, as authorized by*  
 10 *section 108(q) of the Housing and Community Development*  
 11 *Act of 1974, as amended, for Brownfields redevelopment*  
 12 *projects, \$25,000,000, to remain available until September*  
 13 *30, 2005: Provided, That the Secretary of Housing and*  
 14 *Urban Development shall make these grants available on*  
 15 *a competitive basis as specified in section 102 of the De-*  
 16 *partment of Housing and Urban Development Reform Act*  
 17 *of 1989.*

#### 18 *HOME INVESTMENT PARTNERSHIPS PROGRAM*

##### 19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For the HOME investment partnerships program, as*  
 21 *authorized under title II of the Cranston-Gonzalez National*  
 22 *Affordable Housing Act, as amended, \$1,925,000,000, to re-*  
 23 *main available until September 30, 2006: Provided, That*  
 24 *of the total amount provided in this paragraph, up to*  
 25 *\$40,000,000 shall be available for housing counseling under*  
 26 *section 106 of the Housing and Urban Development Act of*



1 1968; and no less than \$1,100,000 shall be transferred to  
 2 the Working Capital Fund for the development of, mainte-  
 3 nance of, and modification to information technology sys-  
 4 tems which serve programs or activities under “Community  
 5 planning and development”.

6       In addition to the amounts made available under this  
 7 heading, \$50,000,000, to remain available until September  
 8 30, 2006, for assistance to homebuyers as authorized under  
 9 title II of the Cranston-Gonzalez National Affordable Hous-  
 10 ing Act, as amended: Provided, That the Secretary shall  
 11 provide such assistance in accordance with a formula devel-  
 12 oped through rulemaking.

13                   HOMELESS ASSISTANCE GRANTS

14                   (INCLUDING TRANSFER OF FUNDS)

15       For the emergency shelter grants program as author-  
 16 ized under subtitle B of title IV of the McKinney-Vento  
 17 Homeless Assistance Act, as amended; the supportive hous-  
 18 ing program as authorized under subtitle C of title IV of  
 19 such Act; the section 8 moderate rehabilitation single room  
 20 occupancy program as authorized under the United States  
 21 Housing Act of 1937, as amended, to assist homeless indi-  
 22 viduals pursuant to section 441 of the McKinney-Vento  
 23 Homeless Assistance Act; and the shelter plus care program  
 24 as authorized under subtitle F of title IV of such Act,  
 25 \$1,325,000,000, to remain available until September 30,  
 26 2006: Provided, That not less than 30 percent of funds made

1 *available, excluding amounts provided for renewals under*  
2 *the shelter plus care program, shall be used for permanent*  
3 *housing: Provided further, That all funds awarded for serv-*  
4 *ices shall be matched by 25 percent in funding by each*  
5 *grantee: Provided further, That the Secretary shall renew*  
6 *on an annual basis expiring contracts or amendments to*  
7 *contracts funded under the shelter plus care program if the*  
8 *program is determined to be needed under the applicable*  
9 *continuum of care and meets appropriate program require-*  
10 *ments and financial standards, as determined by the Sec-*  
11 *retary: Provided further, That all awards of assistance*  
12 *under this heading shall be required to coordinate and inte-*  
13 *grate homeless programs with other mainstream health, so-*  
14 *cial services, and employment programs for which homeless*  
15 *populations may be eligible, including Medicaid, State*  
16 *Children's Health Insurance Program, Temporary Assist-*  
17 *ance for Needy Families, Food Stamps, and services fund-*  
18 *ing through the Mental Health and Substance Abuse Block*  
19 *Grant, Workforce Investment Act, and the Welfare-to-Work*  
20 *grant program: Provided further, That \$12,000,000 of the*  
21 *funds appropriated under this heading shall be available*  
22 *for the national homeless data analysis project and tech-*  
23 *nical assistance: Provided further, That no less than*  
24 *\$2,580,000 of the funds appropriated under this heading*  
25 *shall be transferred to the Working Capital Fund for the*

1 *development of and modifications to information technology*  
 2 *systems which serve activities under “Community planning*  
 3 *and development”.*

4 *URBAN DEVELOPMENT ACTION GRANTS*

5 *From balances of the Urban Development Action*  
 6 *Grant Program, as authorized by title I of the Housing and*  
 7 *Community Development Act of 1974, as amended,*  
 8 *\$30,000,000 are cancelled.*

9 *HOUSING PROGRAMS*

10 *HOUSING FOR SPECIAL POPULATIONS*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For assistance for the purchase, construction, acquisi-*  
 13 *tion, or development of additional public and subsidized*  
 14 *housing units for low income families not otherwise pro-*  
 15 *vided for, \$1,033,801,000, to remain available until Sep-*  
 16 *tember 30, 2007: Provided, That \$783,286,000, plus recap-*  
 17 *tures or cancelled commitments, shall be for capital ad-*  
 18 *vances, including amendments to capital advance contracts,*  
 19 *for housing for the elderly, as authorized by section 202 of*  
 20 *the Housing Act of 1959, as amended, and for project rental*  
 21 *assistance for the elderly under section 202(c)(2) of such*  
 22 *Act, including amendments to contracts for such assistance*  
 23 *and renewal of expiring contracts for such assistance for*  
 24 *up to a 1-year term, and for supportive services associated*  
 25 *with the housing, of which amount \$50,000,000 shall be for*  
 26 *service coordinators and the continuation of existing con-*

1 gregate service grants for residents of assisted housing  
 2 projects, of which amount up to \$30,000,000 shall be for  
 3 grants under section 202b of the Housing Act of 1959 (12  
 4 U.S.C. 1701q–2) for conversion of eligible projects under  
 5 such section to assisted living or related use, including sub-  
 6 stantial capital repair, of which amount \$25,000,000 shall  
 7 be maintained by the Secretary as a revolving loan fund  
 8 for use as gap financing to assist grantees in meeting all  
 9 the initial cost requirements for developing projects under  
 10 section 202 of such Act: Provided further, That of the  
 11 amount under this heading, \$250,515,000 shall be for cap-  
 12 ital advances, including amendments to capital advance  
 13 contracts, for supportive housing for persons with disabil-  
 14 ities, as authorized by section 811 of the Cranston-Gonzalez  
 15 National Affordable Housing Act, for project rental assist-  
 16 ance for supportive housing for persons with disabilities  
 17 under section 811(d)(2) of such Act, including amendments  
 18 to contracts for such assistance and renewal of expiring con-  
 19 tracts for such assistance for up to a 1-year term, and for  
 20 supportive services associated with the housing for persons  
 21 with disabilities as authorized by section 811(b)(1) of such  
 22 Act, and for tenant-based rental assistance contracts entered  
 23 into pursuant to section 811 of such Act: Provided further,  
 24 That of the amount made available under this heading,  
 25 \$15,000,000 shall be available to the Secretary of Housing

1 *and Urban Development only for making grants to private*  
 2 *nonprofit organizations and consumer cooperatives for cov-*  
 3 *ering costs of architectural and engineering work, site con-*  
 4 *trol, and other planning relating to the development of sup-*  
 5 *portive housing for the elderly that is eligible for assistance*  
 6 *under section 202 of the Housing Act of 1959 (12 U.S.C.*  
 7 *1701q): Provided further, That amounts made available in*  
 8 *the previous proviso shall be awarded on a competitive basis*  
 9 *as provided in section 102 of the Department of Housing*  
 10 *and Urban Development Reform Act of 1989: Provided fur-*  
 11 *ther, That no less than \$940,000, to be divided evenly be-*  
 12 *tween the appropriations for the section 202 and section*  
 13 *811 programs, shall be transferred to the Working Capital*  
 14 *Fund for the development of and modifications to informa-*  
 15 *tion technology systems which serve activities under “Hous-*  
 16 *ing programs” or “Federal housing administration”: Pro-*  
 17 *vided further, That, in addition to amounts made available*  
 18 *for renewal of tenant-based rental assistance contracts pur-*  
 19 *suant to the second proviso of this paragraph, the Secretary*  
 20 *may designate up to 25 percent of the amounts earmarked*  
 21 *under this paragraph for section 811 of such Act for tenant-*  
 22 *based assistance, as authorized under that section, includ-*  
 23 *ing such authority as may be waived under the next pro-*  
 24 *viso, which assistance is 5 years in duration: Provided fur-*  
 25 *ther, That the Secretary may waive the provisions gov-*

1 *erning the terms and conditions of project rental assistance*  
 2 *and tenant-based rental assistance for such section 202 and*  
 3 *such section 811, except that the initial contract term for*  
 4 *such assistance shall not exceed 5 years in duration: Pro-*  
 5 *vided further, That all balances and recaptures, as of Octo-*  
 6 *ber 1, 2003, remaining in the “Congregate housing services”*  
 7 *account as authorized by the Housing and Community De-*  
 8 *velopment Amendments of 1978, as amended, shall be trans-*  
 9 *ferred to and merged with the amounts for those purposes*  
 10 *under this heading.*

11 *FLEXIBLE SUBSIDY FUND*

12 *(TRANSFER OF FUNDS)*

13 *From the Rental Housing Assistance Fund, all uncom-*  
 14 *mited balances of excess rental charges as of September 30,*  
 15 *2003, and any collections made during fiscal year 2004*  
 16 *(with the exception of amounts required to make refunds*  
 17 *of excess income remittances as authorized by Public Law*  
 18 *106–569), shall be transferred to the Flexible Subsidy Fund,*  
 19 *as authorized by section 236(g) of the National Housing*  
 20 *Act, as amended.*

21 *RENTAL HOUSING ASSISTANCE*

22 *(RESCISSION)*

23 *Up to \$303,000,000 of recaptured section 236 budget*  
 24 *authority resulting from prepayment of mortgages sub-*  
 25 *sidized under section 236 of the National Housing Act (12*  
 26 *U.S.C. 1715z–1) shall be rescinded in fiscal year 2004: Pro-*

1 vided, That the limitation otherwise applicable to the max-  
 2 imum payments that may be required in any fiscal year  
 3 by all contracts entered into under section 236 is reduced  
 4 in fiscal year 2004 by not more than \$303,000,000 in un-  
 5 committed balances of authorizations of contract authority  
 6 provided for this purpose in appropriations Acts.

7 MANUFACTURED HOUSING FEES TRUST FUND

8 For necessary expenses as authorized by the National  
 9 Manufactured Housing Construction and Safety Standards  
 10 Act of 1974, as amended (42 U.S.C. 5401 et seq.),  
 11 \$13,000,000, to remain available until expended, to be de-  
 12 rived from the Manufactured Housing Fees Trust Fund:  
 13 Provided, That not to exceed the total amount appropriated  
 14 under this heading shall be available from the general fund  
 15 of the Treasury to the extent necessary to incur obligations  
 16 and make expenditures pending the receipt of collections to  
 17 the Fund pursuant to section 620 of such Act: Provided fur-  
 18 ther, That the amount made available under this heading  
 19 from the general fund shall be reduced as such collections  
 20 are received during fiscal year 2004 so as to result in a  
 21 final fiscal year 2004 appropriation from the general fund  
 22 estimated at not more than \$0 and fees pursuant to such  
 23 section 620 shall be modified as necessary to ensure such  
 24 a final fiscal year 2004 appropriation.

1                    *FEDERAL HOUSING ADMINISTRATION*  
2                    *MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT*  
3                    *(INCLUDING TRANSFERS OF FUNDS)*

4            *During fiscal year 2004, commitments to guarantee*  
5 *loans to carry out the purposes of section 203(b) of the Na-*  
6 *tional Housing Act, as amended, shall not exceed a loan*  
7 *principal of \$185,000,000,000.*

8            *During fiscal year 2004, obligations to make direct*  
9 *loans to carry out the purposes of section 204(g) of the Na-*  
10 *tional Housing Act, as amended, shall not exceed*  
11 *\$50,000,000: Provided, That the foregoing amount shall be*  
12 *for loans to nonprofit and governmental entities in connec-*  
13 *tion with sales of single family real properties owned by*  
14 *the Secretary and formerly insured under the Mutual Mort-*  
15 *gage Insurance Fund.*

16            *For administrative expenses necessary to carry out the*  
17 *guaranteed and direct loan program, \$359,000,000, of*  
18 *which not to exceed \$355,000,000 shall be transferred to the*  
19 *appropriation for “Salaries and expenses”; and not to ex-*  
20 *ceed \$4,000,000 shall be transferred to the appropriation*  
21 *for “Office of Inspector General”. In addition, for adminis-*  
22 *trative contract expenses, \$85,000,000, of which no less than*  
23 *\$20,744,000 shall be transferred to the Working Capital*  
24 *Fund for the development of and modifications to informa-*  
25 *tion technology systems which serve programs or activities*  
26 *under “Housing programs” or “Federal housing adminis-*



1 *tration”: Provided, That to the extent guaranteed loan com-*  
 2 *mitments exceed \$65,500,000,000 on or before April 1, 2004,*  
 3 *an additional \$1,400 for administrative contract expenses*  
 4 *shall be available for each \$1,000,000 in additional guaran-*  
 5 *teed loan commitments (including a pro rata amount for*  
 6 *any amount below \$1,000,000), but in no case shall funds*  
 7 *made available by this proviso exceed \$30,000,000.*

8           *GENERAL AND SPECIAL RISK PROGRAM ACCOUNT*  
 9           *(INCLUDING TRANSFERS OF FUNDS)*

10       *For the cost of guaranteed loans, as authorized by sec-*  
 11 *tions 238 and 519 of the National Housing Act (12 U.S.C.*  
 12 *1715z–3 and 1735c), including the cost of loan guarantee*  
 13 *modifications, as that term is defined in section 502 of the*  
 14 *Congressional Budget Act of 1974, as amended,*  
 15 *\$15,000,000, to remain available until expended: Provided,*  
 16 *That these funds are available to subsidize total loan prin-*  
 17 *cipal, any part of which is to be guaranteed, of up to*  
 18 *\$25,000,000,000.*

19       *Gross obligations for the principal amount of direct*  
 20 *loans, as authorized by sections 204(g), 207(l), 238, and*  
 21 *519(a) of the National Housing Act, shall not exceed*  
 22 *\$50,000,000, of which not to exceed \$30,000,000 shall be for*  
 23 *bridge financing in connection with the sale of multifamily*  
 24 *real properties owned by the Secretary and formerly in-*  
 25 *sured under such Act; and of which not to exceed*  
 26 *\$20,000,000 shall be for loans to nonprofit and govern-*

1 *mental entities in connection with the sale of single-family*  
2 *real properties owned by the Secretary and formerly in-*  
3 *sured under such Act.*

4 *In addition, for administrative expenses necessary to*  
5 *carry out the guaranteed and direct loan programs,*  
6 *\$229,000,000, of which \$209,000,000, shall be transferred*  
7 *to the appropriation for “Salaries and expenses”; and of*  
8 *which \$20,000,000 shall be transferred to the appropriation*  
9 *for “Office of Inspector General”.*

10 *In addition, for administrative contract expenses nec-*  
11 *essary to carry out the guaranteed and direct loan pro-*  
12 *grams, \$93,780,000, of which no less than \$16,946,000 shall*  
13 *be transferred to the Working Capital Fund for the develop-*  
14 *ment of and modifications to information technology sys-*  
15 *tems which serve activities under “Housing programs” or*  
16 *“Federal housing administration”: Provided, That to the*  
17 *extent guaranteed loan commitments exceed \$8,426,000,000*  
18 *on or before April 1, 2004, an additional \$1,980 for admin-*  
19 *istrative contract expenses shall be available for each*  
20 *\$1,000,000 in additional guaranteed loan commitments*  
21 *over \$8,426,000,000 (including a pro rata amount for any*  
22 *increment below \$1,000,000), but in no case shall funds*  
23 *made available by this proviso exceed \$14,400,000.*

1        *GOVERNMENT NATIONAL MORTGAGE ASSOCIATION*  
 2        *GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN*  
 3                *GUARANTEE PROGRAM ACCOUNT*  
 4                *(INCLUDING TRANSFER OF FUNDS)*

5        *New commitments to issue guarantees to carry out the*  
 6 *purposes of section 306 of the National Housing Act, as*  
 7 *amended (12 U.S.C. 1721(g)), shall not exceed*  
 8 *\$200,000,000,000, to remain available until September 30,*  
 9 *2005.*

10       *For administrative expenses necessary to carry out the*  
 11 *guaranteed mortgage-backed securities program,*  
 12 *\$10,695,000, to be derived from the GNMA guarantees of*  
 13 *mortgage-backed securities guaranteed loan receipt account,*  
 14 *of which not to exceed \$10,695,000, shall be transferred to*  
 15 *the appropriation for “Salaries and expenses”.*

16                *POLICY DEVELOPMENT AND RESEARCH*  
 17                *RESEARCH AND TECHNOLOGY*

18        *For contracts, grants, and necessary expenses of pro-*  
 19 *grams of research and studies relating to housing and*  
 20 *urban problems, not otherwise provided for, as authorized*  
 21 *by title V of the Housing and Urban Development Act of*  
 22 *1970, as amended (12 U.S.C. 1701z–1 et seq.), including*  
 23 *carrying out the functions of the Secretary under section*  
 24 *1(a)(1)(i) of Reorganization Plan No. 2 of 1968,*  
 25 *\$47,000,000, to remain available until September 30, 2005:*  
 26 *Provided, That of the total amount provided under this*

1 *heading, \$7,500,000 shall be for the Partnership for Ad-*  
 2 *vancing Technology in Housing (PATH) Initiative.*

3 *FAIR HOUSING AND EQUAL OPPORTUNITY*

4 *FAIR HOUSING ACTIVITIES*

5 *For contracts, grants, and other assistance, not other-*  
 6 *wise provided for, as authorized by title VIII of the Civil*  
 7 *Rights Act of 1968, as amended by the Fair Housing*  
 8 *Amendments Act of 1988, and section 561 of the Housing*  
 9 *and Community Development Act of 1987, as amended,*  
 10 *\$50,000,000, to remain available until September 30, 2005,*  
 11 *of which \$20,000,000 shall be to carry out activities pursu-*  
 12 *ant to such section 561: Provided, That no funds made*  
 13 *available under this heading shall be used to lobby the exec-*  
 14 *utive or legislative branches of the Federal Government in*  
 15 *connection with a specific contract, grant or loan.*

16 *OFFICE OF LEAD HAZARD CONTROL*

17 *LEAD HAZARD REDUCTION*

18 *For the Lead Hazard Reduction Program, as author-*  
 19 *ized by section 1011 of the Residential Lead-Based Paint*  
 20 *Hazard Reduction Act of 1992, \$175,000,000, to remain*  
 21 *available until September 30, 2005, of which \$10,000,000*  
 22 *shall be for the Healthy Homes Initiative, pursuant to sec-*  
 23 *tions 501 and 502 of the Housing and Urban Development*  
 24 *Act of 1970: Provided, That both programs may include re-*  
 25 *search, studies, evaluations, testing, and demonstration ef-*

1 *forts, including education and outreach by units of general*  
 2 *local government, community-based organizations and*  
 3 *other appropriate entities concerning lead-based paint poi-*  
 4 *soning and other housing-related diseases and hazards: Pro-*  
 5 *vided, That of the total amount made available under this*  
 6 *heading, \$50,000,000 shall be made available on a competi-*  
 7 *tive basis for areas with the highest lead paint abatement*  
 8 *needs, as identified by the Secretary as having: (1) the high-*  
 9 *est number of pre-1940 units of rental housing; and (2) a*  
 10 *disproportionately high number of documented cases of*  
 11 *lead-poisoned children: Provided further, That each grantee*  
 12 *receiving funds under the previous proviso shall target those*  
 13 *privately owned units and multifamily buildings that are*  
 14 *occupied by low-income families as defined under section*  
 15 *3(b)(2) of the United States Housing Act of 1937: Provided*  
 16 *further, That not less than 90 percent of the funds made*  
 17 *available under this paragraph shall be used exclusively for*  
 18 *abatement, inspections, risk assessments, temporary reloca-*  
 19 *tions and interim control of lead-based hazards as defined*  
 20 *by 42 U.S.C. 4851: Provided further, That each recipient*  
 21 *of funds provided under the first proviso shall make a*  
 22 *matching contribution in an amount not less than 25 per-*  
 23 *cent: Provided further, That each applicant shall submit a*  
 24 *detailed plan and strategy that demonstrates adequate ca-*  
 25 *capacity that is acceptable to the Secretary of the Department*

1 *of Housing and Urban Development to carry out the pro-*  
 2 *posed use of funds pursuant to a Notice of Funding Avail-*  
 3 *ability.*

4 *MANAGEMENT AND ADMINISTRATION*

5 *SALARIES AND EXPENSES*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For necessary administrative and non-administrative*  
 8 *expenses of the Department of Housing and Urban Develop-*  
 9 *ment, not otherwise provided for, including purchase of uni-*  
 10 *forms, or allowances therefor, as authorized by 5 U.S.C.*  
 11 *5901–5902; hire of passenger motor vehicles; services as au-*  
 12 *thorized by 5 U.S.C. 3109; and not to exceed \$25,000 for*  
 13 *official reception and representation expenses,*  
 14 *\$1,111,530,000, of which \$564,000,000 shall be provided*  
 15 *from the various funds of the Federal Housing Administra-*  
 16 *tion, \$10,695,000 shall be provided from funds of the Gov-*  
 17 *ernment National Mortgage Association, \$1,000,000 shall be*  
 18 *provided from the “Community development loan guaran-*  
 19 *tees program” account, \$150,000 shall be provided by trans-*  
 20 *fer from the “Native American housing block grants” ac-*  
 21 *count, \$250,000 shall be provided by transfer from the “In-*  
 22 *dian housing loan guarantee fund program” account and*  
 23 *\$35,000 shall be transferred from the “Native Hawaiian*  
 24 *housing loan guarantee fund” account: Provided further,*  
 25 *That the General Counsel of the Department of Housing*  
 26 *and Urban Development shall have for fiscal year 2004 and*

1 *all fiscal years hereafter overall responsibility for all issues*  
 2 *related to appropriations law: Provided further, That the*  
 3 *Secretary shall fill 7 out of 10 vacancies at the GS-14 and*  
 4 *GS-15 levels until the total number of GS-14 and GS-15*  
 5 *positions in the Department has been reduced from the*  
 6 *number of GS-14 and GS-15 positions on the date of enact-*  
 7 *ment of Public Law 106-377 by 2½ percent: Provided fur-*  
 8 *ther, That no funds shall be made available for the salaries*  
 9 *(other than pensions and related costs) of any employees*  
 10 *who had significant responsibility for allocating funding for*  
 11 *the overleasing of vouchers by public housing agencies.*

12 *WORKING CAPITAL FUND*

13 *For additional capital for the Working Capitol Fund*  
 14 *(42 U.S.C. 3535) for the development of, modifications to,*  
 15 *and infrastructure for Department-wide information tech-*  
 16 *nology systems, and for the continuing operation of both*  
 17 *Department-wide and program-specific information sys-*  
 18 *tems, \$240,000,000, to remain available until September*  
 19 *30, 2005: Provided, That any amounts transferred to this*  
 20 *Fund under this Act shall remain available until expended.*

21 *OFFICE OF INSPECTOR GENERAL*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For necessary expenses of the Office of Inspector Gen-*  
 24 *eral in carrying out the Inspector General Act of 1978, as*  
 25 *amended, \$102,000,000, of which \$24,000,000 shall be pro-*  
 26 *vided from the various funds of the Federal Housing Ad-*

1 *ministration: Provided, That the Inspector General shall*  
 2 *have independent authority over all personnel issues within*  
 3 *this office: Provided further, That no less than \$300,000*  
 4 *shall be transferred to the Working Capital Fund for the*  
 5 *development of and modifications to information technology*  
 6 *systems for the Office of Inspector General.*

7 *CONSOLIDATED FEE FUND*

8 *(RESCISSION)*

9 *All unobligated balances remaining available from fees*  
 10 *and charges under section 7(j) of the Department of Hous-*  
 11 *ing and Urban Development Act on October 1, 2003 are*  
 12 *rescinded.*

13 *OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT*

14 *SALARIES AND EXPENSES*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For carrying out the Federal Housing Enterprises Fi-*  
 17 *nancial Safety and Soundness Act of 1992, including not*  
 18 *to exceed \$500 for official reception and representation ex-*  
 19 *penses, \$39,915,000, to remain available until expended, to*  
 20 *be derived from the Federal Housing Enterprise Oversight*  
 21 *Fund: Provided, That not less than 60 percent of the total*  
 22 *amount made available under this heading shall be used*  
 23 *for licensed audit personnel and audit support: Provided*  
 24 *further, That an additional \$10,000,000 shall be made*  
 25 *available until expended, to be derived from the Federal*  
 26 *Housing Enterprise Oversight Fund only upon a certifi-*



1 cation by the Secretary of the Treasury that these funds  
 2 are necessary to meet an emergency need: Provided further,  
 3 That not to exceed such amounts shall be available from  
 4 the general fund of the Treasury to the extent necessary to  
 5 incur obligations and make expenditures pending the re-  
 6 ceipt of collections to the Fund: Provided further, That the  
 7 general fund amount shall be reduced as collections are re-  
 8 ceived during the fiscal year so as to result in a final appro-  
 9 priation from the general fund estimated at not more than  
 10 \$0.

#### 11 ADMINISTRATIVE PROVISIONS

12 SEC. 201. Fifty percent of the amounts of budget au-  
 13 thority, or in lieu thereof 50 percent of the cash amounts  
 14 associated with such budget authority, that are recaptured  
 15 from projects described in section 1012(a) of the Stewart  
 16 B. McKinney Homeless Assistance Amendments Act of 1988  
 17 (42 U.S.C. 1437 note) shall be rescinded, or in the case of  
 18 cash, shall be remitted to the Treasury, and such amounts  
 19 of budget authority or cash recaptured and not rescinded  
 20 or remitted to the Treasury shall be used by State housing  
 21 finance agencies or local governments or local housing agen-  
 22 cies with projects approved by the Secretary of Housing and  
 23 Urban Development for which settlement occurred after  
 24 January 1, 1992, in accordance with such section. Notwith-  
 25 standing the previous sentence, the Secretary may award

1 *up to 15 percent of the budget authority or cash recaptured*  
 2 *and not rescinded or remitted to the Treasury to provide*  
 3 *project owners with incentives to refinance their project at*  
 4 *a lower interest rate.*

5 *SEC. 202. None of the amounts made available under*  
 6 *this Act may be used during fiscal year 2004 to investigate*  
 7 *or prosecute under the Fair Housing Act any otherwise law-*  
 8 *ful activity engaged in by one or more persons, including*  
 9 *the filing or maintaining of a non-frivolous legal action,*  
 10 *that is engaged in solely for the purpose of achieving or*  
 11 *preventing action by a Government official or entity, or a*  
 12 *court of competent jurisdiction.*

13 *SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of*  
 14 *the AIDS Housing Opportunity Act (42 U.S.C.*  
 15 *12903(c)(1)(A)), from any amounts made available under*  
 16 *this title for fiscal year 2004 that are allocated under such*  
 17 *section, the Secretary of Housing and Urban Development*  
 18 *shall allocate and make a grant, in the amount determined*  
 19 *under subsection (b), for any State that—*

20 *(1) received an allocation in a prior fiscal year*  
 21 *under clause (ii) of such section; and*

22 *(2) is not otherwise eligible for an allocation for*  
 23 *fiscal year 2004 under such clause (ii) because the*  
 24 *areas in the State outside of the metropolitan statis-*  
 25 *tical areas that qualify under clause (i) in fiscal year*

1       2004 do not have the number of cases of acquired im-  
 2       munodeficiency syndrome (AIDS) required under  
 3       such clause.

4       (b) The amount of the allocation and grant for any  
 5       State described in subsection (a) shall be an amount based  
 6       on the cumulative number of AIDS cases in the areas of  
 7       that State that are outside of metropolitan statistical areas  
 8       that qualify under clause (i) of such section 854(c)(1)(A)  
 9       in fiscal year 2004, in proportion to AIDS cases among  
 10      cities and States that qualify under clauses (i) and (ii) of  
 11      such section and States deemed eligible under subsection  
 12      (a).

13      SEC. 204. Except as explicitly provided in law, any  
 14      grant or assistance made pursuant to title II of this Act  
 15      shall be made on a competitive basis in accordance with  
 16      section 102 of the Department of Housing and Urban Devel-  
 17      opment Reform Act of 1989.

18      SEC. 205. Funds of the Department of Housing and  
 19      Urban Development subject to the Government Corporation  
 20      Control Act or section 402 of the Housing Act of 1950 shall  
 21      be available, without regard to the limitations on adminis-  
 22      trative expenses, for legal services on a contract or fee basis,  
 23      and for utilizing and making payment for services and fa-  
 24      cilities of the Federal National Mortgage Association, Gov-  
 25      ernment National Mortgage Association, Federal Home

1 *Loan Mortgage Corporation, Federal Financing Bank, Fed-*  
2 *eral Reserve banks or any member thereof, Federal Home*  
3 *Loan banks, and any insured bank within the meaning of*  
4 *the Federal Deposit Insurance Corporation Act, as amended*  
5 *(12 U.S.C. 1811–1831).*

6       *SEC. 206. Unless otherwise provided for in this Act*  
7 *or through a reprogramming of funds, no part of any ap-*  
8 *propriation for the Department of Housing and Urban De-*  
9 *velopment shall be available for any program, project or*  
10 *activity in excess of amounts set forth in the budget esti-*  
11 *mates submitted to Congress.*

12       *SEC. 207. Corporations and agencies of the Depart-*  
13 *ment of Housing and Urban Development which are subject*  
14 *to the Government Corporation Control Act, as amended,*  
15 *are hereby authorized to make such expenditures, within the*  
16 *limits of funds and borrowing authority available to each*  
17 *such corporation or agency and in accordance with law,*  
18 *and to make such contracts and commitments without re-*  
19 *gard to fiscal year limitations as provided by section 104*  
20 *of such Act as may be necessary in carrying out the pro-*  
21 *grams set forth in the budget for 2004 for such corporation*  
22 *or agency except as hereinafter provided: Provided, That*  
23 *collections of these corporations and agencies may be used*  
24 *for new loan or mortgage purchase commitments only to*  
25 *the extent expressly provided for in this Act (unless such*

1 loans are in support of other forms of assistance provided  
 2 for in this or prior appropriations Acts), except that this  
 3 proviso shall not apply to the mortgage insurance or guar-  
 4 anty operations of these corporations, or where loans or  
 5 mortgage purchases are necessary to protect the financial  
 6 interest of the United States Government.

7       *SEC. 208. None of the funds provided in this title for*  
 8 *technical assistance, training, or management improve-*  
 9 *ments may be obligated or expended unless HUD provides*  
 10 *to the Committees on Appropriations a description of each*  
 11 *proposed activity and a detailed budget estimate of the costs*  
 12 *associated with each program, project or activity as part*  
 13 *of the Budget Justifications. For fiscal year 2004, HUD*  
 14 *shall transmit this information to the Committees by March*  
 15 *15, 2004 for 30 days of review.*

16       *SEC. 209. Notwithstanding any other provision of law,*  
 17 *in fiscal year 2004, in managing and disposing of any mul-*  
 18 *tifamily property that is owned or held by the Secretary*  
 19 *and is occupied primarily by elderly or disabled families,*  
 20 *the Secretary of Housing and Urban Development shall*  
 21 *maintain any rental assistance payments under section 8*  
 22 *of the United States Housing Act of 1937 that are attached*  
 23 *to any dwelling units in the property. To the extent the*  
 24 *Secretary determines that such a multifamily property*  
 25 *owned or held by the Secretary is not feasible for continued*

1 rental assistance payments under such section 8, the Sec-  
 2 retary may, in consultation with the tenants of that prop-  
 3 erty, contract for project-based rental assistance payments  
 4 with an owner or owners of other existing housing prop-  
 5 erties or provide other rental assistance.

6       SEC. 210. A public housing agency or such other entity  
 7 that administers Federal housing assistance in the States  
 8 of Alaska, Iowa, and Mississippi shall not be required to  
 9 include a resident of public housing or a recipient of assist-  
 10 ance provided under section 8 of the United States Housing  
 11 Act of 1937 on the board of directors or a similar governing  
 12 board of such agency or entity as required under section  
 13 (2)(b) of such Act. Each public housing agency or other en-  
 14 tity that administers Federal housing assistance under sec-  
 15 tion 8 in the States of Alaska, Iowa and Mississippi shall  
 16 establish an advisory board of not less than 6 residents of  
 17 public housing or recipients of section 8 assistance to pro-  
 18 vide advice and comment to the public housing agency or  
 19 other administering entity on issues related to public hous-  
 20 ing and section 8. Such advisory board shall meet not less  
 21 than quarterly.

22       SEC. 211. Section 24(n) of the United States Housing  
 23 Act of 1937 (42 U.S.C. 1437v(n)) is amended by striking  
 24 “September 30, 2004” and inserting “September 30, 2006”.

1        *SEC. 212. The Secretary of Housing and Urban Devel-*  
 2        *opment shall provide quarterly reports to the House and*  
 3        *Senate Committees on Appropriations regarding all uncom-*  
 4        *mitted, unobligated, and excess funds in each program and*  
 5        *activity within the jurisdiction of the Department and shall*  
 6        *submit additional, updated budget information to these*  
 7        *committees upon request.*

8        *SEC. 213. The Secretary of Housing and Urban Devel-*  
 9        *opment shall submit an annual report no later than August*  
 10       *30, 2004 and annually thereafter to the House and Senate*  
 11       *Committees on Appropriations regarding the number of*  
 12       *Federally assisted units under lease and the per unit cost*  
 13       *of these units to the Department of Housing and Urban*  
 14       *Development.*

15       *SEC. 214. (a) Notwithstanding any other provision of*  
 16       *law, the amount allocated for fiscal year 2004 and there-*  
 17       *after to the City of Philadelphia, Pennsylvania on behalf*  
 18       *of the Philadelphia, PA–NJ Primary Metropolitan Statis-*  
 19       *tical Area (hereafter “metropolitan area”), under section*  
 20       *854(c) of the AIDS Housing Opportunity Act (42 U.S.C.*  
 21       *12903(c)), shall be adjusted by the Secretary of Housing*  
 22       *and Urban Development by allocating to the State of New*  
 23       *Jersey the proportion of the metropolitan area’s amount*  
 24       *that is based on the number of cases of AIDS reported in*  
 25       *the portion of the metropolitan area that is located in New*

1 *Jersey. The State of New Jersey shall use amounts allocated*  
 2 *to the State under this subsection to carry out eligible ac-*  
 3 *tivities under section 855 of the AIDS Housing Oppor-*  
 4 *tunity Act (42 U.S.C. 12904) in the portion of the metro-*  
 5 *politan area that is located in New Jersey.*

6       *(b) Notwithstanding any other provision of law, the*  
 7 *Secretary of Housing and Urban Development shall allocate*  
 8 *to Wake County, North Carolina, the amounts that other-*  
 9 *wise would be allocated for fiscal year 2004 and thereafter*  
 10 *under section 854(c) of the AIDS Housing Opportunity Act*  
 11 *(42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,*  
 12 *on behalf of the Raleigh-Durham-Chapel Hill, North Caro-*  
 13 *lina Metropolitan Statistical Area. Any amounts allocated*  
 14 *to Wake County shall be used to carry out eligible activities*  
 15 *under section 855 of such Act (42 U.S.C. 12904) within*  
 16 *such metropolitan statistical area.*

17       *SEC. 215. (a) During fiscal year 2004, in the provision*  
 18 *of rental assistance under section 8(o) of the United States*  
 19 *Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection*  
 20 *with a program to demonstrate the economy and effective-*  
 21 *ness of providing such assistance for use in assisted living*  
 22 *facilities that is carried out in the counties of the State of*  
 23 *Michigan specified in subsection (b) of this section, notwith-*  
 24 *standing paragraphs (3) and (18)(B)(iii) of such section*  
 25 *8(o), a family residing in an assisted living facility in any*



1 *such county, on behalf of which a public housing agency*  
 2 *provides assistance pursuant to section 8(o)(18) of such Act,*  
 3 *may be required, at the time the family initially receives*  
 4 *such assistance, to pay rent in an amount exceeding 40 per-*  
 5 *cent of the monthly adjusted income of the family by such*  
 6 *a percentage or amount as the Secretary of Housing and*  
 7 *Urban Development determines to be appropriate.*

8 *(b) The counties specified in this subsection are Oak-*  
 9 *land County, Macomb County, Wayne County, and*  
 10 *Washtenaw County, in the State of Michigan.*

11 *SEC. 216. Section 683(2) of the Housing and Commu-*  
 12 *nity Development Act of 1992 is amended—*

13 *(1) in subparagraph (F), by striking “and”;*

14 *(2) in subparagraph (G), by striking “section.”*

15 *and inserting “section; and”; and*

16 *(3) by adding the following new subparagraph at*  
 17 *the end:*

18 *“(H) housing that is assisted under section*  
 19 *811 of the Cranston-Gonzalez National Afford-*  
 20 *able Housing Act.”.*

21 *SEC. 217. Section 224 of the National Housing Act*  
 22 *(12 U.S.C. 1735o) is amended by adding the following new*  
 23 *sentence at the end of the first paragraph: “Notwith-*  
 24 *standing the preceding sentence and the following para-*  
 25 *graph, if an insurance claim is paid in cash for any mort-*

1 gage that is insured under section 203 or 234 of this Act  
 2 and is endorsed for mortgage insurance after the date of  
 3 enactment of this sentence, the debenture interest rate for  
 4 purposes of calculating such a claim shall be the monthly  
 5 average yield, for the month in which the default on the  
 6 mortgage occurred, on United States Treasury Securities  
 7 adjusted to a constant maturity of ten years.”.

8       SEC. 218. *The McKinney-Vento Homeless Assistance*  
 9 *Act (42 U.S.C. 11301 et seq.) is amended—*

10           (1) *in section 101(b), by striking “Interagency*  
 11 *Council on the Homeless” and inserting “United*  
 12 *States Interagency Council on Homelessness”;*

13           (2) *in section 102(b)(1), by striking “an Inter-*  
 14 *agency Council on the Homeless” and inserting “the*  
 15 *United States Interagency Council on Homelessness”;*

16           (3) *in the heading for title II, by striking*  
 17 *“INTERAGENCY COUNCIL ON THE HOME-*  
 18 *LESS” and inserting “UNITED STATES INTER-*  
 19 *AGENCY COUNCIL ON HOMELESSNESS”;*

20           (4) *in sections 201, 207(1), 501(c)(2)(a), and*  
 21 *501(d)(3), by striking “Interagency Council on the*  
 22 *Homeless” and inserting “United States Interagency*  
 23 *Council on Homelessness”; and*

(5) in section 204(c), by inserting after “reimbursable” the two places it appears the following: “or nonreimbursable”.

4        *SEC. 219. Title II of the National Housing Act (12*  
5   *U.S.C. 1707 et seq.) is amended by adding the following*  
6   *new section at the end:*

7 “PAYMENT REWARDS FOR CERTAIN SINGLE FAMILY  
8 MORTGAGES

9 “SEC. 257. For purposes of establishing an alternative  
10 to high cost mortgages for borrowers with credit impair-  
11 ments, the Secretary may insure under sections 203(b) and  
12 234(c) of this title any mortgage that meets the require-  
13 ments of such sections, except as provided in the following  
14 sentences. The Secretary may establish lower percentage of  
15 appraised value limitations than those provided in section  
16 203(b)(2)(B). Notwithstanding section 203(c)(2)(B), the  
17 Secretary may establish and collect annual premium pay-  
18 ments in an amount not exceeding 1.0 percent of the re-  
19 maining insured principal balance and such payments may  
20 be reduced or eliminated in subsequent years based on mort-  
21 gage payment performance. All mortgages insured pursuant  
22 to this section shall be obligations of the Mutual Mortgage  
23 Insurance Fund notwithstanding section 519 of this Act.”.

24        *SEC. 220. (a) INFORMATION COMPARISONS FOR PUB-*  
25        *LIC AND ASSISTED HOUSING PROGRAMS.—Section 453(j)*

1 *of the Social Security Act (42 U.S.C. 653(j)) is amended*  
 2 *by adding at the end the following new paragraph:*

3           “(7) *INFORMATION COMPARISONS FOR HOUSING*  
 4           *ASSISTANCE PROGRAMS.*—

5           “(A) *FURNISHING OF INFORMATION BY*  
 6           *HUD.*—*Subject to subparagraph (G), the Sec-*  
 7           *retary of Housing and Urban Development shall*  
 8           *furnish to the Secretary, on such periodic basis*  
 9           *as determined by the Secretary of Housing and*  
 10           *Urban Development in consultation with the*  
 11           *Secretary, information in the custody of the Sec-*  
 12           *retary of Housing and Urban Development for*  
 13           *comparison with information in the National*  
 14           *Directory of New Hires, in order to obtain infor-*  
 15           *mation in such Directory with respect to indi-*  
 16           *viduals who are participating in any program*  
 17           *under—*

18                   “(i) *the United States Housing Act of*  
 19                   *1937 (42 U.S.C. 1437 et seq.);*

20                   “(ii) *section 202 of the Housing Act of*  
 21                   *1959 (12 U.S.C. 1701q);*

22                   “(iii) *section 221(d)(3), 221(d)(5), or*  
 23                   *236 of the National Housing Act (12 U.S.C.*  
 24                   *1715l(d) and 1715z–1);*

1                   “(iv) section 811 of the Cranston-Gon-  
 2                   zalez National Affordable Housing Act (42  
 3                   U.S.C. 8013); or

4                   “(v) section 101 of the Housing and  
 5                   Urban Development Act of 1965 (12 U.S.C.  
 6                   1701s).

7                   “(B) *REQUIREMENT TO SEEK MINIMUM IN-*  
 8                   *FORMATION.—The Secretary of Housing and*  
 9                   *Urban Development shall seek information pur-*  
 10                  *suant to this section only to the extent necessary*  
 11                  *to verify the employment and income of individ-*  
 12                  *uals described in subparagraph (A).*

13                  “(C) *DUTIES OF THE SECRETARY.—*

14                  “(i) *INFORMATION DISCLOSURE.—The*  
 15                  *Secretary, in cooperation with the Secretary*  
 16                  *of Housing and Urban Development, shall*  
 17                  *compare information in the National Direc-*  
 18                  *tory of New Hires with information pro-*  
 19                  *vided by the Secretary of Housing and*  
 20                  *Urban Development with respect to individ-*  
 21                  *uals described in subparagraph (A), and*  
 22                  *shall disclose information in such Directory*  
 23                  *regarding such individuals to the Secretary*  
 24                  *of Housing and Urban Development, in ac-*

1                    *cordance with this paragraph, for the pur-*  
 2                    *poses specified in this paragraph.*

3                    “(ii) *CONDITION ON DISCLOSURE.—*  
 4                    *The Secretary shall make disclosures in ac-*  
 5                    *cordance with clause (i) only to the extent*  
 6                    *that the Secretary determines that such dis-*  
 7                    *closures do not interfere with the effective*  
 8                    *operation of the program under this part.*

9                    “(D) *USE OF INFORMATION BY HUD.—The*  
 10                    *Secretary of Housing and Urban Development*  
 11                    *may use information resulting from a data*  
 12                    *match pursuant to this paragraph only—*

13                    “(i) *for the purpose of verifying the*  
 14                    *employment and income of individuals de-*  
 15                    *scribed in subparagraph (A); and*

16                    “(ii) *after removal of personal identi-*  
 17                    *fiers, to conduct analyses of the employment*  
 18                    *and income reporting of individuals de-*  
 19                    *scribed in subparagraph (A).*

20                    “(E) *DISCLOSURE OF INFORMATION BY*  
 21                    *HUD.—*

22                    “(i) *PURPOSE OF DISCLOSURE.—The*  
 23                    *Secretary of Housing and Urban Develop-*  
 24                    *ment may make a disclosure under this sub-*  
 25                    *paragraph only for the purpose of verifying*

1           *the employment and income of individuals*  
2           *described in subparagraph (A).*

3           “(ii) *DISCLOSURES PERMITTED.*—Sub-  
4           *ject to clause (iii), the Secretary of Housing*  
5           *and Urban Development may disclose infor-*  
6           *mation resulting from a data match pursu-*  
7           *ant to this paragraph only to a public hous-*  
8           *ing agency, the Inspector General of the De-*  
9           *partment of Housing and Urban Develop-*  
10          *ment, and the Attorney General in connec-*  
11          *tion with the administration of a program*  
12          *described in subparagraph (A). Information*  
13          *obtained by the Secretary of Housing and*  
14          *Urban Development pursuant to this para-*  
15          *graph shall not be made available under*  
16          *section 552 of title 5, United States Code.*

17          “(iii) *CONDITIONS ON DISCLOSURE.*—  
18          *Disclosures under this paragraph shall be—*

19                 “(I) *made in accordance with*  
20                 *data security and control policies es-*  
21                 *tablished by the Secretary of Housing*  
22                 *and Urban Development and approved*  
23                 *by the Secretary;*

24                 “(II) *subject to audit in a manner*  
25                 *satisfactory to the Secretary; and*

1                   “(III) *subject to the sanctions*  
 2                   *under subsection (l)(2).*

3                   “(iv) *ADDITIONAL DISCLOSURES.—*

4                   “(I) *DETERMINATION BY SECRE-*  
 5                   *TARIES.—The Secretary of Housing*  
 6                   *and Urban Development and the Sec-*  
 7                   *retary shall determine whether to per-*  
 8                   *mit disclosure of information under*  
 9                   *this paragraph to persons or entities*  
 10                   *described in subclause (II), based on*  
 11                   *an evaluation made by the Secretary of*  
 12                   *Housing and Urban Development (in*  
 13                   *consultation with and approved by the*  
 14                   *Secretary), of the costs and benefits of*  
 15                   *disclosures made under clause (ii) and*  
 16                   *the adequacy of measures used to safe-*  
 17                   *guard the security and confidentiality*  
 18                   *of information so disclosed.*

19                   “(II) *PERMITTED PERSONS OR*  
 20                   *ENTITIES.—If the Secretary of Hous-*  
 21                   *ing and Urban Development and the*  
 22                   *Secretary determine pursuant to sub-*  
 23                   *clause (I) that disclosures to additional*  
 24                   *persons or entities shall be permitted,*  
 25                   *information under this paragraph may*



1                    *be disclosed by the Secretary of Hous-*  
 2                    *ing and Urban Development to a pri-*  
 3                    *vate owner, a management agent, and*  
 4                    *a contract administrator in connection*  
 5                    *with the administration of a program*  
 6                    *described in subparagraph (A), subject*  
 7                    *to the conditions in clause (iii) and*  
 8                    *such additional conditions as agreed to*  
 9                    *by the Secretaries.*

10                    “(v) *RESTRICTIONS ON REDISCLO-*  
 11                    *SURE.—A person or entity to which infor-*  
 12                    *mation is disclosed under this subpara-*  
 13                    *graph may use or disclose such information*  
 14                    *only as needed for verifying the employment*  
 15                    *and income of individuals described in sub-*  
 16                    *paragraph (A), subject to the conditions in*  
 17                    *clause (iii) and such additional conditions*  
 18                    *as agreed to by the Secretaries.*

19                    “(F) *REIMBURSEMENT OF HHS COSTS.—*  
 20                    *The Secretary of Housing and Urban Develop-*  
 21                    *ment shall reimburse the Secretary, in accord-*  
 22                    *ance with subsection (k)(3), for the costs incurred*  
 23                    *by the Secretary in furnishing the information*  
 24                    *requested under this paragraph.*

1                   “(G) *CONSENT.*—*The Secretary of Housing*  
 2                   *and Urban Development shall not seek, use, or*  
 3                   *disclose information under this paragraph relat-*  
 4                   *ing to an individual without the prior written*  
 5                   *consent of such individual (or of a person legally*  
 6                   *authorized to consent on behalf of such indi-*  
 7                   *vidual).*”.

8                   (b) *CONSENT TO INFORMATION COMPARISON AND USE*  
 9                   *AS CONDITION OF HUD PROGRAM ELIGIBILITY.*—*As a con-*  
 10                   *dition of participating in any program authorized under—*

11                   (1) *the United States Housing Act of 1937 (42*  
 12                   *U.S.C. 1437 et seq.);*

13                   (2) *section 202 of the Housing Act of 1959 (12*  
 14                   *U.S.C. 1701q);*

15                   (3) *section 221(d)(3), 221(d)(5), or 236 of the*  
 16                   *National Housing Act (12 U.S.C. 1715l(d) and*  
 17                   *1715z–1);*

18                   (4) *section 811 of the Cranston-Gonzalez Na-*  
 19                   *tional Affordable Housing Act (42 U.S.C. 8013); or*

20                   (5) *section 101 of the Housing and Urban Devel-*  
 21                   *opment Act of 1965 (12 U.S.C. 1701s),*

22                   *the Secretary of Housing and Urban Development may re-*  
 23                   *quire consent by an individual (or by a person legally au-*  
 24                   *thorized to consent on behalf of such individual) for such*  
 25                   *Secretary to obtain, use, and disclose information with re-*

1 *spect to such individual in accordance with section*  
 2 *453(j)(7) of the Social Security Act (42 U.S.C. 653(j)(7)).*

3 *SEC. 221. Section 9 of the United States Housing Act*  
 4 *of 1937 is amended by inserting at the end the following*  
 5 *new subsection:*

6 *“(o) LOAN GUARANTEE DEVELOPMENT FUNDING.—*

7 *“(1) In order to facilitate the financing of the re-*  
 8 *habilitation and development needs of public housing,*  
 9 *the Secretary is authorized to provide loan guarantees*  
 10 *for public housing agencies to enter into loans or*  
 11 *other financial obligations with financial institutions*  
 12 *for the purpose of financing the rehabilitation of a*  
 13 *portion of public housing or the development off-site*  
 14 *of public housing in mixed income developments (in-*  
 15 *cluding demolition costs of the public housing units to*  
 16 *be replaced), provided that the number of public hous-*  
 17 *ing units developed off-site replaces no less than an*  
 18 *equal number of on-site public housing units in a*  
 19 *project. Loans or other obligations entered into pursu-*  
 20 *ant to this subsection shall be in such form and de-*  
 21 *nominations, have such maturities, and be subject to*  
 22 *such conditions as may be prescribed by regulations*  
 23 *issued by the Secretary.*

24 *“(2) The Secretary may prohibit a public hous-*  
 25 *ing agency from obtaining a loan under this sub-*

1        *section only if the rehabilitation or replacement hous-*  
2        *ing proposed by a public housing agency is incon-*  
3        *sistent with its Public Housing Agency Plan, as sub-*  
4        *mitted under section 5A, or the proposed terms of the*  
5        *guaranteed loan constitutes an unacceptable financial*  
6        *risk to the public housing agency or for repayment of*  
7        *the loan under this subsection.*

8                *“(3) Notwithstanding any other provision of this*  
9        *title, funding allocated to a public housing agency*  
10        *under subsections (d)(2) and (e)(2) of this section for*  
11        *capital and operating funds is authorized for use in*  
12        *the payment of the principal and interest due (in-*  
13        *cluding such servicing, underwriting or other costs as*  
14        *may be specified in the regulations of the Secretary)*  
15        *on the loans or other obligations entered into pursu-*  
16        *ant to this subsection.*

17                *“(4) The amount of any loan or other obligation*  
18        *entered into under this subsection shall not exceed in*  
19        *total the pro-rata amount of funds that would be allo-*  
20        *cated over a period not to exceed 30 years under sub-*  
21        *sections (d)(2) and (e)(2) of this section on a per unit*  
22        *basis as a percentage of the number of units that are*  
23        *designated to be rehabilitated or replaced under this*  
24        *subsection by a public housing agency as compared to*  
25        *the total number of units in the public housing devel-*

1        *opment, as determined on the basis of funds made*  
2        *available under such subsections (d)(2) and (e)(2) in*  
3        *the previous year. Any reduction in the total amount*  
4        *of funds provided to a public housing agency under*  
5        *this section in subsequent years shall not reduce the*  
6        *amount of funds to be paid under a loan entered into*  
7        *under this subsection but instead shall reduce the cap-*  
8        *ital and operating funds which are available for the*  
9        *other housing units in the public housing development*  
10       *in that fiscal year. Any additional income, including*  
11       *the receipt of rental income from tenants, generated*  
12       *by the rehabilitated or replaced units may be used to*  
13       *establish a loan loss reserve for the public housing*  
14       *agency to assist in the repayment of loans or other*  
15       *obligations entered into under this subsection or to*  
16       *address any shortfall in the operating or capital*  
17       *needs of the public housing agency in any fiscal year.*

18            *“(5) Subject to appropriations, the Secretary*  
19        *may use funds from the Public Housing Capital*  
20        *Fund to—*

21            *“(A) establish a loan loss reserve account*  
22        *within the Department of Housing and Urban*  
23        *Development to minimize the risk of loss associ-*  
24        *ated with the repayment of loans guaranteed*  
25        *under this subsection,*

1           “(B) make grants to a public housing agen-  
 2           cy for capital investment needs or for the cre-  
 3           ation of a loan loss reserve account to be used in  
 4           conjunction with a loan made under this sub-  
 5           section for the rehabilitation of a portion of pub-  
 6           lic housing or the development off-site of public  
 7           housing in mixed income developments (includ-  
 8           ing demolition costs of the public housing units  
 9           to be replaced), or

10           “(C) or repay any losses associated with a  
 11           loan guarantee under this subsection.

12           “(6) The Secretary may, to the extent approved  
 13           in appropriations Acts, assist in the payment of all  
 14           or a portion of the principal and interest amount due  
 15           under the loan or other obligation entered into under  
 16           this subsection, if the Secretary determines that the  
 17           public housing agency is unable to pay the amount  
 18           it owes because of circumstances of extreme hardship  
 19           beyond the control of the public housing agency.”.

20           SEC. 222. Section 204(a) of the McKinney-Vento  
 21           Homeless Assistance Act (42 U.S.C. 11314(a)) is amended  
 22           by striking in the first sentence after the word “level”, “V”,  
 23           and inserting in its place “III”.

24           SEC. 223. Notwithstanding any other provision of law,  
 25           the State of Hawaii may elect by July 31, 2004 to dis-

1 *tribute funds under section 106(d)(2) of the Housing and*  
 2 *Community Development Act of 1974, to units of general*  
 3 *local government located in nonentitlement areas of that*  
 4 *State. If the State of Hawaii fails to make such election,*  
 5 *the Secretary shall for fiscal years 2005 and thereafter make*  
 6 *grants to the units of general local government located in*  
 7 *the State of Hawaii's nonentitlement areas (Hawaii,*  
 8 *Kauai, and Maui counties). The Secretary of Housing and*  
 9 *Urban Development shall allocate funds under section*  
 10 *106(d) of such Act to units of general local government lo-*  
 11 *cated in nonentitlement areas within the State of Hawaii*  
 12 *in accordance with a formula which bears the same ratio*  
 13 *to the total amount available for the nonentitlement areas*  
 14 *of the State as the weighted average of the ratios between*  
 15 *(1) the population of that eligible unit of general local gov-*  
 16 *ernment and the population of all eligible units of general*  
 17 *local government in the nonentitlement areas of the State;*  
 18 *(2) the extent of poverty in that eligible unit of general local*  
 19 *government and the extent of poverty in all of the eligible*  
 20 *units of general local government in the nonentitlement*  
 21 *areas of the State; and (3) the extent of housing over-*  
 22 *crowding in that eligible unit of general local government*  
 23 *and the extent of housing overcrowding in all of the eligible*  
 24 *units of general local government in the nonentitlement*  
 25 *areas of the State. In determining the weighted average of*

1 *the ratios described in the previous sentence, the ratio de-*  
 2 *scribed in clause (2) shall be counted twice and the ratios*  
 3 *described in clauses (1) and (3) shall be counted once. Not-*  
 4 *withstanding any other provision, grants made under this*  
 5 *section shall be subject to the program requirements of sec-*  
 6 *tion 104 of the Housing and Community Development Act*  
 7 *of 1974 in the same manner as such requirements are made*  
 8 *applicable to grants made under section 106(b) of the Hous-*  
 9 *ing and Community Development Act of 1974.*

10 *SEC. 224. The Secretary of Housing and Urban Devel-*  
 11 *opment shall issue a proposed rulemaking, in accordance*  
 12 *with Title V, United States Code, not later than 90 days*  
 13 *from the date of enactment of this Act that—*

14 *(1) addresses and expands, as necessary, the par-*  
 15 *ticipation and certification requirements for the sale*  
 16 *of HUD-owned multifamily housing projects and the*  
 17 *foreclosure sale of any multifamily housing securing*  
 18 *a mortgage held by the Secretary, including whether*  
 19 *a potential purchaser is in substantial compliance*  
 20 *with applicable state or local government housing*  
 21 *statutes, regulations, ordinances and codes with re-*  
 22 *gard to other properties owned by the purchaser; and*  
 23 *(2) requires any state, city, or municipality that*  
 24 *exercises its right of first refusal for the purchase of*  
 25 *a multifamily housing project under section 203 of*



1        *the Housing and Community Development Amend-*  
 2        *ments of 1978 (12 U.S.C. 1701z–11(i)) to ensure that*  
 3        *potential purchasers of the project from the state, city,*  
 4        *or municipality are subject to the same standards*  
 5        *that they would otherwise be subject to if they had*  
 6        *purchased the project directly from the Secretary, in-*  
 7        *cluding whether a potential purchaser is in substan-*  
 8        *tial compliance with applicable state or local govern-*  
 9        *ment housing statutes, regulations, ordinances and*  
 10       *codes with regard to other properties owned by the*  
 11       *purchaser.*

12       *SEC. 225. Section 217 of Public Law 107–73 is amend-*  
 13       *ed by striking “the rehabilitation” and inserting in lieu*  
 14       *thereof: “redevelopment, including demolition and new con-*  
 15       *struction”.*

16       *SEC. 226. NATIVE AMERICAN HOUSING. Of the*  
 17       *amounts made available to carry out the Native American*  
 18       *Housing Assistance and Self-Determination Act of 1996 (25*  
 19       *U.S.C. 4101 et seq.) for fiscal year 2004, there shall be made*  
 20       *available to each grant recipient the same percentage of*  
 21       *funding as each recipient received for fiscal year 2003.*

22       *SEC. 227. RURAL TEACHER HOUSING. Section 307 of*  
 23       *the Denali Commission Act of 1998 (42 U.S.C. 3121 note)*  
 24       *is amended by adding at the end the following:*

1       “(e) *RURAL TEACHER HOUSING.*—*The Commission*  
 2   *may make grants and loans to public school districts serv-*  
 3   *ing remote incorporated cities and unincorporated commu-*  
 4   *nities in Alaska (including Alaska Native Villages) with a*  
 5   *population of 6,500 or fewer persons for expenses associated*  
 6   *with the construction, purchase, lease, and rehabilitation of*  
 7   *housing units in such cities and communities. Unless other-*  
 8   *wise authorized by the Commission, such units may be occu-*  
 9   *pied only by teachers, school administrators, and other*  
 10   *school staff (including members of their households).”.*

11       *SEC. 228. The Secretary of Housing and Urban Devel-*  
 12   *opment shall conduct negotiated rulemaking with represent-*  
 13   *atives from interested parties for purposes of any changes*  
 14   *to the formula governing the Public Housing Operating*  
 15   *Fund. A final rule shall be issued no later than July 31,*  
 16   *2004.*

### 17           *TITLE III—INDEPENDENT AGENCIES*

#### 18           *AMERICAN BATTLE MONUMENTS COMMISSION*

##### 19                   *SALARIES AND EXPENSES*

20       *For necessary expenses, not otherwise provided for, of*  
 21   *the American Battle Monuments Commission, including the*  
 22   *acquisition of land or interest in land in foreign countries;*  
 23   *purchases and repair of uniforms for caretakers of national*  
 24   *cemeteries and monuments outside of the United States and*  
 25   *its territories and possessions; rent of office and garage*

1 *space in foreign countries; purchase (one for replacement*  
2 *only) and hire of passenger motor vehicles; and insurance*  
3 *of official motor vehicles in foreign countries, when required*  
4 *by law of such countries, \$35,000,000, to remain available*  
5 *until expended.*

6 *CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses in carrying out activities pur-*  
9 *suant to section 112(r)(6) of the Clean Air Act, as amended,*  
10 *including hire of passenger vehicles, uniforms or allowances*  
11 *therefore, as authorized by 5 U.S.C. 5901–5902, and for*  
12 *services authorized by 5 U.S.C. 3109 but at rates for indi-*  
13 *viduals not to exceed the per diem equivalent to the max-*  
14 *imum rate payable for senior level positions under 5 U.S.C.*  
15 *5376, \$8,000,000, of which \$5,500,000 is to remain avail-*  
16 *able until September 30, 2004 and \$2,500,000, of which is*  
17 *to remain available until September 30, 2005: Provided fur-*  
18 *ther, That the Chemical Safety and Hazard Investigation*  
19 *Board shall have not more than three career Senior Execu-*  
20 *tive Service positions.*

1                    *DEPARTMENT OF THE TREASURY*  
 2        *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS*  
 3    *COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND*  
 4                    *PROGRAM ACCOUNT*

5        *To carry out the Community Development Banking*  
 6    *and Financial Institutions Act of 1994, including services*  
 7    *authorized by 5 U.S.C. 3109, but at rates for individuals*  
 8    *not to exceed the per diem rate equivalent to the rate for*  
 9    *ES-3, \$70,000,000, to remain available until September*  
 10   *30, 2005, of which not less than \$5,000,000 shall be for fi-*  
 11   *nancial assistance, technical assistance, training and out-*  
 12   *reach programs designed to benefit Native American, Native*  
 13   *Hawaiian, and Alaskan Native communities and provided*  
 14   *primarily through qualified community development lender*  
 15   *organizations with experience and expertise in community*  
 16   *development banking and lending in Indian country, Na-*  
 17   *tive American organizations, tribes and tribal organiza-*  
 18   *tions and other suitable providers, and up to \$12,000,000*  
 19   *may be used for administrative expenses, including admin-*  
 20   *istration of the New Markets Tax Credit, up to \$6,000,000*  
 21   *may be used for the cost of direct loans, and up to \$250,000*  
 22   *may be used for administrative expenses to carry out the*  
 23   *direct loan program: Provided, That the cost of direct loans,*  
 24   *including the cost of modifying such loans, shall be as de-*  
 25   *fin ed in section 502 of the Congressional Budget Act of*

1 1974, as amended: *Provided further, That these funds are*  
 2 *available to subsidize gross obligations for the principal*  
 3 *amount of direct loans not to exceed \$11,000,000.*

4 *CONSUMER PRODUCT SAFETY COMMISSION*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses of the Consumer Product Safety*  
 7 *Commission, including hire of passenger motor vehicles,*  
 8 *services as authorized by 5 U.S.C. 3109, but at rates for*  
 9 *individuals not to exceed the per diem rate equivalent to*  
 10 *the maximum rate payable under 5 U.S.C. 5376, purchase*  
 11 *of nominal awards to recognize non-Federal officials' con-*  
 12 *tributions to Commission activities, and not to exceed \$500*  
 13 *for official reception and representation expenses,*  
 14 *\$60,000,000.*

15 *CORPORATION FOR NATIONAL AND COMMUNITY SERVICE*

16 *NATIONAL AND COMMUNITY SERVICE PROGRAMS*

17 *OPERATING EXPENSES*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses for the Corporation for Na-*  
 20 *tional and Community Service (the "Corporation") in car-*  
 21 *rying out programs, activities, and initiatives under the*  
 22 *National and Community Service Act of 1990 (the "Act")*  
 23 *(42 U.S.C. 12501 et seq.), \$452,575,000, to remain available*  
 24 *until September 30, 2005: Provided, That not more than*  
 25 *\$330,000,000 of the amount provided under this heading*  
 26 *shall be available for the National Service Trust under sub-*

1 *title D of title I of the Act (42 U.S.C. 12601 et seq.) and*  
 2 *for grants under the National Service Trust Program au-*  
 3 *thorized under subtitle C of title I of the Act (42 U.S.C.*  
 4 *12571 et seq.) (relating to activities of the AmeriCorps pro-*  
 5 *gram), including grants to organizations operating projects*  
 6 *under the AmeriCorps Education Awards Program (with-*  
 7 *out regard to the requirements of sections 121(d) and (e),*  
 8 *section 131(e), section 132, and sections 140(a), (d), and*  
 9 *(e) of the Act): Provided further, That from the amount pro-*  
 10 *vided under the previous proviso, the Corporation may*  
 11 *transfer funds as necessary, to remain available without fis-*  
 12 *cal year limitation, to the National Service Trust for edu-*  
 13 *cational awards authorized under subtitle D of title I of*  
 14 *the Act (42 U.S.C. 12601), of which up to \$5,000,000 shall*  
 15 *be available to support national service scholarships for*  
 16 *high school students performing community service: Pro-*  
 17 *vided further, That the Corporation shall approve and en-*  
 18 *roll AmeriCorps members pursuant to the Strengthen*  
 19 *AmeriCorps Program Act (Public Law 108–45): Provided*  
 20 *further, That of the amount provided under this heading*  
 21 *for grants under the National Service Trust program au-*  
 22 *thorized under subtitle C of title I of the Act, not more than*  
 23 *\$50,000,000 may be used to administer, reimburse, or sup-*  
 24 *port any national service program authorized under section*  
 25 *121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided*

1 further, That not more than \$14,575,000 shall be available  
 2 for quality and innovation activities authorized under sub-  
 3 title H of title I of the Act (42 U.S.C. 12853 et seq.), of  
 4 which \$5,000,000 shall be available for challenge grants to  
 5 non-profit organizations: Provided further, That notwith-  
 6 standing subtitle H of title I of the Act (42 U.S.C. 12853),  
 7 none of the funds provided under the previous proviso shall  
 8 be used to support salaries and related expenses (including  
 9 travel) attributable to Corporation employees: Provided fur-  
 10 ther, That to the maximum extent feasible, funds appro-  
 11 priated under subtitle C of title I of the Act shall be pro-  
 12 vided in a manner that is consistent with the recommenda-  
 13 tions of peer review panels in order to ensure that priority  
 14 is given to programs that demonstrate quality, innovation,  
 15 replicability, and sustainability: Provided further, That not  
 16 more than \$10,000,000 of the funds made available under  
 17 this heading shall be made available for the Points of Light  
 18 Foundation for activities authorized under title III of the  
 19 Act (42 U.S.C. 12661 et seq.), of which not more than  
 20 \$2,500,000 may be used to support an endowment fund, the  
 21 corpus of which shall remain intact and the interest income  
 22 from which shall be used to support activities described in  
 23 title III of the Act, provided that the Foundation may in-  
 24 vest the corpus and income in federally insured bank sav-  
 25 ings accounts or comparable interest bearing accounts, cer-

1 *tificates of deposit, money market funds, mutual funds, obli-*  
 2 *gations of the United States, and other market instruments*  
 3 *and securities but not in real estate investments: Provided*  
 4 *further, That no funds shall be available for national service*  
 5 *programs run by Federal agencies authorized under section*  
 6 *121(b) of such Act (42 U.S.C. 12571(b)): Provided further,*  
 7 *That not more than \$5,000,000 of the funds made available*  
 8 *under this heading shall be made available to America's*  
 9 *Promise—The Alliance for Youth, Inc.: Provided further,*  
 10 *That to the maximum extent practicable, the Corporation*  
 11 *shall increase significantly the level of matching funds and*  
 12 *in-kind contributions provided by the private sector, and*  
 13 *shall reduce the total Federal costs per participant in all*  
 14 *programs by not less than 10 percent: Provided further,*  
 15 *That the Inspector General of the Corporation for National*  
 16 *and Community Service shall conduct random audits of the*  
 17 *grantees that administer activities under the AmeriCorps*  
 18 *programs and shall debar any grantee (or successor in in-*  
 19 *terest or any entity with substantially the same person or*  
 20 *persons in control) that has been determined to have com-*  
 21 *mitted any substantial violations of the requirements of the*  
 22 *AmeriCorps programs, including any grantee that has been*  
 23 *determined to have violated the prohibition of using Federal*  
 24 *funds to lobby the Congress: Provided further, That the In-*  
 25 *spector General shall obtain reimbursements in the amount*



1 of any misused funds from any grantee that has been deter-  
 2 mined to have committed any substantial violations of the  
 3 requirements of the AmeriCorps programs: Provided fur-  
 4 ther, That, for fiscal year 2004 and every year thereafter,  
 5 the Corporation shall make any significant changes to pro-  
 6 gram requirements or policy only through public notice and  
 7 comment rulemaking: Provided further, That, for fiscal year  
 8 2004 and every year thereafter, during any grant selection  
 9 process, no officer or employee of the Corporation shall  
 10 knowingly disclose any covered grant selection information  
 11 regarding such selection, directly or indirectly, to any per-  
 12 son other than an officer or employee of the Corporation  
 13 that is authorized by the Corporation to receive such infor-  
 14 mation: Provided further, That the Corporation shall offer  
 15 any individual selected after October 31, 2002, for initial  
 16 enrollment or reenrollment as a VISTA volunteer under  
 17 title I of the Domestic Volunteer Service Act of 1973 (42  
 18 U.S.C. 4951 et seq.) the option of receiving a national serv-  
 19 ice educational award under subtitle D of title I of the Na-  
 20 tional and Community Service Act of 1990 (42 U.S.C.  
 21 12601 et seq.)” after “programs”.

#### 22 SALARIES AND EXPENSES

23 For necessary expenses (including payment of salaries,  
 24 authorized travel, hire of passenger motor vehicles, the rent-  
 25 al of conference rooms in the District of Columbia, the em-  
 26 ployment of experts and consultants authorized under 5

1 *U.S.C. 3109, and not to exceed \$2,500 for official reception*  
 2 *and representation expenses) involved in carrying out the*  
 3 *National and Community Service Act of 1990 (42 U.S.C.*  
 4 *12501 et seq.) involved in administration as provided under*  
 5 *section 501(a)(4) of the Act, \$25,000,000.*

6 *OFFICE OF INSPECTOR GENERAL*

7 *For necessary expenses of the Office of Inspector Gen-*  
 8 *eral in carrying out the Inspector General Act of 1978, as*  
 9 *amended, \$6,500,000, to remain available until September*  
 10 *30, 2005.*

11 *ADMINISTRATIVE PROVISIONS*

12 *Notwithstanding any other provision of law, the term*  
 13 *“qualified student loan” with respect to national service*  
 14 *education awards shall mean any loan determined by an*  
 15 *institution of higher education to be necessary to cover a*  
 16 *student’s cost of attendance at such institution and made,*  
 17 *insured, or guaranteed directly to a student by a State*  
 18 *agency, in addition to other meanings under section*  
 19 *148(b)(7) of the National and Community Service Act.*

20 *Notwithstanding any other provision of law, funds*  
 21 *made available under section 129(d)(5)(B) of the National*  
 22 *and Community Service Act to assist entities in placing*  
 23 *applicants who are individuals with disabilities may be*  
 24 *provided to any entity that receives a grant under section*  
 25 *121 of the Act.*

1     *UNITED STATES COURT OF APPEALS FOR VETERANS*2                     *CLAIMS*3                     *SALARIES AND EXPENSES*

4         *For necessary expenses for the operation of the United*  
5 *States Court of Appeals for Veterans Claims as authorized*  
6 *by 38 U.S.C. 7251–7298, \$16,220,000 of which \$1,175,000*  
7 *shall be available for the purpose of providing financial as-*  
8 *sistance as described, and in accordance with the process*  
9 *and reporting procedures set forth, under this heading in*  
10 *Public Law 102–229.*

11                     *DEPARTMENT OF DEFENSE—CIVIL*12                     *CEMETERIAL EXPENSES, ARMY*13                     *SALARIES AND EXPENSES*

14         *For necessary expenses, as authorized by law, for*  
15 *maintenance, operation, and improvement of Arlington Na-*  
16 *tional Cemetery and Soldiers’ and Airmen’s Home Na-*  
17 *tional Cemetery, including the purchase of two passenger*  
18 *motor vehicles for replacement only, and not to exceed*  
19 *\$1,000,000 for official reception and representation ex-*  
20 *penses, \$32,000,000, to remain available until expended.*

1        *DEPARTMENT OF HEALTH AND HUMAN SERVICES*

2                    *NATIONAL INSTITUTES OF HEALTH*

3        *NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH*

4                    *SCIENCES*

5        *For necessary expenses for the National Institute of*  
 6 *Environmental Health Sciences in carrying out activities*  
 7 *set forth in section 311(a) of the Comprehensive Environ-*  
 8 *mental Response, Compensation, and Liability Act of 1980,*  
 9 *as amended, and section 126(g) of the Superfund Amend-*  
 10 *ments and Reauthorization Act of 1986, \$78,774,000.*

11    *AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY*

12    *TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH*

13        *For necessary expenses for the Agency for Toxic Sub-*  
 14 *stances and Disease Registry (ATSDR) in carrying out ac-*  
 15 *tivities set forth in sections 104(i), 111(c)(4), and*  
 16 *111(c)(14) of the Comprehensive Environmental Response,*  
 17 *Compensation, and Liability Act of 1980 (CERCLA), as*  
 18 *amended; section 118(f) of the Superfund Amendments and*  
 19 *Reauthorization Act of 1986 (SARA), as amended; and sec-*  
 20 *tion 3019 of the Solid Waste Disposal Act, as amended,*  
 21 *\$73,467,000, which may be derived to the extent funds are*  
 22 *available from the Hazardous Substance Superfund Trust*  
 23 *Fund pursuant to section 517(a) of SARA (26 U.S.C.*  
 24 *9507): Provided, That notwithstanding any other provision*  
 25 *of law, in lieu of performing a health assessment under sec-*

1 *tion 104(i)(6) of CERCLA, the Administrator of ATSDR*  
 2 *may conduct other appropriate health studies, evaluations,*  
 3 *or activities, including, without limitation, biomedical test-*  
 4 *ing, clinical evaluations, medical monitoring, and referral*  
 5 *to accredited health care providers: Provided further, That*  
 6 *in performing any such health assessment or health study,*  
 7 *evaluation, or activity, the Administrator of ATSDR shall*  
 8 *not be bound by the deadlines in section 104(i)(6)(A) of*  
 9 *CERCLA: Provided further, That none of the funds appro-*  
 10 *priated under this heading shall be available for ATSDR*  
 11 *to issue in excess of 40 toxicological profiles pursuant to*  
 12 *section 104(i) of CERCLA during fiscal year 2004, and ex-*  
 13 *isting profiles may be updated as necessary.*

14 *ENVIRONMENTAL PROTECTION AGENCY*

15 *SCIENCE AND TECHNOLOGY*

16 *For science and technology, including research and de-*  
 17 *velopment activities, which shall include research and devel-*  
 18 *opment activities under the Comprehensive Environmental*  
 19 *Response, Compensation, and Liability Act of 1980, as*  
 20 *amended; necessary expenses for personnel and related costs*  
 21 *and travel expenses, including uniforms, or allowances*  
 22 *therefor, as authorized by 5 U.S.C. 5901–5902; services as*  
 23 *authorized by 5 U.S.C. 3109, but at rates for individuals*  
 24 *not to exceed the per diem rate equivalent to the maximum*  
 25 *rate payable for senior level positions under 5 U.S.C. 5376;*

1 *procurement of laboratory equipment and supplies; other*  
 2 *operating expenses in support of research and development;*  
 3 *construction, alteration, repair, rehabilitation, and renova-*  
 4 *tion of facilities, not to exceed \$75,000 per project,*  
 5 *\$715,579,000, which shall remain available until September*  
 6 *30, 2005.*

7 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

8 *For environmental programs and management, in-*  
 9 *cluding necessary expenses, not otherwise provided for, for*  
 10 *personnel and related costs and travel expenses, including*  
 11 *uniforms, or allowances therefor, as authorized by 5 U.S.C.*  
 12 *5901–5902; services as authorized by 5 U.S.C. 3109, but*  
 13 *at rates for individuals not to exceed the per diem rate*  
 14 *equivalent to the maximum rate payable for senior level po-*  
 15 *sitions under 5 U.S.C. 5376; hire of passenger motor vehi-*  
 16 *cles; hire, maintenance, and operation of aircraft; purchase*  
 17 *of reprints; library memberships in societies or associations*  
 18 *which issue publications to members only or at a price to*  
 19 *members lower than to subscribers who are not members;*  
 20 *construction, alteration, repair, rehabilitation, and renova-*  
 21 *tion of facilities, not to exceed \$75,000 per project; and not*  
 22 *to exceed \$9,000 for official reception and representation*  
 23 *expenses, \$2,219,659,000, which shall remain available*  
 24 *until September 30, 2005, including administrative costs*  
 25 *of the brownfields program under the Small Business Liabil-*  
 26 *ity Relief and Brownfields Revitalization Act of 2002, of*

1 *which, in addition to any other amounts provided under*  
 2 *this heading for the Office of Enforcement and Compliance*  
 3 *Assurance, \$5,400,000 shall be made available for that of-*  
 4 *fice.*

5 *OFFICE OF INSPECTOR GENERAL*

6 *For necessary expenses of the Office of Inspector Gen-*  
 7 *eral in carrying out the provisions of the Inspector General*  
 8 *Act of 1978, as amended, and for construction, alteration,*  
 9 *repair, rehabilitation, and renovation of facilities, not to*  
 10 *exceed \$75,000 per project, \$36,808,000, to remain available*  
 11 *until September 30, 2005.*

12 *BUILDINGS AND FACILITIES*

13 *For construction, repair, improvement, extension, al-*  
 14 *teration, and purchase of fixed equipment or facilities of,*  
 15 *or for use by, the Environmental Protection Agency,*  
 16 *\$42,918,000, to remain available until expended.*

17 *HAZARDOUS SUBSTANCE SUPERFUND*

18 *(INCLUDING TRANSFERS OF FUNDS)*

19 *For necessary expenses to carry out the Comprehensive*  
 20 *Environmental Response, Compensation, and Liability Act*  
 21 *of 1980 (CERCLA), as amended, including sections*  
 22 *111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and*  
 23 *for construction, alteration, repair, rehabilitation, and ren-*  
 24 *ovation of facilities, not to exceed \$75,000 per project;*  
 25 *\$1,265,000,000 (of which \$100,000,000 shall not become*  
 26 *available until September 1, 2003), to remain available*

1 *until expended, consisting of such sums as are available in*  
 2 *the Trust Fund as authorized by section 517(a) of the*  
 3 *Superfund Amendments and Reauthorization Act of 1986*  
 4 *(SARA) and up to \$1,265,000,000 as a payment from gen-*  
 5 *eral revenues to the Hazardous Substance Superfund for*  
 6 *purposes as authorized by section 517(b) of SARA, as*  
 7 *amended: Provided, That funds appropriated under this*  
 8 *heading may be allocated to other Federal agencies in ac-*  
 9 *cordance with section 111(a) of CERCLA: Provided further,*  
 10 *That of the funds appropriated under this heading,*  
 11 *\$13,214,000 shall be transferred to the “Office of Inspector*  
 12 *General” appropriation to remain available until Sep-*  
 13 *tember 30, 2005, and \$45,000,000 shall be transferred to*  
 14 *the “Science and technology” appropriation to remain*  
 15 *available until September 30, 2005.*

16 *LEAKING UNDERGROUND STORAGE TANK PROGRAM*

17 *For necessary expenses to carry out leaking under-*  
 18 *ground storage tank cleanup activities authorized by section*  
 19 *205 of the Superfund Amendments and Reauthorization Act*  
 20 *of 1986, and for construction, alteration, repair, rehabilita-*  
 21 *tion, and renovation of facilities, not to exceed \$75,000 per*  
 22 *project, \$72,545,000, to remain available until expended.*

23 *OIL SPILL RESPONSE*

24 *For expenses necessary to carry out the Environmental*  
 25 *Protection Agency’s responsibilities under the Oil Pollution*



1 *Act of 1990, \$16,209,000, to be derived from the Oil Spill*  
 2 *Liability trust fund, to remain available until expended.*

3 *STATE AND TRIBAL ASSISTANCE GRANTS*

4 *For environmental programs and infrastructure as-*  
 5 *sistance, including capitalization grants for State revolving*  
 6 *funds and performance partnership grants, \$3,814,000,000,*  
 7 *to remain available until expended, of which*  
 8 *\$1,350,000,000 shall be for making capitalization grants for*  
 9 *the Clean Water State Revolving Funds under title VI of*  
 10 *the Federal Water Pollution Control Act, as amended (the*  
 11 *“Act”); \$850,000,000 shall be for capitalization grants for*  
 12 *the Drinking Water State Revolving Funds under section*  
 13 *1452 of the Safe Drinking Water Act, as amended, except*  
 14 *that, notwithstanding section 1452(n) of the Safe Drinking*  
 15 *Water Act, as amended, none of the funds made available*  
 16 *under this heading in this Act, or in previous appropria-*  
 17 *tions Acts, shall be reserved by the Administrator for health*  
 18 *effects studies on drinking water contaminants; \$50,000,000*  
 19 *shall be for architectural, engineering, planning, design,*  
 20 *construction and related activities in connection with the*  
 21 *construction of high priority water and wastewater facili-*  
 22 *ties in the area of the United States-Mexico Border, after*  
 23 *consultation with the appropriate border commission;*  
 24 *\$45,000,000 shall be for grants to the State of Alaska to*  
 25 *address drinking water and wastewater infrastructure*  
 26 *needs of rural and Alaska Native Villages: Provided, That,*

1 of these funds (1) 25 percent will be set aside for regional  
2 hub communities of populations over 1,000 but under 5,000,  
3 (2) the State of Alaska shall provide a match of 25 percent,  
4 (3) no more than 5 percent of the fund may be used for  
5 administrative and overhead expenses, and (4) a statewide  
6 priority list shall be established which shall remain in effect  
7 for at least three years; \$3,500,000 shall be for remediation  
8 of above ground leaking fuel tanks pursuant to Public Law  
9 106–554; \$130,000,000 shall be for making grants for the  
10 construction of drinking water, wastewater and storm water  
11 infrastructure and for water quality protection in accord-  
12 ance with the terms and conditions specified for such grants  
13 in the committee report accompanying this Act, and, not-  
14 withstanding any other provision of law, heretofore and  
15 hereafter, projects awarded such grants under this heading  
16 that also receive loans from a State water pollution control  
17 or drinking water revolving fund may be administered in  
18 accordance with applicable State water pollution control or  
19 drinking water revolving fund administrative and proce-  
20 dural requirements, and, for purposes of these grants, each  
21 grantee shall contribute not less than 45 percent of the cost  
22 of the project unless the grantee is approved for a waiver  
23 by the Administrator of the Environmental Protection  
24 Agency; \$100,500,000 shall be to carry out section 104(k)  
25 of the Comprehensive Environmental Response, Compensa-

1 *tion, and Liability Act of 1980 (CERCLA), as amended,*  
 2 *including grants, interagency agreements, and associated*  
 3 *program support costs; and \$1,130,000,000 shall be for*  
 4 *grants, including associated program support costs, to*  
 5 *States, federally recognized tribes, interstate agencies, tribal*  
 6 *consortia, and air pollution control agencies for multi-*  
 7 *media or single media pollution prevention, control and*  
 8 *abatement and related activities, including activities pursu-*  
 9 *ant to the provisions set forth under this heading in Public*  
 10 *Law 104–134, and for making grants under section 103 of*  
 11 *the Clean Air Act for particulate matter monitoring and*  
 12 *data collection activities of which and subject to terms and*  
 13 *conditions specified by the Administrator, of which*  
 14 *\$60,000,000 shall be for carrying out section 128 of*  
 15 *CERCLA, as amended, and \$20,000,000 shall be for Envi-*  
 16 *ronmental Information Exchange Network grants, includ-*  
 17 *ing associated program support costs: Provided, That for*  
 18 *fiscal year 2004, State authority under section 302(a) of*  
 19 *Public Law 104–182 shall remain in effect: Provided fur-*  
 20 *ther, That notwithstanding section 603(d)(7) of the Act, the*  
 21 *limitation on the amounts in a State water pollution con-*  
 22 *trol revolving fund that may be used by a State to admin-*  
 23 *ister the fund shall not apply to amounts included as prin-*  
 24 *cipal in loans made by such fund in fiscal year 2004 and*  
 25 *prior years where such amounts represent costs of admin-*

1 *istering the fund to the extent that such amounts are or*  
2 *were deemed reasonable by the Administrator, accounted for*  
3 *separately from other assets in the fund, and used for eligi-*  
4 *ble purposes of the fund, including administration: Pro-*  
5 *vided further, That for fiscal year 2004, and notwith-*  
6 *standing section 518(f) of the Act, the Administrator is au-*  
7 *thorized to use the amounts appropriated for any fiscal year*  
8 *under section 319 of that Act to make grants to Indian*  
9 *tribes pursuant to sections 319(h) and 518(e) of that Act:*  
10 *Provided further, That for fiscal year 2004, notwith-*  
11 *standing the limitation on amounts in section 518(c) of the*  
12 *Act, up to a total of 1½ percent of the funds appropriated*  
13 *for State Revolving Funds under title VI of that Act may*  
14 *be reserved by the Administrator for grants under section*  
15 *518(c) of such Act: Provided further, That no funds pro-*  
16 *vided by this legislation to address the water, wastewater*  
17 *and other critical infrastructure needs of the colonias in*  
18 *the United States along the United States-Mexico border*  
19 *shall be made available to a county or municipal govern-*  
20 *ment unless that government has established an enforceable*  
21 *local ordinance, or other zoning rule, which prevents in that*  
22 *jurisdiction the development or construction of any addi-*  
23 *tional colonia areas, or the development within an existing*  
24 *colonia the construction of any new home, business, or other*  
25 *structure which lacks water, wastewater, or other necessary*

1 *infrastructure: Provided further, That the referenced state-*  
 2 *ment of the managers under this heading in Public Law*  
 3 *106–377 is deemed to be amended by striking “wastewater”*  
 4 *in reference to item number 219 and inserting “water”:*  
 5 *Provided further, That the referenced statement of the man-*  
 6 *agers under this heading in Public Law 108–7 is deemed*  
 7 *to be amended by striking “wastewater” in reference to item*  
 8 *number 409 and inserting “water”.*

9 ADMINISTRATIVE PROVISIONS

10 *For fiscal year 2004, notwithstanding 31 U.S.C.*  
 11 *6303(1) and 6305(1), the Administrator of the Environ-*  
 12 *mental Protection Agency, in carrying out the Agency’s*  
 13 *function to implement directly Federal environmental pro-*  
 14 *grams required or authorized by law in the absence of an*  
 15 *acceptable tribal program, may award cooperative agree-*  
 16 *ments to federally-recognized Indian Tribes or Intertribal*  
 17 *consortia, if authorized by their member Tribes, to assist*  
 18 *the Administrator in implementing Federal environmental*  
 19 *programs for Indian Tribes required or authorized by law,*  
 20 *except that no such cooperative agreements may be awarded*  
 21 *from funds designated for State financial assistance agree-*  
 22 *ments.*

23 *Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), ap-*  
 24 *propriated funds may hereafter be used to award grants*  
 25 *or loans under section 104(k) of CERCLA to eligible entities*  
 26 *that satisfy all of the elements set forth in CERCLA section*

1 101(40) to qualify as a bona fide prospective purchaser ex-  
 2 cept that the date of acquisition of the property was prior  
 3 to the date of enactment of the Small Business Liability  
 4 Relief and Brownfield Revitalization Act of 2001.

5 For fiscal year 2004, notwithstanding any other provi-  
 6 sion of law, recipients of grants awarded under section  
 7 104(k) of the Comprehensive Environmental Response,  
 8 Compensation, and Liability Act of 1980 (42 U.S.C. 9601  
 9 et seq.) may use funds for reasonable administrative costs,  
 10 as determined by the Administrator of the Environmental  
 11 Protection Agency.

12 Section 209(e)(1) of the Clean Air Act (42 U.S.C.  
 13 7543(e)(1)) is amended by—

- 14 (1) striking the words “either of”; and  
 15 (2) in subparagraph (A), adding before the pe-  
 16 riod at the end the following: “, and any new spark-  
 17 ignition engines smaller than 50 horsepower”.

18 Not later than December 1, 2004, the Administrator of the  
 19 Environmental Protection Agency shall propose regulations  
 20 containing new standards applicable to emissions from new  
 21 nonroad spark-ignition engines smaller than 50 horsepower.

22 DESIGNATIONS OF AREAS FOR PM<sub>2.5</sub> AND SUBMISSION OF  
 23 IMPLEMENTATION PLANS FOR REGIONAL HAZE.

24 (a) IN GENERAL.—Section 107(d) of the Clean Air Act  
 25 (42 U.S.C. 7407(d)) is amended by adding at the end the  
 26 following:

1 “(6) *DESIGNATIONS.*—

2 “(A) *SUBMISSION.*—*Notwithstanding any*  
 3 *other provision of law, not later than February*  
 4 *15, 2004, the Governor of each State shall submit*  
 5 *designations referred to in paragraph (1) for the*  
 6 *July 1997 PM<sub>2.5</sub> national ambient air quality*  
 7 *standards for each area within the State, based*  
 8 *on air quality monitoring data collected in ac-*  
 9 *cordance with any applicable Federal reference*  
 10 *methods for the relevant areas.*

11 “(B) *PROMULGATION.*—*Notwithstanding*  
 12 *any other provision of law, not later than De-*  
 13 *cember 31, 2004, the Administrator shall, con-*  
 14 *sistent with paragraph (1), promulgate the des-*  
 15 *ignations referred to in subparagraph (A) for*  
 16 *each area of each State for the July 1997 PM<sub>2.5</sub>*  
 17 *national ambient air quality standards.*

18 “(7) *IMPLEMENTATION PLAN FOR REGIONAL*  
 19 *HAZE.*—

20 “(A) *IN GENERAL.*—*Notwithstanding any*  
 21 *other provision of law, not later than 3 years*  
 22 *after the date on which the Administrator pro-*  
 23 *mulgates the designations referred to in para-*  
 24 *graph (6)(B) for a State, the State shall submit,*  
 25 *for the entire State, the State implementation*

1        *plan revisions to meet the requirements promul-*  
 2        *gated by the Administrator under section*  
 3        *169B(e)(1) (referred to in this paragraph as ‘re-*  
 4        *gional haze requirements’).*

5                “(B) NO PRECLUSION OF OTHER PROVI-  
 6        *SIONS.—Nothing in this paragraph precludes the*  
 7        *implementation of the agreements and rec-*  
 8        *ommendations stemming from the Grand Can-*  
 9        *yon Visibility Transport Commission Report*  
 10        *dated June 1996, including the submission of*  
 11        *State implementation plan revisions by the*  
 12        *States of Arizona, California, Colorado, Idaho,*  
 13        *Nevada, New Mexico, Oregon, Utah, or Wyoming*  
 14        *by December 31, 2003, for implementation of re-*  
 15        *gional haze requirements applicable to those*  
 16        *States.”.*

17        (b) *RELATIONSHIP TO TRANSPORTATION EQUITY ACT*  
 18        *FOR THE 21ST CENTURY.—Except as provided in para-*  
 19        *graphs (6) and (7) of section 107(d) of the Clean Air Act*  
 20        *(as added by subsection (a)), section 6101, subsections (a)*  
 21        *and (b) of section 6102, and section 6103 of the Transpor-*  
 22        *tation Equity Act for the 21st Century (42 U.S.C. 7407*  
 23        *note; 112 Stat. 463), as in effect on the day before the date*  
 24        *of enactment of this Act, shall remain in effect.*



1                   *EXECUTIVE OFFICE OF THE PRESIDENT*

2                   *OFFICE OF SCIENCE AND TECHNOLOGY POLICY*

3           *For necessary expenses of the Office of Science and*  
 4 *Technology Policy, in carrying out the purposes of the Na-*  
 5 *tional Science and Technology Policy, Organization, and*  
 6 *Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of*  
 7 *passenger motor vehicles, and services as authorized by 5*  
 8 *U.S.C. 3109, not to exceed \$2,500 for official reception and*  
 9 *representation expenses, and rental of conference rooms in*  
 10 *the District of Columbia, \$7,027,000.*

11           *COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF*

12                   *ENVIRONMENTAL QUALITY*

13           *For necessary expenses to continue functions assigned*  
 14 *to the Council on Environmental Quality and Office of En-*  
 15 *vironmental Quality pursuant to the National Environ-*  
 16 *mental Policy Act of 1969, the Environmental Quality Im-*  
 17 *provement Act of 1970, and Reorganization Plan No. 1 of*  
 18 *1977, and not to exceed \$750 for official reception and rep-*  
 19 *resentation expenses, \$3,238,000: Provided, That, notwith-*  
 20 *standing section 202 of the National Environmental Policy*  
 21 *Act of 1970, the Council shall consist of one member, ap-*  
 22 *pointed by the President, by and with the advice and con-*  
 23 *sent of the Senate, serving as chairman and exercising all*  
 24 *powers, functions, and duties of the Council.*

1        *FEDERAL DEPOSIT INSURANCE CORPORATION*2                    *OFFICE OF INSPECTOR GENERAL*

3        *For necessary expenses of the Office of Inspector Gen-*  
4 *eral in carrying out the provisions of the Inspector General*  
5 *Act of 1978, as amended, \$30,848,000, to be derived from*  
6 *the Bank Insurance Fund, the Savings Association Insur-*  
7 *ance Fund, and the FSLIC Resolution Fund.*

8                    *GENERAL SERVICES ADMINISTRATION*9                    *FEDERAL CITIZEN INFORMATION CENTER FUND*

10       *For necessary expenses of the Federal Citizen Informa-*  
11 *tion Center, including services authorized by 5 U.S.C. 3109,*  
12 *\$14,000,000, to be deposited into the Federal Citizen Infor-*  
13 *mation Center Fund: Provided, That the appropriations,*  
14 *revenues, and collections deposited into the Fund shall be*  
15 *available for necessary expenses of Federal Citizen Informa-*  
16 *tion Center activities in the aggregate amount not to exceed*  
17 *\$21,000,000. Appropriations, revenues, and collections ac-*  
18 *cruing to this Fund during fiscal year 2004 in excess of*  
19 *\$21,000,000 shall remain in the Fund and shall not be*  
20 *available for expenditure except as authorized in appro-*  
21 *priations Acts.*

1            *UNITED STATES INTERAGENCY COUNCIL ON*  
2                            *HOMELESSNESS*  
3                            *OPERATING EXPENSES*

4            *For necessary expenses (including payment of salaries,*  
5 *authorized travel, hire of passenger motor vehicles, the rent-*  
6 *al of conference rooms in the District of Columbia, and the*  
7 *employment of experts and consultants under section 3109*  
8 *of title 5, United States Code) of the Interagency Council*  
9 *on the Homeless in carrying out the functions pursuant to*  
10 *title II of the McKinney-Vento Homeless Assistance Act, as*  
11 *amended, \$1,500,000.*

12          *NATIONAL AERONAUTICS AND SPACE ADMINISTRATION*  
13                            *SPACE FLIGHT CAPABILITIES*

14          *For necessary expenses, not otherwise provided for, in*  
15 *the conduct and support of space flight capabilities research*  
16 *and development activities, including research, develop-*  
17 *ment, operations, support and services; maintenance; con-*  
18 *struction of facilities including repair, rehabilitation, revi-*  
19 *talization and modification of facilities, construction of new*  
20 *facilities and additions to existing facilities, facility plan-*  
21 *ning and design, and acquisition or condemnation of real*  
22 *property, as authorized by law; environmental compliance*  
23 *and restoration; space flight, spacecraft control and commu-*  
24 *nications activities including operations, production, and*  
25 *services; program management; personnel and related costs,*

1 *including uniforms or allowances therefor, as authorized by*  
 2 *5 U.S.C. 5901–5902; travel expenses; purchase and hire of*  
 3 *passenger motor vehicles; not to exceed \$35,000 for official*  
 4 *reception and representation expenses; and purchase, lease,*  
 5 *charter, maintenance and operation of mission and admin-*  
 6 *istrative aircraft, \$7,582,100,000, to remain available until*  
 7 *September 30, 2005, of which no less than \$3,968,000,000*  
 8 *shall be available for activities related to the Space Shuttle*  
 9 *and shall not be available for transfer to any other program*  
 10 *or account, and no more than \$1,507,000,000 shall be avail-*  
 11 *able for activities related to the International Space Sta-*  
 12 *tion.*

13 *SCIENCE, AERONAUTICS AND EXPLORATION*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For necessary expenses, not otherwise provided for, in*  
 16 *the conduct and support of science, aeronautics and explo-*  
 17 *ration research and development activities, including re-*  
 18 *search, development, operations, support and services;*  
 19 *maintenance; construction of facilities including repair, re-*  
 20 *habilitation, revitalization, and modification of facilities,*  
 21 *construction of new facilities and additions to existing fa-*  
 22 *cilities, facility planning and design, and restoration, and*  
 23 *acquisition or condemnation of real property, as authorized*  
 24 *by law; environmental compliance and restoration; space*  
 25 *flight, spacecraft control and communications activities in-*  
 26 *cluding operations, production, and services; program man-*

1    *agement; personnel and related costs, including uniforms*  
 2    *or allowances therefor, as authorized by 5 U.S.C. 5901–*  
 3    *5902; travel expenses; purchase and hire of passenger motor*  
 4    *vehicles; not to exceed \$35,000 for official reception and rep-*  
 5    *resentation expenses; and purchase, lease, charter, mainte-*  
 6    *nance and operation of mission and administrative air-*  
 7    *craft, \$7,730,507,000, to remain available until September*  
 8    *30, 2005, of which amounts as determined by the Adminis-*  
 9    *trator for salaries and benefits; training, travel and*  
 10    *awards; facility and related costs; information technology*  
 11    *services; science, engineering, fabricating and testing serv-*  
 12    *ices; and other administrative services may be transferred*  
 13    *to “Space flight capabilities” in accordance with section*  
 14    *312(b) of the National Aeronautics and Space Act of 1958,*  
 15    *as amended by Public Law 106–377.*

16                                    *OFFICE OF INSPECTOR GENERAL*

17        *For necessary expenses of the Office of Inspector Gen-*  
 18    *eral in carrying out the Inspector General Act of 1978, as*  
 19    *amended, \$26,300,000.*

20                                    *ADMINISTRATIVE PROVISIONS*

21        *Notwithstanding the limitation on the availability of*  
 22    *funds appropriated for “Science, aeronautics and explo-*  
 23    *ration”, or “Space flight capabilities” by this appropria-*  
 24    *tions Act, when any activity has been initiated by the in-*  
 25    *currence of obligations for construction of facilities as au-*  
 26    *thorized by law, such amount available for such activity*

1 *shall remain available until expended. This provision does*  
2 *not apply to the amounts appropriated for institutional*  
3 *minor revitalization and construction of facilities, and in-*  
4 *stitutional facility planning and design.*

5 *Notwithstanding the limitation on the availability of*  
6 *funds appropriated for “Science, aeronautics and explo-*  
7 *ration”, or “Space flight capabilities” by this appropria-*  
8 *tions Act, the amounts appropriated for construction of fa-*  
9 *cilities shall remain available until September 30, 2006.*

10 *From amounts made available in this Act for these ac-*  
11 *tivities, the Administration may transfer amounts between*  
12 *aeronautics from the “Science, aeronautics and explo-*  
13 *ration” account to the “Space flight capabilities” account,*  
14 *provided NASA meets all reprogramming requirements.*

15 *Funds for announced prizes otherwise authorized shall*  
16 *remain available, without fiscal year limitation, until the*  
17 *prize is claimed or the offer is withdrawn.*

18 *NASA shall maintain a working capital fund in the*  
19 *United States Treasury and report to the Congress on the*  
20 *status of this fund by January 31, 2004. Amounts in the*  
21 *fund are available for financing activities, services, equip-*  
22 *ment, information, and facilities as authorized by law to*  
23 *be provided within the Administration; to other agencies*  
24 *or instrumentalities of the United States; to any State, Ter-*  
25 *ritory, or possession or political subdivision thereof; to other*

1 public or private agencies; or to any person, firm, associa-  
2 tion, corporation, or educational institution on a reimburs-  
3 able basis. The fund shall also be available for the purpose  
4 of funding capital repairs, renovations, rehabilitation,  
5 sustainment, demolition, or replacement of NASA real  
6 property, on a reimbursable basis within the Administra-  
7 tion. Amounts in the fund are available without regard to  
8 fiscal year limitation. The capital of the fund consists of  
9 amounts appropriated to the fund; the reasonable value of  
10 stocks of supplies, equipment, and other assets and inven-  
11 tories on order that the Administrator transfers to the fund,  
12 less the related liabilities and unpaid obligations; and pay-  
13 ments received for loss or damage to property of the fund.  
14 The fund shall be reimbursed, in advance, for supplies and  
15 services at rates that will approximate the expenses of oper-  
16 ation, such as the accrual of annual leave, depreciation of  
17 plant, property and equipment, and overhead.

18       The unexpired balances of prior appropriations to  
19 NASA for activities for which funds are provided under this  
20 Act may be transferred to the new account established for  
21 the appropriation that provides such activity under this  
22 Act. Balances so transferred may be merged with funds in  
23 the newly established account and thereafter may be ac-  
24 counted for as one fund under the same terms and condi-  
25 tions.

1        *Notwithstanding any other provision of law, no funds*  
 2   *under this Act or any other Act may be used to compensate*  
 3   *any person who contracts with NASA who has otherwise*  
 4   *chosen to retire early or has taken a buy-out.*

5                    *NATIONAL CREDIT UNION ADMINISTRATION*

6                    *CENTRAL LIQUIDITY FACILITY*

7        *During fiscal year 2004, gross obligations of the Cen-*  
 8   *tral Liquidity Facility for the principal amount of new di-*  
 9   *rect loans to member credit unions, as authorized by 12*  
 10   *U.S.C. 1795 et seq., shall not exceed \$1,500,000,000: Pro-*  
 11   *vided, That administrative expenses of the Central Liquid-*  
 12   *ity Facility in fiscal year 2004 shall not exceed \$310,000.*

13                   *COMMUNITY DEVELOPMENT REVOLVING LOAN FUND*

14        *For the Community Development Revolving Loan*  
 15   *Fund program as authorized by 42 U.S.C. 9812, 9822 and*  
 16   *9910, \$1,500,000 shall be available: Provided, That of this*  
 17   *amount \$700,000, together with amounts of principal and*  
 18   *interest on loans repaid, is available until expended for*  
 19   *loans to community development credit unions, and*  
 20   *\$800,000 is available until September 30, 2005 for technical*  
 21   *assistance to low-income and community development cred-*  
 22   *it unions.*

23                   *NATIONAL SCIENCE FOUNDATION*

24                   *RESEARCH AND RELATED ACTIVITIES*

25        *For necessary expenses in carrying out the National*  
 26   *Science Foundation Act of 1950, as amended (42 U.S.C.*



1 1861–1875), and the Act to establish a National Medal of  
2 Science (42 U.S.C. 1880–1881); services as authorized by  
3 5 U.S.C. 3109; maintenance and operation of aircraft and  
4 purchase of flight services for research support; acquisition  
5 of aircraft; and authorized travel; \$4,220,610,000, of which  
6 not to exceed \$341,730,000 shall remain available until ex-  
7 pended for Polar research and operations support, and for  
8 reimbursement to other Federal agencies for operational  
9 and science support and logistical and other related activi-  
10 ties for the United States Antarctic program; the balance  
11 to remain available until September 30, 2005: Provided,  
12 That receipts for scientific support services and materials  
13 furnished by the National Research Centers and other Na-  
14 tional Science Foundation supported research facilities  
15 may be credited to this appropriation: Provided further,  
16 That to the extent that the amount appropriated is less than  
17 the total amount authorized to be appropriated for included  
18 program activities, all amounts, including floors and ceil-  
19 ings, specified in the authorizing Act for those program ac-  
20 tivities or their subactivities shall be reduced proportion-  
21 ally: Provided further, That \$90,000,000 of the funds avail-  
22 able under this heading shall be made available for a com-  
23 prehensive research initiative on plant genomes for eco-  
24 nomically significant crops.

1        *MAJOR RESEARCH EQUIPMENT AND FACILITIES*2                                *CONSTRUCTION*

3        *For necessary expenses for the acquisition, construc-*  
 4 *tion, commissioning, and upgrading of major research*  
 5 *equipment, facilities, and other such capital assets pursuant*  
 6 *to the National Science Foundation Act of 1950, as amend-*  
 7 *ed, including authorized travel, \$149,680,000, to remain*  
 8 *available until expended.*

9                                *EDUCATION AND HUMAN RESOURCES*

10       *For necessary expenses in carrying out science and en-*  
 11 *gineering education and human resources programs and ac-*  
 12 *tivities pursuant to the National Science Foundation Act*  
 13 *of 1950, as amended (42 U.S.C. 1861–1875), including*  
 14 *services as authorized by 5 U.S.C. 3109, authorized travel,*  
 15 *and rental of conference rooms in the District of Columbia,*  
 16 *\$975,870,000, to remain available until September 30,*  
 17 *2005: Provided, That to the extent that the amount of this*  
 18 *appropriation is less than the total amount authorized to*  
 19 *be appropriated for included program activities, all*  
 20 *amounts, including floors and ceilings, specified in the au-*  
 21 *thorizing Act for those program activities or their subactivi-*  
 22 *ties shall be reduced proportionally.*

23                                *SALARIES AND EXPENSES*

24       *For salaries and expenses necessary in carrying out*  
 25 *the National Science Foundation Act of 1950, as amended*  
 26 *(42 U.S.C. 1861–1875); services authorized by 5 U.S.C.*

1 3109; hire of passenger motor vehicles; not to exceed \$9,000  
 2 for official reception and representation expenses; uniforms  
 3 or allowances therefor, as authorized by 5 U.S.C. 5901–  
 4 5902; rental of conference rooms in the District of Colum-  
 5 bia; and reimbursement of the General Services Adminis-  
 6 tration for security guard services; \$225,700,000: Provided,  
 7 That contracts may be entered into under “Salaries and  
 8 expenses” in fiscal year 2004 for maintenance and oper-  
 9 ation of facilities, and for other services, to be provided dur-  
 10 ing the next fiscal year.

11 OFFICE OF THE NATIONAL SCIENCE BOARD

12 For necessary expenses (including payment of salaries,  
 13 authorized travel, hire of passenger motor vehicles, the rent-  
 14 al of conference rooms in the District of Columbia, and the  
 15 employment of experts and consultants under section 3109  
 16 of title 5, United States Code) involved in carrying out sec-  
 17 tion 4 of the National Science Foundation Act of 1950 (42  
 18 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et  
 19 seq.), \$3,900,000: Provided, That not more than \$9,000  
 20 shall be available for official reception and representation  
 21 expenses.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector Gen-  
 24 eral as authorized by the Inspector General Act of 1978,  
 25 as amended, \$10,000,000, to remain available until Sep-  
 26 tember 30, 2005.

10 ADMINISTRATIVE PROVISION

(2) inserting after the end the following sentence:

“The Corporation shall also apply the provisions of section 5307(a)(1), (b)(1) and (b)(2) of title 5, United States Code, governing limitations on certain pay as if its employees were Federal employees receiving payments under title 5.”.

1                    *SELECTIVE SERVICE SYSTEM*

2                    *SALARIES AND EXPENSES*

3            *For necessary expenses of the Selective Service System,*  
4 *including expenses of attendance at meetings and of train-*  
5 *ing for uniformed personnel assigned to the Selective Serv-*  
6 *ice System, as authorized by 5 U.S.C. 4101–4118 for civil-*  
7 *ian employees; purchase of uniforms, or allowances therefor,*  
8 *as authorized by 5 U.S.C. 5901–5902; hire of passenger*  
9 *motor vehicles; services as authorized by 5 U.S.C. 3109; and*  
10 *not to exceed \$750 for official reception and representation*  
11 *expenses; \$26,308,000: Provided, That during the current*  
12 *fiscal year, the President may exempt this appropriation*  
13 *from the provisions of 31 U.S.C. 1341, whenever the Presi-*  
14 *dent deems such action to be necessary in the interest of*  
15 *national defense: Provided further, That none of the funds*  
16 *appropriated by this Act may be expended for or in connec-*  
17 *tion with the induction of any person into the Armed Forces*  
18 *of the United States: Provided further, That none of the*  
19 *funds appropriated under this heading may be used in di-*  
20 *rect support of the Corporation for National and Commu-*  
21 *nity Service.*

22                    *TITLE IV—GENERAL PROVISIONS*

23            *SEC. 401. No part of any appropriation contained in*  
24 *this Act shall remain available for obligation beyond the*  
25 *current fiscal year unless expressly so provided herein.*

1       *SEC. 402. No funds appropriated by this Act may be*  
2 *expended—*

3           *(1) pursuant to a certification of an officer or*  
4 *employee of the United States unless—*

5               *(A) such certification is accompanied by, or*  
6 *is part of, a voucher or abstract which describes*  
7 *the payee or payees and the items or services for*  
8 *which such expenditure is being made; or*

9               *(B) the expenditure of funds pursuant to*  
10 *such certification, and without such a voucher or*  
11 *abstract, is specifically authorized by law; and*

12           *(2) unless such expenditure is subject to audit by*  
13 *the General Accounting Office or is specifically ex-*  
14 *empt by law from such audit.*

15       *SEC. 403. None of the funds provided in this Act to*  
16 *any department or agency may be obligated or expended*  
17 *for: (1) the transportation of any officer or employee of such*  
18 *department or agency between the domicile and the place*  
19 *of employment of the officer or employee, with the exception*  
20 *of an officer or employee authorized such transportation*  
21 *under 31 U.S.C. 1344 or 5 U.S.C. 7905; or (2) to provide*  
22 *a cook, chauffeur, or other personal servants to any officer*  
23 *or employee of such department or agency.*

24       *SEC. 404. None of the funds provided in this Act may*  
25 *be used for payment, through grants or contracts, to recipi-*

1 *ents that do not share in the cost of conducting research*  
 2 *resulting from proposals not specifically solicited by the*  
 3 *Government: Provided, That the extent of cost sharing by*  
 4 *the recipient shall reflect the mutuality of interest of the*  
 5 *grantee or contractor and the Government in the research.*

6       *SEC. 405. None of the funds provided in this Act may*  
 7 *be used, directly or through grants, to pay or to provide*  
 8 *reimbursement for payment of the salary of a consultant*  
 9 *(whether retained by the Federal Government or a grantee)*  
 10 *at more than the daily equivalent of the rate paid for level*  
 11 *IV of the Executive Schedule, unless specifically authorized*  
 12 *by law.*

13       *SEC. 406. None of the funds provided in this Act may*  
 14 *be used to pay the expenses of, or otherwise compensate,*  
 15 *non-Federal parties intervening in regulatory or adjudica-*  
 16 *tory proceedings. Nothing herein affects the authority of the*  
 17 *Consumer Product Safety Commission pursuant to section*  
 18 *7 of the Consumer Product Safety Act (15 U.S.C. 2056 et*  
 19 *seq.).*

20       *SEC. 407. Except as otherwise provided under existing*  
 21 *law, or under an existing Executive order issued pursuant*  
 22 *to an existing law, the obligation or expenditure of any ap-*  
 23 *propriation under this Act for contracts for any consulting*  
 24 *service shall be limited to contracts which are: (1) a matter*  
 25 *of public record and available for public inspection; and*

1 (2) thereafter included in a publicly available list of all con-  
 2 tracts entered into within 24 months prior to the date on  
 3 which the list is made available to the public and of all  
 4 contracts on which performance has not been completed by  
 5 such date. The list required by the preceding sentence shall  
 6 be updated quarterly and shall include a narrative descrip-  
 7 tion of the work to be performed under each such contract.

8       SEC. 408. Except as otherwise provided by law, no  
 9 part of any appropriation contained in this Act shall be  
 10 obligated or expended by any executive agency, as referred  
 11 to in the Office of Federal Procurement Policy Act (41  
 12 U.S.C. 401 et seq.), for a contract for services unless such  
 13 executive agency: (1) has awarded and entered into such  
 14 contract in full compliance with such Act and the regula-  
 15 tions promulgated thereunder; and (2) requires any report  
 16 prepared pursuant to such contract, including plans, eval-  
 17 uations, studies, analyses and manuals, and any report  
 18 prepared by the agency which is substantially derived from  
 19 or substantially includes any report prepared pursuant to  
 20 such contract, to contain information concerning: (A) the  
 21 contract pursuant to which the report was prepared; and  
 22 (B) the contractor who prepared the report pursuant to such  
 23 contract.

24       SEC. 409. (a) It is the sense of the Congress that, to  
 25 the greatest extent practicable, all equipment and products



1 *purchased with funds made available in this Act should be*  
2 *American-made.*

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

9 *SEC. 410. None of the funds appropriated in this Act*  
10 *may be used to implement any cap on reimbursements to*  
11 *grantees for indirect costs, except as published in Office of*  
12 *Management and Budget Circular A–21.*

13 *SEC. 411. Such sums as may be necessary for fiscal*  
14 *year 2004 pay raises for programs funded by this Act shall*  
15 *be absorbed within the levels appropriated in this Act.*

16 *SEC. 412. None of the funds made available in this*  
17 *Act may be used for any program, project, or activity, when*  
18 *it is made known to the Federal entity or official to which*  
19 *the funds are made available that the program, project, or*  
20 *activity is not in compliance with any Federal law relating*  
21 *to risk assessment, the protection of private property rights,*  
22 *or unfunded mandates.*

23 *SEC. 413. Except in the case of entities that are funded*  
24 *solely with Federal funds or any natural persons that are*  
25 *funded under this Act, none of the funds in this Act shall*

1 *be used for the planning or execution of any program to*  
 2 *pay the expenses of, or otherwise compensate, non-Federal*  
 3 *parties to lobby or litigate in respect to adjudicatory pro-*  
 4 *ceedings funded in this Act. A chief executive officer of any*  
 5 *entity receiving funds under this Act shall certify that none*  
 6 *of these funds have been used to engage in the lobbying of*  
 7 *the Federal Government or in litigation against the United*  
 8 *States unless authorized under existing law.*

9       *SEC. 414. No part of any funds appropriated in this*  
 10 *Act shall be used by an agency of the executive branch, other*  
 11 *than for normal and recognized executive-legislative rela-*  
 12 *tionships, for publicity or propaganda purposes, and for*  
 13 *the preparation, distribution or use of any kit, pamphlet,*  
 14 *booklet, publication, radio, television or film presentation*  
 15 *designed to support or defeat legislation pending before the*  
 16 *Congress, except in presentation to the Congress itself.*

17       *SEC. 415. All Departments and agencies funded under*  
 18 *this Act are encouraged, within the limits of the existing*  
 19 *statutory authorities and funding, to expand their use of*  
 20 *“E-Commerce” technologies and procedures in the conduct*  
 21 *of their business practices and public service activities.*

22       *SEC. 416. None of the funds made available in this*  
 23 *Act may be transferred to any department, agency, or in-*  
 24 *strumentality of the United States Government that is es-*  
 25 *tablished after the date of the enactment of this Act, except*

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

3 *SEC. 417. None of the funds provided in this Act to*  
 4 *any department or agency shall be obligated or expended*  
 5 *to procure passenger automobiles as defined in 15 U.S.C.*  
 6 *2001 with an EPA estimated miles per gallon average of*  
 7 *less than 22 miles per gallon.*

8 *SEC. 418. SENSE OF THE SENATE. (a) FINDINGS.—*  
 9 *The Senate finds that—*

10 *(1) 30 percent of American families have housing*  
 11 *affordability problems, with 14,300,000 families pay-*  
 12 *ing more than half of their income for housing costs,*  
 13 *and 17,300,000 families paying 30 to 50 percent of*  
 14 *their income towards housing costs;*

15 *(2) 9,300,000 American families live in housing*  
 16 *that is overcrowded or distressed;*

17 *(3) 3,500,000 households in the United States*  
 18 *will experience homelessness at some point this year,*  
 19 *including 1,350,000 children;*

20 *(4) the number of working families who are un-*  
 21 *able to afford adequate housing is increasing, as the*  
 22 *gap between wages and housing costs grows;*

23 *(5) there is no county or metropolitan area in*  
 24 *the country where a minimum wage earner can afford*  
 25 *to rent a modest 2-bedroom apartment, and on aver-*

1        *age, a family must earn over \$15 an hour to afford*  
2        *modest rental housing, which is almost 3 times the*  
3        *minimum wage;*

4            *(6) section 8 housing vouchers help approxi-*  
5        *mately 2,000,000 families with children, senior citi-*  
6        *zens, and disabled individuals afford a safe and de-*  
7        *cent place to live;*

8            *(7) utilization of vouchers is at a high of 96 per-*  
9        *cent, and is on course to rise to 97 percent in fiscal*  
10       *year 2004, according to data provided by the Depart-*  
11       *ment of Housing and Urban Development;*

12           *(8) the average cost per voucher has also steadily*  
13       *increased from just over \$6,400 in August of 2002, to*  
14       *\$6,756 in April, 2003, due largely to rising rents in*  
15       *the private market, and the Congressional Budget Of-*  
16       *fice estimates that the cost per voucher in fiscal year*  
17       *2004 will be \$7,028, \$560 more per voucher than the*  
18       *estimate contained in the fiscal year 2004 budget re-*  
19       *quest; and*

20           *(9) the congressionally appointed, bipartisan*  
21       *Millennial Housing Commission found that housing*  
22       *vouchers are “the linchpin of a national housing pol-*  
23       *icy providing very low-income renters access to pri-*  
24       *vately-owned housing stock”.*

1       (b) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*  
 2     *ate that—*

3             (1) *housing vouchers are a critical resource in*  
 4     *ensuring that families in America can afford safe, de-*  
 5     *cent, and adequate housing;*

6             (2) *public housing agencies must retain the abil-*  
 7     *ity to use 100 percent of their authorized vouchers to*  
 8     *help house low-income families; and*

9             (3) *the Senate expects the Department of Hous-*  
 10    *ing and Urban Development to take all necessary ac-*  
 11    *tions to encourage full utilization of vouchers, and to*  
 12    *use all legally available resources as needed to support*  
 13    *full funding for housing vouchers in fiscal year 2004,*  
 14    *so that every voucher can be used by a family in*  
 15    *need.*

16       *SEC. 419. Section 106(d) of the Housing and Commu-*  
 17    *nity Development Act of 1974 (42 U.S.C. 5306(d)) is*  
 18    *amended—*

19             (1) *in paragraph (3)(A), by striking “shall not*  
 20     *exceed 2 percent” and inserting “shall not, subject to*  
 21     *paragraph (6), exceed 3 percent”;*

22             (2) *in paragraph (5), by striking “not to exceed*  
 23     *1 percent” and inserting “subject to paragraph (6),*  
 24     *not to exceed 3 percent”;*

1           (3) by redesignating the second paragraph (5)  
 2           and paragraph (6) as paragraphs (7) and (8), respec-  
 3           tively; and

4           (4) by inserting after paragraph (5) the fol-  
 5           lowing:

6           “(6) Of the amounts received under paragraph  
 7           (1), the State may deduct not more than an aggregate  
 8           total of 3 percent of such amounts for—

9                   “(A) administrative expenses under para-  
 10                  graph (3)(A); and

11                   “(B) technical assistance under paragraph  
 12                  (5).”.

13       *SEC. 420. SEWER OVERFLOW CONTROL GRANTS. Sec-*  
 14       *tion 221 of the Federal Water Pollution Control Act (33*  
 15       *U.S.C. 1301) is amended—*

16           (1) in subsection (f), by striking “2002 and  
 17           2003” and inserting “2005 and 2006”;

18           (2) in subsection (g)(1)—

19                   (A) in the paragraph heading, by striking  
 20                  “2002” and inserting “2005”; and

21                   (B) by striking “2002” and inserting  
 22                  “2005”;

23           (3) in subsection (g)(2)—

24                   (A) in the paragraph heading, by striking  
 25                  “2003” and inserting “2006”; and

1                   (B) by striking “2003” and inserting  
2                   “2006”; and

3                   (4) in subsection (i), by striking “2003” and in-  
4                   serting “2006”.

5           SEC. 421. (a) Congress makes the following findings:

6                   (1) During Operation Desert Shield and Oper-  
7                   ation Desert Storm (in this section, collectively re-  
8                   ferred to as the “First Gulf War”), the regime of Sad-  
9                   dam Hussein committed grave human rights abuses  
10                  and acts of terrorism against the people of Iraq and  
11                  citizens of the United States.

12                  (2) United States citizens who were taken pris-  
13                  oner by the regime of Saddam Hussein during the  
14                  First Gulf War were brutally tortured and forced to  
15                  endure severe physical trauma and emotional abuse.

16                  (3) The regime of Saddam Hussein used civilian  
17                  citizens of the United States who were working in the  
18                  Persian Gulf region before and during the First Gulf  
19                  War as so-called human shields, threatening the per-  
20                  sonal safety and emotional well-being of such civil-  
21                  ians.

22                  (4) Congress has recognized and authorized the  
23                  right of United States citizens, including prisoners of  
24                  war, to hold terrorist states, such as Iraq during the

1       *regime of Saddam Hussein, liable for injuries caused*  
2       *by such states.*

3               *(5) The United States district courts are author-*  
4       *ized to adjudicate cases brought by individuals in-*  
5       *jured by terrorist states.*

6       *(b) It is the sense of Congress that—*

7               *(1) notwithstanding section 1503 of the Emer-*  
8       *gency Wartime Supplemental Appropriations Act,*  
9       *2003 (Public Law 108–11; 117 Stat. 579) and any*  
10       *other provision of law, a citizen of the United States*  
11       *who was a prisoner of war or who was used by the*  
12       *regime of Saddam Hussein and by Iraq as a so-called*  
13       *human shield during the First Gulf War should have*  
14       *the opportunity to have any claim for damages*  
15       *caused by the regime of Saddam Hussein and by Iraq*  
16       *incurred by such citizen fully adjudicated in the ap-*  
17       *propriate United States district court;*

18               *(2) any judgment for such damages awarded to*  
19       *such citizen, or the family of such citizen, should be*  
20       *fully enforced; and*

21               *(3) the Attorney General should enter into nego-*  
22       *tiations with each such citizen, or the family of each*  
23       *such citizen, to develop a fair and reasonable method*  
24       *of providing compensation for the damages each such*  
25       *citizen incurred, including using assets of the regime*



1        *of Saddam Hussein held by the Government of the*  
 2        *United States or any other appropriate sources to*  
 3        *provide such compensation.*

4        *SEC. 422. None of the funds provided in this Act may*  
 5        *be expended to apply, in a numerical estimate of the bene-*  
 6        *fits of an agency action prepared pursuant to Executive*  
 7        *Order 12866 or section 812 of the Clean Air Act, monetary*  
 8        *values for adult premature mortality that differ based on*  
 9        *the age of the adult.*

10       *SEC. 423. EXTENSION OF CERTAIN PUBLIC HOUSING/*  
 11       *SECTION 8 MOVING TO WORK DEMONSTRATION AGREE-*  
 12       *MENTS. (a) EXTENSION.—The Secretary of Housing and*  
 13       *Urban Development shall extend the term of the Moving to*  
 14       *Work Demonstration Agreement entered into between a pub-*  
 15       *lic housing agency and the Secretary under section 204,*  
 16       *title V, of the Omnibus Consolidated Rescissions and Appro-*  
 17       *priations Act of 1996 (Public Law 104–134, April 26,*  
 18       *1996) if—*

19                *(1) the public housing agency requests such ex-*  
 20        *tension in writing;*

21                *(2) the public housing agency is not at the time*  
 22        *of such request for extension in default under its Mov-*  
 23        *ing to Work Demonstration Agreement; and*

1           (3) *the Moving to Work Demonstration Agree-*  
2           *ment to be extended would otherwise expire on or be-*  
3           *fore December 31, 2004.*

4           (b) *TERMS.—Unless the Secretary of Housing and*  
5           *Urban Development and the public housing agency other-*  
6           *wise agree, the extension under subsection (a) shall be upon*  
7           *the identical terms and conditions set forth in the extending*  
8           *agency’s existing Moving to Work Demonstration Agree-*  
9           *ment, except that for each public housing agency that has*  
10          *been or will be granted an extension to its original Moving*  
11          *to Work agreement, the Secretary shall require that data*  
12          *be collected so that the effect of Moving to Work policy*  
13          *changes on residents can be measured.*

14          (c) *EXTENSION PERIOD.—The extension under sub-*  
15          *section (a) shall be for such period as is requested by the*  
16          *public housing agency, not to exceed 3 years from the date*  
17          *of expiration of the extending agency’s existing Moving to*  
18          *Work Demonstration Agreement.*

19          (d) *BREACH OF AGREEMENT.—Nothing contained in*  
20          *this section shall limit the authority of the Secretary of*  
21          *Housing and Urban Development to terminate any Moving*  
22          *to Work Demonstration Agreement of a public housing*  
23          *agency if the public housing agency is in breach of the pro-*  
24          *visions of such agreement.*

1        *SEC. 424. STUDY OF MOVING TO WORK PROGRAM. (a)*  
 2        *IN GENERAL.—The General Accounting Office shall conduct*  
 3        *a study of the Moving to Work demonstration program to*  
 4        *evaluate—*

5                *(1) whether the statutory goals of the Moving to*  
 6        *Work demonstration program are being met;*

7                *(2) the effects policy changes related to the Mov-*  
 8        *ing to Work demonstration program have had on resi-*  
 9        *dents; and*

10               *(3) whether public housing agencies partici-*  
 11        *pating in the Moving to Work program are meeting*  
 12        *the requirements of the Moving to Work demonstra-*  
 13        *tion program under law and any agreements with the*  
 14        *Department of Housing and Urban Development.*

15        *(b) REPORT.—Not later than 18 months after the date*  
 16        *of enactment of this Act, the General Accounting Office shall*  
 17        *submit to Congress a report on the study conducted under*  
 18        *subsection (a).*

19        *SEC. 425. NATIONAL ACADEMY OF SCIENCES STUDY.*  
 20        *The matter under the heading “ADMINISTRATIVE PROVI-*  
 21        *SIONS” under the heading “ENVIRONMENTAL PROTECTION*  
 22        *AGENCY” in title III of division K of section 2 of the Con-*  
 23        *solidated Appropriations Resolution, 2003 (117 Stat. 513),*  
 24        *is amended—*

1           (1) *in the first sentence of the fifth undesignated*  
 2           *paragraph (beginning “As soon as”), by inserting be-*  
 3           *fore the period at the end the following: “, and the*  
 4           *impact of the final rule entitled ‘Prevention of Sig-*  
 5           *nificant Deterioration (PSD) and Nonattainment*  
 6           *New Source Review (NSR): Equipment Replacement*  
 7           *Provision of the Routine Maintenance, Repair and*  
 8           *Replacement Exclusion’, amending parts 51 and 52*  
 9           *of title 40, Code of Federal Regulations, and pub-*  
 10          *lished in electronic docket OAR-2002-0068 on August*  
 11          *27, 2003”;* and

12          (2) *in the sixth undesignated paragraph (begin-*  
 13          *ning “The National Academy of Sciences”), by strik-*  
 14          *ing “March 3, 2004” and inserting “January 1,*  
 15          *2005”.*

16          *SEC. 426. There shall be made available \$500,000 to*  
 17          *the Secretary of Housing and Urban Development for the*  
 18          *purposes of making the grant authorized under section 3*  
 19          *of the Paul and Sheila Wellstone Center for Community*  
 20          *Building Act.*

## 21          *TITLE V—PESTICIDE PRODUCTS AND FEES*

22          *SEC. 501. PESTICIDE REGISTRATION. (a) SHORT*  
 23          *TITLE.—This title may be cited as the “Pesticide Registra-*  
 24          *tion Improvement Act of 2003”.*

1       (b) *REGISTRATION REQUIREMENTS FOR ANTI-*  
 2 *MICROBIAL PESTICIDES.*—*Section 3(h) of the Federal Insec-*  
 3 *ticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(h))*  
 4 *is amended—*

5           (1) *in paragraph (2)(F), by striking “90 to 180*  
 6 *days” and inserting “120 days”; and*

7           (2) *in paragraph (3)—*

8               (A) *in subparagraph (D)(vi), by striking*  
 9 *“240 days” and inserting “120 days”; and*

10              (B) *in subparagraph (F), by adding at the*  
 11 *end the following:*

12                   “(iv) *LIMITATION.*—*Notwithstanding*  
 13 *clause (ii), the failure of the Administrator*  
 14 *to notify an applicant for an amendment to*  
 15 *a registration for an antimicrobial pesticide*  
 16 *shall not be judicially reviewable in a Fed-*  
 17 *eral or State court if the amendment re-*  
 18 *quires scientific review of data within—*

19                       “(I) *the time period specified in*  
 20 *subparagraph (D)(vi), in the absence of*  
 21 *a final regulation under subparagraph*  
 22 *(B); or*

23                       “(II) *the time period specified in*  
 24 *paragraph (2)(F), if adopted in a final*  
 25 *regulation under subparagraph (B).”.*

1       (c) *MAINTENANCE FEES.*—

2               (1) *AMOUNTS FOR REGISTRANTS.*—Section  
3       4(i)(5) of the *Federal Insecticide, Fungicide, and*  
4       *Rodenticide Act* (7 U.S.C. 136a–1(i)(5)) is  
5       amended—

6               (A) in subparagraph (A)—

7                       (i) by striking “(A) Subject” and in-  
8       serting the following:

9                       “(A) *IN GENERAL.*—Subject”; and

10                      (ii) by striking “of—” and all that fol-  
11       lows through “additional registration” and  
12       inserting “for each registration”;

13              (B) in subparagraph (D)—

14                      (i) by striking “(D) The” and insert-  
15       ing the following:

16                      “(D) *MAXIMUM AMOUNT OF FEES FOR REG-*  
17       *ISTRANTS.*—The”;

18                      (ii) in clause (i), by striking “shall be  
19       \$55,000; and” and inserting “shall be—

20                               “(I) for fiscal year 2004, \$84,000;

21                               “(II) for each of fiscal years 2005 and  
22       2006, \$87,000;

23                               “(III) for fiscal year 2007, \$68,000;

24       and

1 “(IV) for fiscal year 2008, \$55,000;  
2 and”; and

3 (iii) in clause (ii), by striking “shall  
4 be \$95,000.” and inserting “shall be—

5 “(I) for fiscal year 2004, \$145,000;

6 “(II) for each of fiscal years 2005 and  
7 2006, \$151,000;

8 “(III) for fiscal year 2007, \$117,000;  
9 and

10 “(IV) for fiscal year 2008, \$95,000.”;  
11 and

12 (C) in subparagraph (E)—

13 (i) by striking “(E)(i) For” and insert-  
14 ing the following:

15 “(E) MAXIMUM AMOUNT OF FEES FOR  
16 SMALL BUSINESSES.—

17 “(i) IN GENERAL.—For”;

18 (ii) by indenting the margins of sub-  
19 clauses (I) and (II) of clause (i) appro-  
20 priately; and

21 (iii) in clause (i)—

22 (I) subclause (I), by striking  
23 “shall be \$38,500; and” and inserting  
24 “shall be—

1 “(aa) for fiscal year 2004,  
2 \$59,000;

3 “(bb) for each of fiscal years  
4 2005 and 2006, \$61,000;

5 “(cc) for fiscal year 2007,  
6 \$48,000; and

7 “(dd) for fiscal year 2008,  
8 \$38,500; and”; and

9 (II) in subclause (II), by striking  
10 “shall be \$66,500.” and inserting  
11 “shall be—

12 “(aa) for fiscal year 2004,  
13 \$102,000;

14 “(bb) for each of fiscal years  
15 2005 and 2006, \$106,000;

16 “(cc) for fiscal year 2007,  
17 \$82,000; and

18 “(dd) for fiscal year 2008,  
19 \$66,500.”.

20 (2) *TOTAL AMOUNT OF FEES.*—Section 4(i)(5)(C)  
21 of the Federal Insecticide, Fungicide, and Rodenticide  
22 Act (7 U.S.C. 136(a)–1(i)(5)(C)) is amended—

23 (A) by striking “(C)(i) The” and inserting  
24 the following:

25 “(C) *TOTAL AMOUNT OF FEES.*—The”; and



(B) by striking “aggregate amount” and all that follows through clause (ii) and inserting “aggregate amount of—

“(i) for fiscal year 2004, \$26,000,000;

“(ii) for fiscal year 2005, \$27,000,000;

“(iii) for fiscal year 2006, \$27,000,000;

“(iv) for fiscal year 2007, \$21,000,000;

and

“(v) for fiscal year 2008, \$15,000,000.”.

(3) *DEFINITION OF SMALL BUSINESS.*—Section 4(i)(5)(E)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5)(E)(ii)) is amended—

(A) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting the margins appropriately;

(B) by striking “(ii) For purposes of” and inserting the following:

“(ii) *DEFINITION OF SMALL BUSINESS.*—

“(I) *IN GENERAL.*—In”;

(C) in item (aa) (as so redesignated), by striking “150” and inserting “500”;

1           (D) in item (bb) (as so redesignated), by  
 2           striking “gross revenue from chemicals that did  
 3           not exceed \$40,000,000.” and inserting “global  
 4           gross revenue from pesticides that did not exceed  
 5           \$60,000,000.”; and

6           (E) by adding at the end the following:

7                       “(II) *AFFILIATES*.—

8                       “(aa) *IN GENERAL*.—In the  
 9                       case of a business entity with 1 or  
 10                      more affiliates, the gross revenue  
 11                      limit under subclause (I)(bb) shall  
 12                      apply to the gross revenue for the  
 13                      entity and all of the affiliates of  
 14                      the entity, including parents and  
 15                      subsidiaries, if applicable.

16                     “(bb) *AFFILIATED PERSONS*.—For the purpose of item  
 17                     (aa), persons are affiliates of each  
 18                     other if, directly or indirectly, ei-  
 19                     ther person controls or has the  
 20                     power to control the other person,  
 21                     or a third person controls or has  
 22                     the power to control both persons.

23                     “(cc) *INDICIA OF CONTROL*.—  
 24                     For the purpose of item (aa), in-  
 25

1                    *dia* of control include inter-  
 2                    *locking* management or owner-  
 3                    *ship*, identity of interests among  
 4                    *family* members, shared facilities  
 5                    *and* equipment, and common use  
 6                    *of* employees.”.

7                    (4) *EXTENSION OF AUTHORITY FOR COLLECTING*  
 8                    *MAINTENANCE FEES.*—Section 4(i)(5)(H) of the *Fed-*  
 9                    *eral Insecticide, Fungicide, and Rodenticide Act* (7  
 10                    *U.S.C. 136a–1(i)(5)(H))* is amended by striking  
 11                    “2003” and inserting “2008”.

12                    (5) *REREGISTRATION AND OTHER ACTIVITIES.*—  
 13                    Section 4(g)(2) of the *Federal Insecticide, Fungicide*  
 14                    *and Rodenticide Act* (7 *U.S.C. 136a–1(g)(2))* is  
 15                    *amended—*

16                    (A) *by striking subparagraph (A) and in-*  
 17                    *serting the following:*

18                    “(A) *IN GENERAL.*—The Administrator  
 19                    *shall make a determination as to eligibility for*  
 20                    *reregistration—*

21                    “(i) *for all active ingredients subject to*  
 22                    *reregistration under this section for which*  
 23                    *tolerances or exemptions from tolerances are*  
 24                    *required under the Federal Food, Drug, and*  
 25                    *Cosmetic Act* (21 *U.S.C. 301 et seq.*), not

1 *later than the last date for tolerance reassessment established under section*  
 2 *408(q)(1)(C) of that Act (21 U.S.C.*  
 3 *346a(q)(1)(C)); and*

4  
 5 *“(ii) for all other active ingredients*  
 6 *subject to reregistration under this section,*  
 7 *not later than October 3, 2008.”;*

8 *(B) in subparagraph (B)—*

9 *(i) by striking “(B) Before” and in-*  
 10 *serting the following:*

11 *“(B) PRODUCT-SPECIFIC DATA.—*

12 *“(i) IN GENERAL.—Before”;*

13 *(ii) by striking “The Administrator”*  
 14 *and inserting the following:*

15 *“(ii) TIMING.—*

16 *“(I) IN GENERAL.—Subject to*  
 17 *subclause (II), the Administrator”;* and  
 18 *(iii) by adding at the end the fol-*  
 19 *lowing:*

20 *“(II) EXTRAORDINARY CIR-*  
 21 *CUMSTANCES.—In the case of extraor-*  
 22 *dinary circumstances, the Adminis-*  
 23 *trator may provide such a longer pe-*  
 24 *riod, of not more than 2 additional*  
 25 *years, for submission of data to the Ad-*

1 *ministrator under this subparagraph.”;*

2 *and*

3 *(C) in subparagraph (D)—*

4 *(i) by striking “(D) If” and inserting*  
 5 *the following:*

6 *“(D) DETERMINATION TO NOT REREG-*  
 7 *ISTER.—*

8 *“(i) IN GENERAL.—If”; and*

9 *(ii) by adding at the end the following:*

10 *“(ii) TIMING FOR REGULATORY AC-*  
 11 *TION.—Regulatory action under clause (i)*  
 12 *shall be completed as expeditiously as pos-*  
 13 *sible.”.*

14 *(d) OTHER FEES.—*

15 *(1) IN GENERAL.—Section 4(i)(6) of the Federal*  
 16 *Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.*  
 17 *136a–1(i)(6)) is amended—*

18 *(A) by striking “During” and inserting*

19 *“Except as provided in section 33, during”; and*

20 *(B) by striking “2003” and inserting*

21 *“2010”.*

22 *(2) TOLERANCE FEES.—Notwithstanding section*  
 23 *408(m)(1) of the Federal Food, Drug, and Cosmetic*  
 24 *Act (21 U.S.C. 346a(m)(1)), during the period begin-*  
 25 *ning on October 1, 2003, and ending on September*

1       30, 2008, the Administrator of the Environmental  
 2       Protection Agency shall not collect any tolerance fees  
 3       under that section.

4       (e) *EXPEDITED PROCESSING OF SIMILAR APPLICA-*  
 5       *TIONS.*—Section 4(k)(3) of the Federal Insecticide, Fun-  
 6       gicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(3)) is  
 7       amended—

8               (1) in the paragraph heading, by striking “EX-  
 9       PEDITED” and inserting “REVIEW OF INERT INGREDI-  
 10       ENTS; EXPEDITED”; and

11              (2) in subparagraph (A)—

12                      (A) by striking “1997” and all that follows  
 13                      through “of the maintenance fees” and inserting  
 14                      “2004 through 2006, approximately \$3,300,000,  
 15                      and for each of fiscal years 2007 and 2008, be-  
 16                      tween  $\frac{1}{8}$  and  $\frac{1}{7}$ , of the maintenance fees”;

17                      (B) by redesignating clauses (i), (ii), and  
 18                      (iii) as subclauses (I), (II) and (III), respec-  
 19                      tively, and indenting appropriately; and

20                      (C) by striking “resources to assure the ex-  
 21                      pedited processing and review of any application  
 22                      that” and inserting “resources—

23                              “(i) to review and evaluate new inert  
 24                              ingredients; and

1                   “(ii) to ensure the expedited processing  
2                   and review of any application  
3                   that—”.

4           (f) *PESTICIDE REGISTRATION SERVICE FEES.*—The  
5 *Federal Insecticide, Fungicide, and Rodenticide Act* (7  
6 *U.S.C. 136a et seq.*) is amended—

7                   (1) by redesignating sections 33 and 34 (7  
8           *U.S.C. 136x, 136y*) as sections 34 and 35, respec-  
9           tively; and

10                  (2) by inserting after section 32 (7 *U.S.C. 136w*—  
11           7) the following:

12   **“SEC. 33. PESTICIDE REGISTRATION SERVICE FEES.**

13           “(a) *DEFINITION OF COSTS.*—In this section, the term  
14 ‘costs’, when used with respect to review and decision-  
15 making pertaining to an application for which registration  
16 service fees are paid under this section, means—

17                   “(1) costs to the extent that—

18                           “(A) officers and employees provide direct  
19                   support for the review and decisionmaking for  
20                   covered pesticide applications, associated toler-  
21                   ances, and corresponding risk and benefits infor-  
22                   mation and analyses;

23                           “(B) persons and organizations under con-  
24                   tract with the Administrator engage in the re-

1           *view of the applications, and corresponding risk*  
 2           *and benefits information and assessments; and*

3           “(C) *advisory committees and other accred-*  
 4           *ited persons or organizations, on the request of*  
 5           *the Administrator, engage in the peer review of*  
 6           *risk or benefits information associated with cov-*  
 7           *ered pesticide applications;*

8           “(2) *costs of management of information, and*  
 9           *the acquisition, maintenance, and repair of computer*  
 10           *and telecommunication resources (including soft-*  
 11           *ware), used to support review of pesticide applica-*  
 12           *tions, associated tolerances, and corresponding risk*  
 13           *and benefits information and analyses; and*

14           “(3) *costs of collecting registration service fees*  
 15           *under subsections (b) and (c) and reporting, auditing,*  
 16           *and accounting under this section.*

17           “(b) *FEES.—*

18           “(1) *IN GENERAL.—Effective beginning on the ef-*  
 19           *fective date of the Pesticide Registration Improvement*  
 20           *Act of 2003, the Administrator shall assess and collect*  
 21           *covered pesticide registration service fees in accord-*  
 22           *ance with this section.*

23           “(2) *COVERED PESTICIDE REGISTRATION APPLI-*  
 24           *CATIONS.—*



1           “(A) *IN GENERAL.*—An application for the  
 2           registration of a pesticide covered by this Act  
 3           that is received by the Administrator on or after  
 4           the effective date of the Pesticide Registration  
 5           Improvement Act of 2003 shall be subject to a  
 6           registration service fee under this section.

7           “(B) *EXISTING APPLICATIONS.*—

8           “(i) *IN GENERAL.*—Subject to clause  
 9           (ii), an application for the registration of a  
 10          pesticide that was submitted to the Admin-  
 11          istrator before the effective date of the Pes-  
 12          ticide Registration Improvement Act of  
 13          2003 and is pending on that effective date  
 14          shall be subject to a service fee under this  
 15          section if the application is for the registra-  
 16          tion of a new active ingredient that is not  
 17          listed in the Registration Division 2003  
 18          Work Plan of the Office of Pesticide Pro-  
 19          grams of the Environmental Protection  
 20          Agency.

21          “(ii) *TOLERANCE OR EXEMPTION*  
 22          *FEES.*—The amount of any fee otherwise  
 23          payable for an application described in  
 24          clause (i) under this section shall be reduced  
 25          by the amount of any fees paid to support

1           *the related petition for a pesticide tolerance*  
 2           *or exemption under the Federal Food, Drug,*  
 3           *and Cosmetic Act (21 U.S.C. 301 et seq.).*

4           “(C) *DOCUMENTATION.*—An application  
 5           *subject to a registration service fee under this*  
 6           *section shall be submitted with documentation*  
 7           *certifying—*

8                     “(i) *payment of the registration service*  
 9                     *fee; or*

10                    “(ii) *a request for a waiver from or re-*  
 11                    *duction of the registration service fee.*

12           “(3) *SCHEDULE OF COVERED APPLICATIONS AND*  
 13           *REGISTRATION SERVICE FEES.*—

14                    “(A) *IN GENERAL.*—Not later than 30 days  
 15                    *after the effective date of the Pesticide Registra-*  
 16                    *tion Improvement Act of 2003, the Adminis-*  
 17                    *trator shall publish in the Federal Register a*  
 18                    *schedule of covered pesticide registration applica-*  
 19                    *tions and corresponding registration service fees.*

20                    “(B) *REPORT.*—Subject to paragraph (6),  
 21                    *the schedule shall be the same as the applicable*  
 22                    *schedule appearing in the Congressional Record*  
 23                    *on pages S11631 through S11633, dated Sep-*  
 24                    *tember 17, 2003.*

1           “(4) *PENDING PESTICIDE REGISTRATION APPLI-*  
2           *CATIONS.—*

3                   “(A) *IN GENERAL.—An applicant that sub-*  
4                   *mitted a registration application to the Admin-*  
5                   *istrator before the effective date of the Pesticide*  
6                   *Registration Improvement Act of 2003, but that*  
7                   *is not required to pay a registration service fee*  
8                   *under paragraph (2)(B), may, on a voluntary*  
9                   *basis, pay a registration service fee in accord-*  
10                   *ance with paragraph (2)(B).*

11                   “(B) *VOLUNTARY FEE.—The Administrator*  
12                   *may not compel payment of a registration serv-*  
13                   *ice fee for an application described in subpara-*  
14                   *graph (A).*

15                   “(C) *DOCUMENTATION.—An application for*  
16                   *which a voluntary registration service fee is paid*  
17                   *under this paragraph shall be submitted with*  
18                   *documentation certifying—*

19                           “(i) *payment of the registration service*  
20                           *fee; or*

21                           “(ii) *a request for a waiver from or re-*  
22                           *duction of the registration service fee.*

23           “(5) *RESUBMISSION OF PESTICIDE REGISTRA-*  
24           *TION APPLICATIONS.—If a pesticide registration ap-*  
25           *plication is submitted by a person that paid the fee*

1     *for the application under paragraph (2), is deter-*  
 2     *mined by the Administrator to be complete, and is*  
 3     *not approved or is withdrawn (without a waiver or*  
 4     *refund), the submission of the same pesticide registra-*  
 5     *tion application by the same person (or a licensee, as-*  
 6     *signee, or successor of the person) shall not be subject*  
 7     *to a fee under paragraph (2).*

8             “(6) *FEE ADJUSTMENT.*—*Effective for a covered*  
 9     *pesticide registration application received on or after*  
 10    *October 1, 2005, the Administrator shall—*

11            “(A) *increase by 5 percent the service fee*  
 12     *payable for the application under paragraph (3);*  
 13     *and*

14            “(B) *publish in the Federal Register the re-*  
 15     *vised registration service fee schedule.*

16            “(7) *WAIVERS AND REDUCTIONS.*—

17            “(A) *IN GENERAL.*—*An applicant for a cov-*  
 18     *ered pesticide registration may request the Ad-*  
 19     *ministrator to waive or reduce the amount of a*  
 20     *registration service fee payable under this section*  
 21     *under the circumstances described in subpara-*  
 22     *graphs (D) through (G).*

23            “(B) *DOCUMENTATION.*—

24            “(i) *IN GENERAL.*—*A request for a*  
 25     *waiver from or reduction of the registration*

1           *service fee shall be accompanied by appro-*  
2           *priate documentation demonstrating the*  
3           *basis for the waiver or reduction.*

4           “(ii) *CERTIFICATION.*—*The applicant*  
5           *shall provide to the Administrator a written*  
6           *certification, signed by a responsible officer,*  
7           *that the documentation submitted to sup-*  
8           *port the waiver or reduction request is accu-*  
9           *rate.*

10          “(iii) *INACCURATE DOCUMENTATION.*—  
11          *An application shall be subject to the appli-*  
12          *cable registration service fee payable under*  
13          *paragraph (3) if, at any time, the Adminis-*  
14          *trator determines that—*

15               “(I) *the documentation sup-*  
16               *porting the waiver or reduction request*  
17               *is not accurate; or*

18               “(II) *based on the documentation*  
19               *or any other information, the waiver*  
20               *or reduction should not have been*  
21               *granted or should not be granted.*

22          “(C) *DETERMINATION TO GRANT OR DENY*  
23          *REQUEST.*—*As soon as practicable, but not later*  
24          *than 60 days, after the date on which the Ad-*  
25          *ministrator receives a request for a waiver or re-*

duction of a registration service fee under this paragraph, the Administrator shall—

“(i) determine whether to grant or deny the request; and

“(ii) notify the applicant of the determination.

“(D) MINOR USES.—

“(i) IN GENERAL.—The Administrator may waive or reduce a registration service fee for an application for minor uses for a pesticide.

“(ii) SUPPORTING DOCUMENTATION.—An applicant requesting a waiver under this subparagraph shall provide supporting documentation that demonstrates, to the satisfaction of the Administrator, that anticipated revenues from the uses that are the subject of the application would be insufficient to justify imposition of the full application fee.

“(E) IR-4 WAIVER.—The Administrator shall waive the registration service fee for an application if the Administrator determines that—

“(i) the application is solely associated with a tolerance petition submitted in con-

1            *nection with the Inter-Regional Project*  
 2            *Number 4 (IR-4) as described in section 2*  
 3            *of Public Law 89-106 (7 U.S.C. 450i(e));*  
 4            *and*

5            *“(ii) the waiver is in the public inter-*  
 6            *est.*

7            *“(F) SMALL BUSINESSES.—*

8            *“(i) IN GENERAL.—The Administrator*  
 9            *shall waive 50 percent of the registration*  
 10           *service fees payable by an entity for a cov-*  
 11           *ered pesticide registration application*  
 12           *under this section if the entity is a small*  
 13           *business (as defined in section*  
 14           *4(i)(5)(E)(ii)) at the time of application.*

15           *“(ii) WAIVER OF FEES.—The Adminis-*  
 16           *trator shall waive all of the registration*  
 17           *service fees payable by an entity under this*  
 18           *section if the entity—*

19           *“(I) is a small business (as de-*  
 20           *finied in section 4(i)(5)(E)(ii)) at the*  
 21           *time of application; and*

22           *“(II) has average annual global*  
 23           *gross revenues described in section*  
 24           *4(i)(5)(E)(ii)(I)(bb) that does not ex-*

1           ceed \$10,000,000, at the time of appli-  
2           cation.

3           “(iii) *FORMATION FOR WAIVER.*—*The*  
4           *Administrator shall not grant a waiver*  
5           *under this subparagraph if the Adminis-*  
6           *trator determines that the entity submitting*  
7           *the application has been formed or manipu-*  
8           *lated primarily for the purpose of quali-*  
9           *fying for the waiver.*

10          “(iv) *DOCUMENTATION.*—*An entity re-*  
11          *questing a waiver under this subparagraph*  
12          *shall provide to the Administrator—*

13               “(I) *documentation demonstrating*  
14               *that the entity is a small business (as*  
15               *defined in section 4(i)(5)(E)(ii)) at the*  
16               *time of application; and*

17               “(II) *if the entity is requesting a*  
18               *waiver of all registration service fees*  
19               *payable under this section, documenta-*  
20               *tion demonstrating that the entity has*  
21               *an average annual global gross reve-*  
22               *nues described in section*  
23               *4(i)(5)(E)(ii)(I)(bb) that does not ex-*  
24               *ceed \$10,000,000, at the time of appli-*  
25               *cation.*



1           “(G) *FEDERAL AND STATE AGENCY EXEMP-*  
 2           *TIONS.—An agency of the Federal Government or*  
 3           *a State government shall be exempt from covered*  
 4           *registration service fees under this section.*

5           “(8) *REFUNDS.—*

6           “(A) *EARLY WITHDRAWALS.—If, during the*  
 7           *first 60 days after the beginning of the applica-*  
 8           *ble decision time review period under subsection*  
 9           *(f)(3), a covered pesticide registration applica-*  
 10          *tion is withdrawn by the applicant, the Admin-*  
 11          *istrator shall refund all but 10 percent of the*  
 12          *total registration service fee payable under para-*  
 13          *graph (3) for the application.*

14          “(B) *WITHDRAWALS AFTER THE FIRST 60*  
 15          *DAYS OF DECISION REVIEW TIME PERIOD.—*

16          “(i) *IN GENERAL.—If a covered pes-*  
 17          *ticide registration application is withdrawn*  
 18          *after the first 60 days of the applicable deci-*  
 19          *sion time review period, the Administrator*  
 20          *shall determine what portion, if any, of the*  
 21          *total registration service fee payable under*  
 22          *paragraph (3) for the application may be*  
 23          *refunded based on the proportion of the*  
 24          *work completed at the time of withdrawal.*

1                   “(ii) *TIMING.*—*The Administrator*  
2                   *shall—*

3                   “(I) *make the determination de-*  
4                   *scribed in clause (i) not later than 90*  
5                   *days after the date the application is*  
6                   *withdrawn; and*

7                   “(II) *provide any refund as soon*  
8                   *as practicable after the determination.*

9                   “(C) *DISCRETIONARY REFUNDS.*—

10                  “(i) *IN GENERAL.*—*In the case of a*  
11                  *pesticide registration application that has*  
12                  *been filed with the Administrator and has*  
13                  *not been withdrawn by the applicant, but*  
14                  *for which the Administrator has not yet*  
15                  *made a final determination, the Adminis-*  
16                  *trator may refund a portion of a covered*  
17                  *registration service fee if the Administrator*  
18                  *determines that the refund is justified.*

19                  “(ii) *BASIS.*—*The Administrator may*  
20                  *provide a refund for an application under*  
21                  *this subparagraph—*

22                  “(I) *on the basis that, in review-*  
23                  *ing the application, the Administrator*  
24                  *has considered data submitted in sup-*

1                    *port of another pesticide registration*  
 2                    *application; or*

3                    *“(II) on the basis that the Admin-*  
 4                    *istrator completed portions of the re-*  
 5                    *view of the application before the effec-*  
 6                    *tive date of this section.*

7                    *“(D) CREDITED FEES.—In determining*  
 8                    *whether to grant a refund under this paragraph,*  
 9                    *the Administrator shall take into account any*  
 10                   *portion of the registration service fees credited*  
 11                   *under paragraph (2) or (4).*

12                   *“(c) PESTICIDE REGISTRATION FUND.—*

13                   *“(1) ESTABLISHMENT.—There is established in*  
 14                   *the Treasury of the United States a Pesticide Reg-*  
 15                   *istration Fund to be used in carrying out this section*  
 16                   *(referred to in this section as the ‘Fund’), consisting*  
 17                   *of—*

18                   *“(A) such amounts as are deposited in the*  
 19                   *Fund under paragraph (2);*

20                   *“(B) any interest earned on investment of*  
 21                   *amounts in the Fund under paragraph (4); and*

22                   *“(C) any proceeds from the sale or redemp-*  
 23                   *tion of investments held in the Fund.*

1           “(2) *DEPOSITS IN FUND.*—Subject to paragraph  
2           (4), the Administrator shall deposit fees collected  
3           under this section in the Fund.

4           “(3) *EXPENDITURES FROM FUND.*—

5           “(A) *IN GENERAL.*—Subject to subpara-  
6           graphs (B) and (C) and paragraph (4), the Ad-  
7           ministrator may make expenditures from the  
8           Fund—

9           “(i) to cover the costs associated with  
10          the review and decisionmaking pertaining  
11          to all applications for which registration  
12          service fees have been paid under this sec-  
13          tion; and

14          “(ii) to otherwise carry out this sec-  
15          tion.

16          “(B) *WORKER PROTECTION.*—For each of  
17          fiscal years 2004 through 2008, the Adminis-  
18          trator shall use approximately  $\frac{1}{17}$  of the amount  
19          in the Fund (but not more than \$1,000,000, and  
20          not less than \$750,000, for any fiscal year) to  
21          enhance current scientific and regulatory activi-  
22          ties related to worker protection.

23          “(C) *NEW INERT INGREDIENTS.*—For each  
24          of fiscal years 2004 and 2005, the Administrator  
25          shall use approximately  $\frac{1}{34}$  of the amount in the

1           *Fund (but not to exceed \$500,000 for any fiscal*  
 2           *year) for the review and evaluation of new inert*  
 3           *ingredients.*

4           “(4) *COLLECTIONS AND APPROPRIATIONS*  
 5           *ACTS.—The fees authorized by this section and*  
 6           *amounts deposited in the Fund—*

7                     *“(A) shall be collected and made available*  
 8                     *for obligation only to the extent provided in ad-*  
 9                     *vance in appropriations Acts; and*

10                    *“(B) shall be available without fiscal year*  
 11                    *limitation.*

12           “(5) *UNUSED FUNDS.—Amounts in the Fund not*  
 13           *currently needed to carry out this section shall be—*

14                    *“(A) maintained readily available or on de-*  
 15                    *posit;*

16                    *“(B) invested in obligations of the United*  
 17                    *States or guaranteed by the United States; or*

18                    *“(C) invested in obligations, participations,*  
 19                    *or other instruments that are lawful investments*  
 20                    *for fiduciary, trust, or public funds.*

21           “(d) *ASSESSMENT OF FEES.—*

22                    *“(1) DEFINITION OF COVERED FUNCTIONS.—In*  
 23                    *this subsection, the term ‘covered functions’ means*  
 24                    *functions of the Office of Pesticide Programs of the*  
 25                    *Environmental Protection Agency, as identified in*

1     *key programs and projects of the final operating plan*  
 2     *for the Environmental Protection Agency submitted*  
 3     *as part of the budget process for fiscal year 2002, re-*  
 4     *gardless of any subsequent transfer of 1 or more of the*  
 5     *functions to another office or agency or the subsequent*  
 6     *transfer of a new function to the Office of Pesticide*  
 7     *Programs.*

8             “(2) *MINIMUM AMOUNT OF APPROPRIATIONS.—*  
 9     *Registration service fees may not be assessed for a fis-*  
 10    *cal year under this section unless the amount of ap-*  
 11    *propriations for salaries, contracts, and expenses for*  
 12    *the functions (as in existence in fiscal year 2002) of*  
 13    *the Office of Pesticide Programs of the Environmental*  
 14    *Protection Agency for the fiscal year (excluding the*  
 15    *amount of any fees appropriated for the fiscal year)*  
 16    *are equal to or greater than the amount of appropria-*  
 17    *tions for covered functions for fiscal year 2002 (ex-*  
 18    *cluding the amount of any fees appropriated for the*  
 19    *fiscal year).*

20            “(3) *USE OF FEES.—Registration service fees*  
 21    *authorized by this section shall be available, in the*  
 22    *aggregate, only to defray increases in the costs associ-*  
 23    *ated with the review and decisionmaking for the re-*  
 24    *view of pesticide registration applications and associ-*  
 25    *ated tolerances (including increases in the number of*

1     *full-time equivalent positions in the Environmental*  
2     *Protection Agency engaged in those activities) over*  
3     *the costs for fiscal year 2002, excluding costs paid*  
4     *from fees appropriated for the fiscal year.*

5             “(4) COMPLIANCE.—*The requirements of para-*  
6     *graph (2) shall have been considered to have been met*  
7     *for any fiscal year if the amount of appropriations*  
8     *for salaries, contracts, and expenses for the functions*  
9     *(as in existence in fiscal year 2002) of the Office of*  
10    *Pesticide Programs of the Environmental Protection*  
11    *Agency for the fiscal year (excluding the amount of*  
12    *any fees appropriated for the fiscal year) is not more*  
13    *than 3 percent below the amount of appropriations*  
14    *for covered functions for fiscal year 2002 (excluding*  
15    *the amount of any fees appropriated for the fiscal*  
16    *year).*

17            “(5) SUBSEQUENT AUTHORITY.—*If the Adminis-*  
18    *trator does not assess registration service fees under*  
19    *subsection (b) during any portion of a fiscal year as*  
20    *the result of paragraph (2) and is subsequently per-*  
21    *mitted to assess the fees under subsection (b) during*  
22    *the fiscal year, the Administrator shall assess and col-*  
23    *lect the fees, without any modification in rate, at any*  
24    *time during the fiscal year, notwithstanding any pro-*

visions of subsection (b) relating to the date fees are to be paid.

“(e) *REFORMS TO REDUCE DECISION TIME REVIEW PERIODS.*—To the maximum extent practicable consistent with the degrees of risk presented by pesticides and the type of review appropriate to evaluate risks, the Administrator shall identify and evaluate reforms to the pesticide registration process under this Act with the goal of reducing decision review periods in effect on the effective date of the Pesticide Registration Improvement Act of 2003 for pesticide registration actions for covered pesticide registration applications (including reduced risk applications).

“(f) *DECISION TIME REVIEW PERIODS.*—

“(1) *IN GENERAL.*—Not later than 30 days after the effective date of the Pesticide Registration Improvement Act of 2003, the Administrator shall publish in the Federal Register a schedule of decision review periods for covered pesticide registration actions and corresponding registration service fees under this Act.

“(2) *REPORT.*—The schedule shall be the same as the applicable schedule appearing in the Congressional Record on pages S11631 through S11633, dated September 17, 2003.



1           “(3) *APPLICATIONS SUBJECT TO DECISION TIME*  
 2           *REVIEW PERIODS.*—*The decision time review periods*  
 3           *specified in paragraph (1) shall apply to—*

4                   “(A) *covered pesticide registration applica-*  
 5                   *tions subject to registration service fees under*  
 6                   *subsection (b)(2);*

7                   “(B) *covered pesticide registration applica-*  
 8                   *tions for which an applicant has voluntarily*  
 9                   *paid registration service fees under subsection*  
 10                  *(b)(4); and*

11                  “(C) *covered pesticide registration applica-*  
 12                  *tions listed in the Registration Division 2003*  
 13                  *Work Plan of the Office of Pesticide Programs of*  
 14                  *the Environmental Protection Agency.*

15           “(4) *START OF DECISION TIME REVIEW PE-*  
 16           *RIOD.*—

17                   “(A) *IN GENERAL.*—*Except as provided in*  
 18                   *subparagraphs (C), (D), and (E), in the case of*  
 19                   *a pesticide registration application accompanied*  
 20                   *by the registration service fee required under this*  
 21                   *section, the decision time review period begins 21*  
 22                   *days after the date on which the Administrator*  
 23                   *receives the covered pesticide registration appli-*  
 24                   *cation.*

1                   “(B) *COMPLETENESS OF APPLICATION.*—*In*  
 2                   *conducting an initial screening of an applica-*  
 3                   *tion, the Administrator shall determine—*

4                   “(i) *whether—*

5                   “(I) *the applicable registration*  
 6                   *service fee has been paid; or*

7                   “(II) *the application contains a*  
 8                   *waiver or refund request; and*

9                   “(ii) *whether the application—*

10                  “(I) *contains all necessary forms,*  
 11                  *data, draft labeling, and, documenta-*  
 12                  *tion certifying payment of any reg-*  
 13                  *istration service fee required under this*  
 14                  *section; or*

15                  “(II) *establishes a basis for any*  
 16                  *requested waiver or reduction.*

17                  “(C) *APPLICATIONS WITH WAIVER OR RE-*  
 18                  *DUCTION REQUESTS.—*

19                  “(i) *IN GENERAL.*—*In the case of an*  
 20                  *application submitted with a request for a*  
 21                  *waiver or reduction of registration service*  
 22                  *fees under subsection (b)(7), the decision*  
 23                  *time review period shall be determined in*  
 24                  *accordance with this subparagraph.*

1           “(ii) *REQUEST GRANTED WITH NO AD-*  
2           *DITIONAL FEES REQUIRED.—If the Admin-*  
3           *istrator grants the waiver or reduction re-*  
4           *quest and no additional fee is required, the*  
5           *decision time review period begins on the*  
6           *earlier of—*

7                     “(I) *the date on which the Admin-*  
8                     *istrator grants the request; or*

9                     “(II) *the date that is 60 days*  
10            *after the date of receipt of the applica-*  
11            *tion.*

12           “(iii) *REQUEST GRANTED WITH ADDI-*  
13            *TIONAL FEES REQUIRED.—If the Adminis-*  
14            *trator grants the waiver or reduction re-*  
15            *quest, in whole or in part, but an addi-*  
16            *tional registration service fee is required,*  
17            *the decision time review period begins on*  
18            *the date on which the Administrator re-*  
19            *ceives certification of payment of the appli-*  
20            *cable registration service fee.*

21           “(iv) *REQUEST DENIED.—If the Ad-*  
22            *ministrator denies the waiver or reduction*  
23            *request, the decision time review period be-*  
24            *gins on the date on which the Adminis-*

1 *trator receives certification of payment of*  
 2 *the applicable registration service fee.*

3 *“(D) PENDING APPLICATIONS.—*

4 *“(i) IN GENERAL.—The start of the de-*  
 5 *cision time review period for applications*  
 6 *described in clause (ii) shall be the date on*  
 7 *which the Administrator receives certifi-*  
 8 *cation of payment of the applicable reg-*  
 9 *istration service fee.*

10 *“(ii) APPLICATIONS.—Clause (i) ap-*  
 11 *plies to—*

12 *“(I) covered pesticide registration*  
 13 *applications for which voluntary fees*  
 14 *have been paid under subsection (b)(4);*  
 15 *and*

16 *“(II) covered pesticide registration*  
 17 *applications received on or after the ef-*  
 18 *fective date of the Pesticide Registra-*  
 19 *tion Improvement Act of 2003 but sub-*  
 20 *mitted without the applicable registra-*  
 21 *tion service fee required under this sec-*  
 22 *tion due to the inability of the Admin-*  
 23 *istrator to assess fees under subsection*  
 24 *(d)(1).*

1           “(E) 2003 WORK PLAN.—In the case of a  
 2           covered pesticide registration application listed  
 3           in the Registration Division 2003 Work Plan of  
 4           the Office of Pesticide Programs of the Environ-  
 5           mental Protection Agency, the decision time re-  
 6           view period begins on the date that is 30 days  
 7           after the effective date of the Pesticide Registra-  
 8           tion Improvement Act of 2003.

9           “(5) EXTENSION OF DECISION TIME REVIEW PE-  
 10          RIOD.—The Administrator and the applicant may  
 11          mutually agree in writing to extend a decision time  
 12          review period under this subsection.

13          “(g) JUDICIAL REVIEW.—

14               “(1) IN GENERAL.—Any applicant adversely af-  
 15          fected by the failure of the Administrator to make a  
 16          determination on the application of the applicant for  
 17          registration of a new active ingredient or new use for  
 18          which a registration service fee is paid under this sec-  
 19          tion may obtain judicial review of the failure solely  
 20          under this section.

21               “(2) SCOPE.—

22                   “(A) IN GENERAL.—In an action brought  
 23          under this subsection, the only issue on review is  
 24          whether the Administrator failed to make a de-  
 25          termination on the application specified in

1        *paragraph (1) by the end of the applicable deci-*  
 2        *sion time review period required under sub-*  
 3        *section (f) for the application.*

4                *“(B) OTHER ACTIONS.—No other action au-*  
 5        *thorized or required under this section shall be*  
 6        *judicially reviewable by a Federal or State court.*

7                *“(3) TIMING.—*

8                *“(A) IN GENERAL.—A person may not ob-*  
 9        *tain judicial review of the failure of the Admin-*  
 10       *istrator to make a determination on the applica-*  
 11       *tion specified in paragraph (1) before the expira-*  
 12       *tion of the 2-year period that begins on the date*  
 13       *on which the decision time review period for the*  
 14       *application ends.*

15               *“(B) MEETING WITH ADMINISTRATOR.—To*  
 16       *be eligible to seek judicial review under this sub-*  
 17       *section, a person seeking the review shall first re-*  
 18       *quest in writing, at least 120 days before filing*  
 19       *the complaint for judicial review, a decision re-*  
 20       *view meeting with the Administrator.*

21               *“(4) REMEDIES.—The Administrator may not be*  
 22       *required or permitted to refund any portion of a reg-*  
 23       *istration service fee paid in response to a complaint*  
 24       *that the Administrator has failed to make a deter-*  
 25       *mination on the covered pesticide registration appli-*

1        *cation specified in paragraph (1) by the end of the*  
 2        *applicable decision review period.*

3        “(h) *ACCOUNTING.*—*The Administrator shall—*

4                “(1) *provide an annual accounting of the reg-*  
 5        *istration service fees paid to the Administrator and*  
 6        *disbursed from the Fund, by providing financial*  
 7        *statements in accordance with—*

8                “(A) *the Chief Financial Officers Act of*  
 9                *1990 (Public Law 101–576; 104 Stat. 2838) and*  
 10               *amendments made by that Act; and*

11               “(B) *the Government Management Reform*  
 12               *Act of 1994 (Public Law 103–356; 108 Stat.*  
 13               *3410) and amendments made by that Act;*

14               “(2) *provide an accounting describing expendi-*  
 15        *tures from the Fund authorized under subsection (c);*  
 16        *and*

17               “(3) *provide an annual accounting describing*  
 18        *collections and expenditures authorized under sub-*  
 19        *section (d).*

20        “(i) *AUDITING.*—

21               “(1) *FINANCIAL STATEMENTS OF AGENCIES.*—  
 22        *For the purpose of section 3515(c) of title 31, United*  
 23        *States Code, the Fund shall be considered a compo-*  
 24        *nent of an executive agency.*

1           “(2) *COMPONENTS.*—*The annual audit required*  
 2           *under sections 3515(b) and 3521 of that title of the*  
 3           *financial statements of activities under this section*  
 4           *shall include an analysis of—*

5                   “(A) *the fees collected under subsection (b)*  
 6                   *and disbursed;*

7                   “(B) *compliance with subsection (f);*

8                   “(C) *the amount appropriated to meet the*  
 9                   *requirements of subsection (d)(1); and*

10                  “(D) *the reasonableness of the allocation of*  
 11                  *the overhead allocation of costs associated with*  
 12                  *the review and decisionmaking pertaining to ap-*  
 13                  *plications under this section.*

14           “(3) *INSPECTOR GENERAL.*—*The Inspector Gen-*  
 15           *eral of the Environmental Protection Agency shall—*

16                   “(A) *conduct the annual audit required*  
 17                   *under this subsection; and*

18                   “(B) *report the findings and recommenda-*  
 19                   *tions of the audit to the Administrator and to*  
 20                   *the appropriate committees of Congress.*

21           “(j) *PERSONNEL LEVELS.*—*All full-time equivalent po-*  
 22           *sitions supported by fees authorized and collected under this*  
 23           *section shall not be counted against the agency-wide per-*  
 24           *sonnel level goals of the Environmental Protection Agency.*

25           “(k) *REPORTS.*—



1           “(1) *IN GENERAL.*—Not later than March 1,  
2           2005, and each March 1 thereafter through March 1,  
3           2009, the Administrator shall publish an annual re-  
4           port describing actions taken under this section.

5           “(2) *CONTENTS.*—The report shall include—

6                   “(A) a review of the progress made in car-  
7                   rying out each requirement of subsections (e) and  
8                   (f), including—

9                           “(i) the number of applications re-  
10                          viewed, including the decision times for  
11                          each application specified in subsection (f);

12                           “(ii) the number of actions pending in  
13                          each category of actions described in sub-  
14                          section (f)(3), as well as the number of inert  
15                          ingredients;

16                           “(iii) to the extent determined appro-  
17                          priate by the Administrator and consistent  
18                          with the authorities of the Administrator  
19                          and limitations on delegation of functions  
20                          by the Administrator, recommendations  
21                          for—

22                                   “(I) expanding the use of self-cer-  
23                                  tification in all appropriate areas of  
24                                  the registration process;

1                   “(II) providing for accreditation  
2                   of outside reviewers and the use of out-  
3                   side reviewers to conduct the review of  
4                   major portions of applications; and

5                   “(III) reviewing the scope of use  
6                   of the notification process to cover  
7                   broader categories of registration ac-  
8                   tions; and

9                   “(iv) the use of performance-based con-  
10                  tracts, other contracts, and procurement to  
11                  ensure that—

12                  “(I) the goals of this Act for the  
13                  timely review of applications for reg-  
14                  istration are met; and

15                  “(II) the registration program is  
16                  administered in the most productive  
17                  and cost effective manner practicable;

18                  “(B) a description of the staffing and re-  
19                  sources relating to the costs associated with the  
20                  review and decisionmaking pertaining to appli-  
21                  cations; and

22                  “(C) a review of the progress in meeting the  
23                  timeline requirements of section 4(g).

24                  “(3) *METHOD.*—The Administrator shall publish  
25                  a report required by this subsection by such method

1       *as the Administrator determines to be the most effec-*  
2       *tive for efficiently disseminating the report, including*  
3       *publication of the report on the Internet site of the*  
4       *Environmental Protection Agency.*

5       “(l) *SAVINGS CLAUSE.*—*Nothing in this section affects*  
6       *any other duties, obligations, or authorities established by*  
7       *any other section of this Act, including the right to judicial*  
8       *review of duties, obligations, or authorities established by*  
9       *any other section of this Act.*

10       “(m) *TERMINATION OF EFFECTIVENESS.*—

11               “(1) *IN GENERAL.*—*Except as provided in para-*  
12       *graph (2), the authority provided by this section ter-*  
13       *minates on September 30, 2008.*

14               “(2) *PHASE OUT.*—

15                       “(A) *FISCAL YEAR 2009.*—*During fiscal year*  
16       *2009, the requirement to pay and collect reg-*  
17       *istration service fees applies, except that the level*  
18       *of registration service fees payable under this sec-*  
19       *tion shall be reduced 40 percent below the level*  
20       *in effect on September 30, 2008.*

21                       “(B) *FISCAL YEAR 2010.*—*During fiscal*  
22       *year 2010, the requirement to pay and collect*  
23       *registration service fees applies, except that the*  
24       *level of registration service fees payable under*

1           *this section shall be reduced 70 percent below the*  
 2           *level in effect on September 30, 2008.*

3           “(C) *SEPTEMBER 30, 2010.—Effective Sep-*  
 4           *tember 30, 2010, the requirement to pay and col-*  
 5           *lect registration service fees terminates.*

6           “(D) *DECISION REVIEW PERIODS.—*

7                   “(i) *PENDING APPLICATIONS.—In the*  
 8                   *case of an application received under this*  
 9                   *section before September 30, 2008, the ap-*  
 10                  *plication shall be reviewed in accordance*  
 11                  *with subsection (f).*

12                  “(ii) *NEW APPLICATIONS.—In the case*  
 13                  *of an application received under this section*  
 14                  *on or after September 30, 2008, subsection*  
 15                  *(f) shall not apply to the application.”.*

16           “(g) *CONFORMING AMENDMENTS.—The table of contents*  
 17           *in section 1(b) of the Federal Insecticide, Fungicide, and*  
 18           *Rodenticide Act (7 U.S.C. prec. 136) is amended—*

19                   (1) *by striking the item relating to section*  
 20                   *4(k)(3) and inserting the following:*

*“(3) Review of inert ingredients; expedited processing of  
 similar applications.”;*

21                   *and*

22                   (2) *by striking the items relating to sections 30*  
 23                   *and 31 and inserting the following:*

*“Sec. 30. Minimum requirements for training of maintenance applicators and  
 service technicians.*

- “Sec. 31. *Environmental Protection Agency minor use program.*
- “Sec. 32. *Department of Agriculture minor use program.*
  - “(a) *In general.*
  - “(b)(1) *Minor use pesticide data.*
  - “(2) *Minor Use Pesticide Data Revolving Fund.*
- “Sec. 33. *Pesticide registration service fees.*
  - “(a) *Definition of costs.*
  - “(b) *Fees.*
    - “(1) *In general.*
    - “(2) *Covered pesticide registration applications.*
    - “(3) *Schedule of covered applications and registration service fees.*
    - “(4) *Pending pesticide registration applications.*
    - “(5) *Resubmission of pesticide registration applications.*
    - “(6) *Fee adjustment.*
    - “(7) *Waivers and reductions.*
    - “(8) *Refunds.*
  - “(c) *Pesticide Registration Fund.*
    - “(1) *Establishment.*
    - “(2) *Transfers to Fund.*
    - “(3) *Expenditures from Fund.*
    - “(4) *Collections and appropriations Acts.*
    - “(5) *Unused funds.*
  - “(d) *Assessment of fees.*
    - “(1) *Definition of covered functions.*
    - “(2) *Minimum amount of appropriations.*
    - “(3) *Use of fees.*
    - “(4) *Compliance.*
    - “(5) *Subsequent authority.*
  - “(e) *Reforms to reduce decision time review periods.*
  - “(f) *Decision time review periods.*
    - “(1) *In general.*
    - “(2) *Report.*
    - “(3) *Applications subject to decision time review periods.*
    - “(4) *Start of decision time review period.*
    - “(5) *Extension of decision time review period.*
  - “(g) *Judicial review.*
    - “(1) *In general.*
    - “(2) *Scope.*
    - “(3) *Timing.*
    - “(4) *Remedies.*
  - “(h) *Accounting.*
  - “(i) *Auditing.*
    - “(1) *Financial statements of agencies.*
    - “(2) *Components.*
    - “(3) *Inspector General.*
  - “(j) *Personnel levels.*
  - “(k) *Reports.*
    - “(1) *In general.*
    - “(2) *Contents.*
  - “(l) *Savings clause.*
  - “(m) *Termination of effectiveness.*
    - “(1) *In general.*
    - “(2) *Phase out.*
- “Sec. 34. *Severability.*
- “Sec. 35. *Authorization for appropriations.”.*

1       (h) *EFFECTIVE DATE.*—*Except as otherwise provided*  
2 *in this section and the amendments made by this section,*  
3 *this section and the amendments made by this section take*  
4 *effect on the date that is 60 days after the date of enactment*  
5 *of this Act.*

6       *SEC. 502. It is the sense of the Senate that human dos-*  
7 *ing studies of pesticides raises ethical and health questions.*

8       *This Act may be cited as the “Departments of Veterans*  
9 *Affairs and Housing and Urban Development, and Inde-*  
10 *pendent Agencies Appropriations Act, 2004”.*

Attest:

*Secretary.*

108TH CONGRESS  
1ST SESSION

**H. R. 2861**

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**AMENDMENT**