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1ST SESSION

H. R. 2861

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2003

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Veterans Affairs and Housing and Urban
6 Development, and for sundry independent agencies,
7 boards, commissions, corporations, and offices for the fis-
8 cal year ending September 30, 2004, and for other pur-
9 poses, namely:

1 TITLE I—DEPARTMENT OF VETERANS AFFAIRS

2 VETERANS BENEFITS ADMINISTRATION

3 COMPENSATION, PENSION AND BURIAL BENEFITS

4 (INCLUDING TRANSFER OF FUNDS)

5 For the payment of compensation benefits to or on
6 behalf of veterans and a pilot program for disability ex-
7 aminations as authorized by law (38 U.S.C. 107, chapters
8 11, 13, 18, 51, 53, 55, and 61); pension benefits to or
9 on behalf of veterans as authorized by law (38 U.S.C.
10 chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and bur-
11 ial benefits; emergency and other officers' retirement pay;
12 adjusted-service credits and certificates; payment of pre-
13 miums due on commercial life insurance policies guaran-
14 teed under the provisions of article IV of the Soldiers' and
15 Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et
16 seq.) and for other benefits as authorized by law (38
17 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53,
18 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123;
19 45 Stat. 735; 76 Stat. 1198), \$29,845,127,000, to remain
20 available until expended: *Provided*, That not to exceed
21 \$17,617,000 of the amount appropriated under this head-
22 ing shall be reimbursed to “General operating expenses”
23 and “Medical services for priority 1–6 veterans” for nec-
24 essary expenses in implementing those provisions author-
25 ized in the Omnibus Budget Reconciliation Act of 1990,
26 and in the Veterans' Benefits Act of 1992 (38 U.S.C.

1 chapters 51, 53, and 55), the funding source for which
 2 is specifically provided as the “Compensation, pension and
 3 burial benefits” appropriation: *Provided further*, That such
 4 sums as may be earned on an actual qualifying patient
 5 basis, shall be reimbursed to “Medical facilities revolving
 6 fund” to augment the funding of individual medical facili-
 7 ties for nursing home care provided to pensioners as au-
 8 thorized.

9 READJUSTMENT BENEFITS

10 For the payment of readjustment and rehabilitation
 11 benefits to or on behalf of veterans as authorized by law
 12 (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53,
 13 55, and 61), \$2,529,734,000, to remain available until ex-
 14 pended: *Provided*, That expenses for rehabilitation pro-
 15 gram services and assistance which the Secretary is au-
 16 thorized to provide under section 3104(a) of title 38,
 17 United States Code, other than under subsection (a)(1),
 18 (2), (5), and (11) of that section, shall be charged to this
 19 account.

20 VETERANS INSURANCE AND INDEMNITIES

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

1 VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM
 2 ACCOUNT
 3 (INCLUDING TRANSFER OF FUNDS)

4 For the cost of direct and guaranteed loans, such
 5 sums as may be necessary to carry out the program, as
 6 authorized by 38 U.S.C. chapter 37, subchapters I–III,
 7 as amended: *Provided*, That such costs, including the cost
 8 of modifying such loans, shall be as defined in section 502
 9 of the Congressional Budget Act of 1974, as amended:
 10 *Provided further*, That during fiscal year 2004, within the
 11 resources available, not to exceed \$300,000 in gross obli-
 12 gations for direct loans are authorized for specially adapt-
 13 ed housing loans, 38 U.S.C. 3711(i).

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

18 EDUCATION LOAN FUND PROGRAM ACCOUNT
 19 (INCLUDING TRANSFER OF FUNDS)

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

7 For the cost of direct loans, \$52,000, as authorized
8 by 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
13 gross obligations for the principal amount of direct loans
14 not to exceed \$3,938,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$300,000, which may be transferred to and merged with the appropriation for "General operating expenses".

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, \$571,000, which may be transferred to and merged with the appropriation for “General

1 operating expenses”: *Provided*, That no new loans in ex-
 2 cess of \$40,000,000 may be made in fiscal year 2004.

3 GUARANTEED TRANSITIONAL HOUSING LOANS FOR
 4 HOMELESS VETERANS PROGRAM ACCOUNT

5 For the administrative expenses to carry out the
 6 guaranteed transitional housing loan program authorized
 7 by 38 U.S.C. chapter 37, subchapter VI, not to exceed
 8 \$350,000 of the amounts appropriated by this Act for
 9 “General operating expenses” and “Medical services for
 10 priority 1–6 veterans) may be expended.

11 VETERANS HEALTH ADMINISTRATION

12 MEDICAL SERVICES FOR PRIORITY 1–6 VETERANS

13 For necessary expenses for furnishing, as authorized
 14 by law, inpatient and outpatient care and treatment to
 15 beneficiaries of the Department of Veterans Affairs other
 16 than veterans described in paragraphs (7) and (8) of sec-
 17 tion 1705(a) of title 38, United States Code, including
 18 care and treatment in facilities not under the jurisdiction
 19 of the department and including medical supplies and
 20 equipment and salaries and expenses of health-care em-
 21 ployees hired under title 38, United States Code, and aid
 22 to State homes as authorized by section 1741 of title 38,
 23 United States Code; \$15,779,220,000, plus reimburse-
 24 ments: *Provided*, That of the funds made available under
 25 this heading, not less than \$200,000,000 is for the equip-
 26 ment object classification, which amount shall not become

1 available for obligation until August 1, 2004, and shall
 2 remain available until September 30, 2005: *Provided fur-*
 3 *ther,* That of the funds made available under this heading,
 4 not to exceed \$700,000,000 shall be available until Sep-
 5 tember 30, 2005.

6 MEDICAL SERVICES FOR PRIORITY 7-8 VETERANS
 7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses for furnishing, as authorized
 9 by law, inpatient and outpatient care and treatment to
 10 beneficiaries of the Department of Veterans Affairs who
 11 are veterans described in paragraphs (7) and (8) of section
 12 1705(a) of title 38, United States Code, including care
 13 and treatment in facilities not under the jurisdiction of
 14 the Department and including medical supplies and equip-
 15 ment and salaries and expenses of health-care employees
 16 hired under title 38, United States Code, and aid to State
 17 homes as authorized by section 1741 of title 38, United
 18 States Code; \$2,164,000,000, plus reimbursements: *Pro-*
 19 *vided,* That of the amounts provided under this heading,
 20 \$1,500,000,000 shall be derived from amounts deposited
 21 during the current fiscal year in the Department of Vet-
 22 erans Affairs Medical Care Collections Fund under section
 23 1729A of title 38, United States Code, and transferred
 24 to this account, to remain available until expended.

1 MEDICAL AND PROSTHETIC RESEARCH

2 For necessary expenses in carrying out programs of
 3 medical and prosthetic research and development as au-
 4 thorized by chapter 73 of title 38, United States Code,
 5 to remain available until September 30, 2005,
 6 \$408,000,000, plus reimbursements.

7 MEDICAL ADMINISTRATION

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses in the administration of the
 10 medical, hospital, nursing home, domiciliary, construction,
 11 supply, and research activities, as authorized by law; ad-
 12 ministrative expenses in support of capital policy activi-
 13 ties; information technology hardware and software; uni-
 14 forms or allowances therefor, as authorized by sections
 15 5901–5902 of title 5, United States Code; and administra-
 16 tive and legal expenses of the department for collecting
 17 and recovering amounts owed the department as author-
 18 ized under chapter 17 of title 38, United States Code, and
 19 the Federal Medical Care Recovery Act (42 U.S.C. 2651
 20 et seq.); \$4,854,000,000, of which \$300,000,000 shall be
 21 available until September 30, 2005, plus reimbursements:
 22 *Provided*, That funds available under this heading may be
 23 transferred to “Medical Services for Priority 1–6 Vet-
 24 erans” or to “Medical Services for Priority 7–8 Veterans”
 25 after notice of the amount and purpose of the transfer
 26 is provided to the Committees on Appropriations of the

1 Senate and House of Representatives and a period of 30
 2 days has elapsed.

3 MEDICAL FACILITIES

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for the maintenance and op-
 6 eration of hospitals, nursing homes, and domiciliary facili-
 7 ties and other necessary facilities for the Veterans Health
 8 Administration; for administrative expenses in support of
 9 planning, design, project management, real property ac-
 10 quisition and disposition, construction and renovation of
 11 any facility under the jurisdiction or for the use of the
 12 department; for oversight, engineering and architectural
 13 activities not charged to project costs; for repairing, alter-
 14 ing, improving or providing facilities in the several hos-
 15 pitals and homes under the jurisdiction of the department,
 16 not otherwise provided for, either by contract or by the
 17 hire of temporary employees and purchase of materials;
 18 for leases of facilities; and for laundry and food services;
 19 \$4,000,000,000: *Provided*, That of the funds made avail-
 20 able under this heading, not less than \$80,000,000 is for
 21 the land and structures object classification, which amount
 22 shall not become available for obligation until August 1,
 23 2004, and shall remain available until September 30,
 24 2005: *Provided further*, That funds available under this
 25 heading may be transferred to “Medical Services for Pri-
 26 ority 1–6 Veterans” or to “Medical Services for Priority

1 7-8 Veterans'' after notice of the amount and purpose of
2 the transfer is provided to the Committees on Appropria-
3 tions of the Senate and House of Representatives and a
4 period of 30 days has elapsed.

5 DEPARTMENTAL ADMINISTRATION

6 GENERAL OPERATING EXPENSES

7 For necessary operating expenses of the Department
8 of Veterans Affairs, not otherwise provided for, including
9 administrative expenses in support of department-wide
10 capital planning, management and policy activities, uni-
11 forms or allowances therefor, not to exceed \$25,000 for
12 official reception and representation expenses; hire of pas-
13 senger motor vehicles; and reimbursement of the General
14 Services Administration for security guard services; and
15 the Department of Defense for the cost of overseas em-
16 ployee mail, \$1,283,272,000: *Provided*, That expenses for
17 services and assistance authorized under 38 U.S.C.
18 3104(a)(1), (2), (5), and (11) that the Secretary deter-
19 mines are necessary to enable entitled veterans: (1) to the
20 maximum extent feasible, to become employable and to ob-
21 tain and maintain suitable employment; or (2) to achieve
22 maximum independence in daily living, shall be charged
23 to this account: *Provided further*, That the Veterans Bene-
24 fits Administration shall be funded at not less than
25 \$1,005,000,000: *Provided further*, That of the funds made

1 available under this heading, not to exceed \$66,000,000
2 shall be available for obligation until September 30, 2005:
3 *Provided further,* That from the funds made available
4 under this heading, the Veterans Benefits Administration
5 may purchase up to two passenger motor vehicles for use
6 in operations of that Administration in Manila, Phil-
7 ippines: *Provided further,* That travel expenses for this ac-
8 count shall not exceed \$17,082,000.

9 NATIONAL CEMETERY ADMINISTRATION

10 For necessary expenses of the National Cemetery Ad-
11 ministration for operations and maintenance, not other-
12 wise provided for, including uniforms or allowances there-
13 for, cemetery expenses as authorized by law, purchase
14 of one passenger motor vehicle for use in cemetery oper-
15 ations, and hire of passenger motor vehicles,
16 \$144,223,000, to remain available until September 30,
17 2005.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, as amended, \$61,750,000, to remain
22 available until September 30, 2005.

23 CONSTRUCTION, MAJOR PROJECTS

24 For constructing, altering, extending and improving
25 any of the facilities under the jurisdiction or for the use
26 of the Department of Veterans Affairs, or for any of the

1 purposes set forth in sections 316, 2404, 2406, 8102,
2 8103, 8106, 8108, 8109, 8110, and 8122 of title 38,
3 United States Code, including planning, architectural and
4 engineering services, maintenance or guarantee period
5 services costs associated with equipment guarantees pro-
6 vided under the project, services of claims analysts, offsite
7 utility and storm drainage system construction costs, and
8 site acquisition, where the estimated cost of a project is
9 \$4,000,000 or more or where funds for a project were
10 made available in a previous major project appropriation,
11 \$274,690,000, to remain available until expended, of
12 which \$173,000,000 shall be for Capital Asset Realign-
13 ment for Enhanced Services (CARES) activities; and of
14 which \$10,000,000 shall be to make reimbursements as
15 provided in 41 U.S.C. 612 for claims paid for contract
16 disputes: *Provided*, That except for advance planning ac-
17 tivities, including needs assessments which may or may
18 not lead to capital investments, and other capital asset
19 management related activities, such as portfolio develop-
20 ment and management activities, and investment strategy
21 studies funded through the advance planning fund and the
22 planning and design activities funded through the design
23 fund and CARES funds, including needs assessments
24 which may or may not lead to capital investments, none
25 of the funds appropriated under this heading shall be used

1 for any project which has not been approved by the Con-
 2 gress in the budgetary process: *Provided further*, That
 3 funds provided in this appropriation for fiscal year 2004,
 4 for each approved project (except those for CARES activi-
 5 ties referenced above) shall be obligated: (1) by the award-
 6 ing of a construction documents contract by September
 7 30, 2004; and (2) by the awarding of a construction con-
 8 tract by September 30, 2004: *Provided further*, That the
 9 Secretary of Veterans Affairs shall promptly report in
 10 writing to the Committees on Appropriations any ap-
 11 proved major construction project in which obligations are
 12 not incurred within the time limitations established above:
 13 *Provided further*, That no funds from any other account
 14 except the “Parking revolving fund”, may be obligated for
 15 constructing, altering, extending, or improving a project
 16 which was approved in the budget process and funded in
 17 this account until one year after substantial completion
 18 and beneficial occupancy by the Department of Veterans
 19 Affairs of the project or any part thereof with respect to
 20 that part only.

21 CONSTRUCTION, MINOR PROJECTS

22 For constructing, altering, extending, and improving
 23 any of the facilities under the jurisdiction or for the use
 24 of the Department of Veterans Affairs, including planning
 25 and assessments of needs which may lead to capital invest-
 26 ments, architectural and engineering services, mainte-

1 nance or guarantee period services costs associated with
2 equipment guarantees provided under the project, services
3 of claims analysts, offsite utility and storm drainage sys-
4 tem construction costs, and site acquisition, or for any of
5 the purposes set forth in sections 316, 2404, 2406, 8102,
6 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title
7 38, United States Code, where the estimated cost of a
8 project is less than \$4,000,000, \$252,144,000, to remain
9 available until expended, along with unobligated balances
10 of previous "Construction, minor projects" appropriations
11 which are hereby made available for any project where the
12 estimated cost is less than \$4,000,000, of which
13 \$25,000,000 shall be for Capital Asset Realignment for
14 Enhanced Services (CARES) activities: *Provided*, That
15 from amounts appropriated under this heading, additional
16 amounts may be used for CARES activities upon notifica-
17 tion of and approval by the Committees on Appropria-
18 tions: *Provided further*, That funds in this account shall
19 be available for: (1) repairs to any of the nonmedical facili-
20 ties under the jurisdiction or for the use of the Depart-
21 ment which are necessary because of loss or damage
22 caused by any natural disaster or catastrophe; and (2)
23 temporary measures necessary to prevent or to minimize
24 further loss by such causes.

For the parking revolving fund as authorized by 38 C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, shall be funded from "Medical facilities".

For grants to assist States to acquire or construct the nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes; for furnishing care for veterans as authorized by 38 U.S.C. 8131-8137, \$2,100,000, to remain available until expended.

For grants to aid States in establishing, expanding, improving State veterans cemeteries as authorized by U.S.C. 2408, \$32,000,000, to remain available until ended.

~~(INCLUDING TRANSFER OF FUNDS)~~

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1 may be transferred to any other of the mentioned appro-
2 priations.

3 ~~SEC. 102.~~ Appropriations available to the Depart-
4 ment of Veterans Affairs for fiscal year 2004 for salaries
5 and expenses shall be available for services authorized by
6 ~~5 U.S.C. 3109~~ hire of passenger motor vehicles; lease of
7 a facility or land or both; and uniforms or allowances
8 therefore, as authorized by ~~5 U.S.C. 5901–5902.~~

9 ~~SEC. 103.~~ No appropriations in this Act for the De-
10 partment of Veterans Affairs (except the appropriations
11 for “Construction, major projects”, “Construction, minor
12 projects”, and the “Parking revolving fund”) shall be
13 available for the purchase of any site for or toward the
14 construction of any new hospital or home.

15 ~~SEC. 104.~~ No appropriations in this Act for the De-
16 partment of Veterans Affairs shall be available for hos-
17 pitalization or examination of any persons (except bene-
18 ficiaries entitled under the laws bestowing such benefits
19 to veterans; and persons receiving such treatment under
20 ~~5 U.S.C. 7901–7904~~ or ~~42 U.S.C. 5141–5204~~), unless re-
21 imbursement of cost is made to the Medical care collec-
22 tions fund account at such rates as may be fixed by the
23 Secretary of Veterans Affairs.

24 ~~SEC. 105.~~ Appropriations available to the Depart-
25 ment of Veterans Affairs for fiscal year 2004 for “Com-

1 pension, pension and burial benefits”, “Readjustment
 2 benefits”, and “Veterans insurance and indemnities” shall
 3 be available for payment of prior year accrued obligations
 4 required to be recorded by law against the corresponding
 5 prior year accounts within the last quarter of fiscal year
 6 2003.

7 SEC. 106. Appropriations accounts available to the
 8 Department of Veterans Affairs for fiscal year 2004 shall
 9 be available to pay prior year obligations of corresponding
 10 prior year appropriations accounts resulting from title X
 11 of the Competitive Equality Banking Act, Public Law
 12 100-86, except that if such obligations are from trust
 13 fund accounts they shall be payable from “Compensation,
 14 pension and burial benefits”.

15 SEC. 107. Notwithstanding any other provision of
 16 law, during fiscal year 2004, the Secretary of Veterans
 17 Affairs shall, from the National Service Life Insurance
 18 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-
 19 ance Fund (38 U.S.C. 1923), and the United States Gov-
 20 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
 21 burse the “General operating expenses” account for the
 22 cost of administration of the insurance programs financed
 23 through those accounts: *Provided*, That reimbursement
 24 shall be made only from the surplus earnings accumulated
 25 in an insurance program in fiscal year 2004 that are avail-

1 able for dividends in that program after claims have been
2 paid and actuarially determined reserves have been set
3 aside: *Provided further,* That if the cost of administration
4 of an insurance program exceeds the amount of surplus
5 earnings accumulated in that program, reimbursement
6 shall be made only to the extent of such surplus earnings:
7 *Provided further,* That the Secretary shall determine the
8 cost of administration for fiscal year 2004 which is prop-
9 erly allocable to the provision of each insurance program
10 and to the provision of any total disability income insur-
11 ance included in such insurance program.

12 SEC. 108. Notwithstanding any other provision of
13 law, the Department of Veterans Affairs shall continue the
14 Franchise Fund pilot program authorized to be estab-
15 lished by section 403 of Public Law 103-356 until Octo-
16 ber 1, 2004: *Provided,* That the Franchise Fund, estab-
17 lished by title I of Public Law 104-204 to finance the
18 operations of the Franchise Fund pilot program, shall con-
19 tinue until October 1, 2004.

20 SEC. 109. Amounts deducted from enhanced-use
21 lease proceeds to reimburse an account for expenses in-
22 curred by that account during a prior fiscal year for pro-
23 viding enhanced-use lease services, may be obligated dur-
24 ing the fiscal year in which the proceeds are received.

1 ~~SEC. 110.~~ Funds available in any Department of Vet-
2 erans Affairs appropriation for fiscal year 2004 or funds
3 for salaries and other administrative expenses shall also
4 be available to reimburse the Office of Resolution Manage-
5 ment and the Office of Employment Discrimination Com-
6 plaint Adjudication for all services provided at rates which
7 will recover actual costs but not exceed \$29,318,000 for
8 the Office of Resolution Management and \$3,010,000 for
9 the Office of Employment and Discrimination Complaint
10 Adjudication: *Provided,* That payments may be made in
11 advance for services to be furnished based on estimated
12 costs: *Provided further,* That amounts received shall be
13 credited to “General operating expenses” for use by the
14 office that provided the service.

15 ~~SEC. 111.~~ No appropriations in this Act for the De-
16 partment of Veterans Affairs shall be available to enter
17 into any new lease of real property if the estimated annual
18 rental is more than \$300,000 unless the Secretary submits
19 a report which the Committees on Appropriations of the
20 Congress approve within 30 days following the date on
21 which the report is received.

22 ~~SEC. 112.~~ No appropriations in this Act for the De-
23 partment of Veterans Affairs shall be available for hos-
24 pitalization or treatment of any person by reason of eligi-
25 bility under section 1710(a)(3) of title 38, United States

1 Code, unless that person has disclosed to the Secretary
2 of Veterans Affairs, in such form as the Secretary may
3 require—

4 (1) current, accurate third-party reimbursement
5 information for purposes of section 1729 of such
6 title; and

7 (2) annual income information for purposes of
8 section 1722 of such title.

9 ~~SEC. 113.~~ Of the amounts provided in this Act,
10 \$25,000,000 shall be for information technology initiatives
11 to support the enterprise architecture of the Department
12 of Veterans Affairs.

13 ~~SEC. 114.~~ Notwithstanding any other provision of
14 law, the Secretary of Veterans Affairs may establish a pri-
15 ority for treatment for veterans who have service-con-
16 nected disability, who are lower-income veterans, or who
17 have special needs.

18 ~~SEC. 115.~~ (a) The Secretary of Veterans Affairs shall
19 conduct by contract a program of recovery audits for the
20 fee basis and other medical services contracts with respect
21 to payments for hospital care. Notwithstanding section
22 3302(b) of title 31, United States Code, amounts col-
23 lected, by setoff or otherwise, as the result of such audits
24 shall be available, without fiscal year limitation, for the
25 purposes for which funds are appropriated under “Medical

1 services for priority 7–8 veterans” and the purposes of
 2 paying a contractor a percent of the amount collected as
 3 a result of an audit carried out by the contractor.

4 (b) All amounts so collected under subsection (a) with
 5 respect to a designated health care region (as that term
 6 is defined in section 1729A(d)(2) of title 38, United States
 7 Code) shall be allocated, net of payments to the con-
 8 tractor, to that region.

9 SEC. 116. Amounts made available for Medical Serv-
 10 ices are available—

11 (1) for furnishing veterans provided Medical
 12 Services with recreational facilities, supplies, and
 13 equipment; and

14 (2) for funeral expenses, burial expenses, and
 15 other expenses incidental to funerals and burials for
 16 beneficiaries receiving care in the department.

17 SEC. 117. Balances in excess of \$1,500,000,000 in
 18 the Medical Care Collections Fund as of August 1, 2004
 19 shall be transferred to “Medical services for priority 7–
 20 8 veterans” for the purposes under that heading to be
 21 available until expended.

22 SEC. 118. Amounts made available for fiscal year
 23 2004 under the “Medical services for priority 1–6 vet-
 24 erans” and “Medical services for priority 7–8 veterans”
 25 accounts may be transferred between either account to the

1 extent necessary to implement the restructuring of the
2 Veterans Health Administration accounts after notice of
3 the amount and purpose of the transfer is provided to the
4 Committees on Appropriations of the Senate and House
5 of Representatives and a period of 30 days has elapsed:
6 *Provided*, That the limitation on transfers is ten percent
7 in fiscal year 2004.

8 SEC. 119. The Department of Veterans Affairs med-
9 ical center in Houston, Texas, shall after the date of the
10 enactment of this Act be known as designated as the “Mi-
11 chael E. DeBakey Department of Veterans Affairs Med-
12 ical Center”. Any reference in any law, regulation, map,
13 document, record, or other paper of the United States to
14 such medical center shall be considered to be a reference
15 to the Michael E. DeBakey Department of Veterans Af-
16 fairs Medical Center.

17 SEC. 120. The Secretary of Veterans Affairs shall
18 maximize, to the greatest extent possible, sharing agree-
19 ments for services, programs and facilities with the De-
20 partment of Defense, particularly in areas where facilities
21 and/or targeted populations are in close proximity: *Pro-*
22 *vided*, That the Secretary of Veterans Affairs shall submit
23 a report to the Committees on Appropriations no later
24 than December 1, 2003, detailing restrictive regulations,
25 policies, and regulatory redundancies that inhibit resource

1 sharing, and provide milestone dates to address each iden-
 2 tified issue.

3 TITLE II—DEPARTMENT OF HOUSING AND
 4 URBAN DEVELOPMENT
 5 PUBLIC AND INDIAN HOUSING
 6 HOUSING CERTIFICATE FUND

7 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

8 For activities and assistance under the United States
 9 Housing Act of 1937, as amended (42 U.S.C. 1437 et
 10 seq.) (“the Act” herein), not otherwise provided for,
 11 \$18,430,606,000 (increased by \$150,000,000), and
 12 amounts that are recaptured in this account, to remain
 13 available until expended: *Provided*, That of the amounts
 14 made available under this heading, \$14,230,606,000 (in-
 15 creased by \$150,000,000) and the aforementioned recap-
 16 tures shall be available on October 1, 2003 and
 17 \$4,200,000,000 shall be available on October 1, 2004:
 18 *Provided further*, That amounts made available under this
 19 heading are provided as follows:

20 (1) \$16,295,578,000 (increased by
 21 \$150,000,000) for expiring or terminating section 8
 22 project-based subsidy contracts (including section 8
 23 moderate rehabilitation contracts), for amendments
 24 to section 8 project-based subsidy contracts, for con-
 25 tracts entered into pursuant to section 441 of the
 26 McKinney-Vento Homeless Assistance Act, for the

1 renewal of section 8 contracts for units in projects
2 that are subject to approved plans of action under
3 the Emergency Low Income Housing Preservation
4 Act of 1987 or the Low-Income Housing Preserva-
5 tion and Resident Homeownership Act of 1990, and
6 for renewals of expiring section 8 tenant-based an-
7 nual contributions contracts (including amendments
8 and renewals of enhanced vouchers under any provi-
9 sion of law authorizing such assistance under section
10 8(t) of the Act (42 U.S.C. 1437f(t))): *Provided,*
11 That notwithstanding any other provision of law, the
12 Secretary shall renew expiring section 8 tenant-
13 based annual contributions contracts for each public
14 housing agency, (including for agencies participating
15 in the Moving to Work demonstration, unit months
16 representing section 8 tenant-based assistance funds
17 committed by the public housing agency for specific
18 purposes, other than reserves, that are authorized
19 pursuant to any agreement and conditions entered
20 into under such demonstration, and utilized in com-
21 pliance with any applicable program obligation dead-
22 lines) based on the total number of unit months
23 which were under lease as reported on the most re-
24 cent end-of-year financial statement submitted by
25 the public housing agency to the Department, ad-

1 justed by such additional information submitted by
2 the public housing agency to the Secretary which the
3 Secretary determines to be timely and reliable re-
4 garding the total number of unit months under lease
5 at the time of renewal of the annual contributions
6 contract, and by applying an inflation factor based
7 on local or regional factors to the actual per unit
8 cost as reported on such statement: *Provided further*,
9 That none of the funds made available in this para-
10 graph may be used to support a total number of unit
11 months under lease which exceeds a public housing
12 agency's authorized level of units under contract;

13 (2) \$568,503,000 for a central fund to be allo-
14 cated by the Secretary for amendments to section 8
15 tenant-based annual contributions contracts for such
16 purposes set forth in this paragraph: *Provided*, That
17 subject to the following proviso, the Secretary may
18 use amounts made available in such fund, as nec-
19 essary, for contract amendments resulting from a
20 significant increase in the per unit cost of vouchers
21 or an increase in the total number of unit months
22 under lease as compared to the per unit cost or the
23 total number of unit months provided for by the an-
24 nual contributions contract: *Provided further*, That if
25 a public housing agency, at any point in time during

1 their fiscal year, has obligated the amounts made
2 available to such agency pursuant to paragraph (1)
3 under this heading for the renewal of expiring sec-
4 tion 8 tenant-based annual contributions contracts;
5 and if such agency has expended fifty percent of the
6 amounts available to such agency in its annual con-
7 tributions contract reserve account, the Secretary
8 shall make available such amounts as are necessary
9 from amounts available from such central fund to
10 fund amendments under the preceding proviso with-
11 in thirty days of a request from such agency: *Pro-*
12 *vided further,* That none of the funds made available
13 in this paragraph may be used to support a total
14 number of unit months under lease which exceeds a
15 public housing agency's authorized level of units
16 under contract: *Provided further,* That the Secretary
17 shall provide quarterly reports to the Committees on
18 Appropriations of the House and the Senate on the
19 obligation of funds provided in this paragraph in ac-
20 cordance with the directions specified in the report
21 accompanying this Act;

22 (3) \$206,495,100 for section 8 rental assistance
23 for relocation and replacement of housing units that
24 are demolished or disposed of pursuant to the Omni-
25 bus Consolidated Rescissions and Appropriations Act

1 of 1996 (Public Law 104-134), conversion of section
 2 23 projects to assistance under section 8; the family
 3 unification program under section 8(x) of the Act;
 4 relocation of witnesses in connection with efforts to
 5 combat crime in public and assisted housing pursu-
 6 ant to a request from a law enforcement or prosecu-
 7 tion agency; enhanced vouchers under any provision
 8 of law authorizing such assistance under section 8(t)
 9 of the Act (42 U.S.C.1437f(t)); and tenant protec-
 10 tion assistance, including replacement and relocation
 11 assistance;

12 (4) \$48,000,000 for family self-sufficiency coor-
 13 dinators under section 23 of the Act;

14 (5) not to exceed \$1,209,020,000 for adminis-
 15 trative and other expenses of public housing agencies
 16 in administering the section 8 tenant-based rental
 17 assistance program: *Provided*, That, notwithstanding
 18 any other provision of law or regulation, the Sec-
 19 retary shall allocate funds provided in this para-
 20 graph among public housing agencies in a manner
 21 prescribed by the Secretary: *Provided further*, That
 22 none of the funds provided in this Act or any other
 23 Act may be used to supplement the amounts pro-
 24 vided in this paragraph: *Provided further*, That,
 25 hereafter, the Secretary shall recapture any funds

provided under this heading in this Act or any other Act for administrative fees and other expenses from a public housing agency which are in excess of the amounts expended by such agency for the section 8 tenant-based rental assistance program and not otherwise needed to maintain an administrative fee reserve account balance of not to exceed five percent: *Provided further,* That all such administrative fee amounts provided under this paragraph shall be only for activities directly related to the provision of rental assistance under section 8;

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

(7) not less than \$3,010,000 shall be transferred to the Working Capital Fund for the development of and modifications to information technology systems which serve programs or activities under “Public and Indian Housing”: *Provided,* That the Secretary may transfer up to 15 percent of funds provided under paragraphs (1), (2) or (5), herein to paragraphs (1) or (2), if the Secretary determines that such action is necessary because the funding provided under one such paragraph otherwise would be depleted and as a result, the maximum utilization of section 8 tenant-based assistance with the funds

1 appropriated for this purpose by this Act would not
2 be feasible: *Provided further,* That prior to under-
3 taking the transfer of funds in excess of 10 percent
4 from any paragraph pursuant to the previous pro-
5 viso, the Secretary shall notify the Chairman and
6 Ranking Member of the Subcommittees on Veterans
7 Affairs and Housing and Urban Development, and
8 Independent Agencies of the Committees on Appro-
9 priations of the House of Representatives and the
10 Senate and shall not transfer any such funds until
11 30 days after such notification: *Provided further,*
12 That incremental vouchers previously made available
13 under this heading for non-elderly disabled families
14 shall, to the extent practicable, continue to be pro-
15 vided to non-elderly disabled families upon turnover:
16 *Provided further,* That \$1,372,000,000 is rescinded
17 from unobligated balances remaining from funds ap-
18 propriated to the Department of Housing and Urban
19 Development under this heading or the heading
20 “Annual contributions for assisted housing” or any
21 other heading for fiscal year 2003 and prior years,
22 to be effected by the Secretary no later than Sep-
23 tember 30, 2004: *Provided further,* That any such
24 balances governed by reallocation provisions under
25 the statute authorizing the program for which the

1 funds were originally appropriated shall be available
 2 for the rescission: *Provided further*, That any obli-
 3 gated balances of contract authority from fiscal year
 4 1974 and prior that have been terminated shall be
 5 cancelled.

6 PUBLIC HOUSING CAPITAL FUND

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Public Housing Capital Fund Program to
 9 carry out capital and management activities for public
 10 housing agencies, as authorized under section 9 of the
 11 United States Housing Act of 1937, as amended (42
 12 U.S.C. 1437g) (the “Act”) \$2,712,255,000, to remain
 13 available until September 30, 2007: *Provided*, That of the
 14 total amount provided under this heading, in addition to
 15 amounts otherwise allocated under this heading,
 16 \$429,000,000 shall be allocated for such capital and man-
 17 agement activities only among public housing agencies
 18 that have obligated all assistance for the agency for fiscal
 19 years 2001 and 2002 made available under this same
 20 heading in accordance with the requirements under para-
 21 graphs (1) and (2) of section 9(j) of such Act: *Provided*
 22 *further*, That notwithstanding any other provision of law
 23 or regulation, during fiscal year 2004, the Secretary may
 24 not delegate to any Department official other than the
 25 Deputy Secretary any authority under paragraph (2) of
 26 such section 9(j) regarding the extension of the time peri-

1 ods under such section for obligation of amounts made
 2 available for fiscal year 1998, 1999, 2000, 2001, 2002,
 3 2003, or 2004: *Provided further*, That with respect to any
 4 amounts made available under the Public Housing Capital
 5 Fund for fiscal year 1999, 2000, 2001, 2002, 2003, or
 6 2004 that remain unobligated in violation of paragraph
 7 (1) of such section 9(j) or unexpended in violation of para-
 8 graph (5)(A) of such section 9(j), the Secretary shall re-
 9 capture any such amounts and reallocate such amounts
 10 among public housing agencies determined under section
 11 6(j) of the Act to be high-performing: *Provided further*,
 12 That for purposes of this heading, the term “obligate”
 13 means, with respect to amounts, that the amounts are
 14 subject to a binding agreement that will result in outlays,
 15 immediately or in the future: *Provided further*, That if the
 16 Secretary issues a regulation for effect implementing sec-
 17 tion 9(j) of the United States Housing Act of 1937 (42
 18 U.S.C. 1437g(j)), the first and third provisos under this
 19 heading shall cease to be effective: *Provided further*, That
 20 of the total amount provided under this heading, up to
 21 \$51,000,000 shall be for carrying out activities under sec-
 22 tion 9(h) of such Act, of which \$13,000,000 shall be for
 23 the provision of remediation services to public housing
 24 agencies identified as “troubled” under the Section 8
 25 Management Assessment Program and for surveys used

1 to calculate local Fair Market Rents and assess housing
 2 conditions in connection with rental assistance under sec-
 3 tion 8 of the Act: *Provided further*, That of the total
 4 amount provided under this heading, up to \$500,000 shall
 5 be for lease adjustments to section 23 projects, and no
 6 less than \$10,610,000 shall be transferred to the Working
 7 Capital Fund for the development of and modifications to
 8 information technology systems which serve programs or
 9 activities under “Public and Indian housing”: *Provided*
 10 *further*, That no funds may be used under this heading
 11 for the purposes specified in section 9(k) of the United
 12 States Housing Act of 1937, as amended: *Provided fur-*
 13 *ther*, That of the total amount provided under this head-
 14 ing, up to \$40,000,000 shall be available for the Secretary
 15 of Housing and Urban Development to make grants to
 16 public housing agencies for emergency capital needs re-
 17 sulting from emergencies and natural disasters in fiscal
 18 year 2004: *Provided further*, That of the total amount pro-
 19 vided under this heading, \$55,000,000 shall be for sup-
 20 portive services, service coordinators and congregate serv-
 21 ices as authorized by section 34 of the Act and the Native
 22 American Housing Assistance and Self-Determination Act
 23 of 1996.

24 The first proviso under this heading in the Depart-
 25 ments of Veterans Affairs and Housing and Urban Devel-

1 opment, and Independent Agencies Appropriations Act,
 2 2003, is amended by striking “1998, 1999”.

3 PUBLIC HOUSING OPERATING FUND

4 For 2004 payments to public housing agencies for the
 5 operation and management of public housing, as author-
 6 ized by section 9(e) of the United States Housing Act of
 7 1937, as amended (42 U.S.C. 1437g(e)), \$3,600,000,000:
 8 *Provided*, That of the total amount provided under this
 9 heading, \$10,000,000 shall be for programs, as deter-
 10 mined appropriate by the Attorney General, which assist
 11 in the investigation, prosecution, and prevention of violent
 12 crimes and drug offenses in public and federally-assisted
 13 low-income housing, including Indian housing, which shall
 14 be administered by the Department of Justice through a
 15 reimbursable agreement with the Department of Housing
 16 and Urban Development: *Provided further*, That no funds
 17 may be used under this heading for the purposes specified
 18 in section 9(k) of the United States Housing Act of 1937,
 19 as amended: *Provided further*, That in 2004 and hereafter,
 20 no amounts provided under this heading may be used for
 21 payments to public housing agencies for the costs of oper-
 22 ation and management of public housing in any year prior
 23 to the current year.

19 NATIVE AMERICAN HOUSING BLOCK GRANTS
20 (INCLUDING TRANSFERS OF FUNDS)

HR 2861 PP

1 anee and capacity building to be used by the National
2 American Indian Housing Council in support of the imple-
3 mentation of NAHASDA; of which \$5,000,000 shall be
4 to support the inspection of Indian housing units; contract
5 expertise; training; and technical assistance in the train-
6 ing; oversight, and management of Indian housing and
7 tenant-based assistance; including up to \$300,000 for re-
8 lated travel; and of which no less than \$2,720,000 shall
9 be transferred to the Working Capital Fund for develop-
10 ment of and modifications to information technology sys-
11 tems which serve programs or activities under “Public and
12 Indian housing”: *Provided*, That of the amount provided
13 under this heading, \$1,000,000 shall be made available
14 for the cost of guaranteed notes and other obligations; as
15 authorized by title VI of NAHASDA: *Provided further*,
16 That such costs, including the costs of modifying such
17 notes and other obligations; shall be as defined in section
18 502 of the Congressional Budget Act of 1974, as amend-
19 ed: *Provided further*, That these funds are available to sub-
20 sidize the total principal amount of any notes and other
21 obligations; any part of which is to be guaranteed; not to
22 exceed \$8,049,000: *Provided further*, That for administra-
23 tive expenses to carry out the guaranteed loan program;
24 up to \$150,000 from amounts in the first proviso; which
25 shall be transferred to and merged with the appropriation

1 for “Salaries and expenses”, to be used only for the ad-
 2 ministrative costs of these guarantees.

3 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM
 4 ACCOUNT
 5 (INCLUDING TRANSFER OF FUNDS)

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

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

21 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
 22 PROGRAM ACCOUNT
 23 (INCLUDING TRANSFER OF FUNDS)

24 For the cost of guaranteed loans, as authorized by
 25 section 184A of the Housing and Community Develop-
 26 ment Act of 1992 (~~12 U.S.C. 1715z-13b~~), \$1,000,000, to

1 remain available until expended: *Provided,* That such
 2 costs, including the costs of modifying such loans, shall
 3 be as defined in section 502 of the Congressional Budget
 4 Act of 1974, as amended: *Provided further,* That these
 5 funds are available to subsidize total loan principal, any
 6 part of which is to be guaranteed, not to exceed
 7 \$35,347,985.

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

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
 18 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
 19 \$297,000,000 (increased by \$5,000,000), to remain avail-
 20 able until September 30, 2005: *Provided,* That the Sec-
 21 retary shall renew all expiring contracts for permanent
 22 supportive housing that were funded under section
 23 854(e)(3) of such Act that meet all program requirements
 24 before awarding funds for new contracts and activities au-
 25 thorized under this section: *Provided further,* That the

1 Secretary may use up to \$2,000,000 of the funds under
 2 this heading for training, oversight, and technical assist-
 3 ance activities.

4 ~~RURAL HOUSING AND ECONOMIC DEVELOPMENT~~

5 For the Office of Rural Housing and Economic De-
 6 velopment in the Department of Housing and Urban De-
 7 velopment, \$25,000,000 to remain available until ex-
 8 pended, which amount shall be competitively awarded by
 9 June 1, 2004, to Indian tribes, State housing finance
 10 agencies, State community and/or economic development
 11 agencies, local rural nonprofits and community develop-
 12 ment corporations to support innovative housing and eco-
 13 nomic development activities in rural areas.

14 ~~EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES~~

15 For grants in connection with a second round of em-
 16 powerment zones and enterprise communities,
 17 \$15,000,000, to remain available until September 30,
 18 2005, for “Urban Empowerment Zones”, as authorized in
 19 section 1391(g) of the Internal Revenue Code of 1986 (26
 20 U.S.C. 1391(g)), including \$1,000,000 for each empower-
 21 ment zone for use in conjunction with economic develop-
 22 ment activities consistent with the strategic plan of each
 23 empowerment zone.

1 COMMUNITY DEVELOPMENT FUND
2 (INCLUDING TRANSFERS OF FUNDS)

3 For assistance to units of State and local govern-
4 ment, and to other entities, for economic and community
5 development activities, and for other purposes,
6 \$4,959,000,000, to remain available until September 30,
7 2006: *Provided*, That of the amount provided,
8 \$4,538,650,000 is for carrying out the community devel-
9 opment block grant program under title I of the Housing
10 and Community Development Act of 1974, as amended
11 (the “Act” herein) (42 U.S.C. 5301 et seq.): *Provided fur-*
12 *ther*, That unless explicitly provided for under this heading
13 (except for planning grants provided in the third para-
14 graph and amounts made available in the second para-
15 graph), not to exceed 20 percent of any grant made with
16 funds appropriated under this heading (other than a grant
17 made available in this paragraph to the Housing Assist-
18 ance Council or the National American Indian Housing
19 Council, or a grant using funds under section 107(b)(3)
20 of the Act) shall be expended for planning and manage-
21 ment development and administration: *Provided further*,
22 That \$72,000,000 shall be for grants to Indian tribes not-
23 withstanding section 106(a)(1) of such Act; \$3,300,000
24 shall be for a grant to the Housing Assistance Council;
25 \$2,400,000 shall be for a grant to the National American
26 Indian Housing Council; \$5,000,000 shall be available as

1 a grant to the National Housing Development Corpora-
2 tion, for operating expenses not to exceed \$2,000,000 and
3 for a program of affordable housing acquisition and reha-
4 bilitation; \$5,000,000 shall be available as a grant to the
5 National Council of La Raza for the HOPE Fund, of
6 which \$500,000 is for technical assistance and fund man-
7 agement, and \$4,500,000 is for investments in the HOPE
8 Fund and financing to affiliated organizations;
9 \$43,000,000 shall be for grants pursuant to section 107
10 of the Act, of which \$9,500,000 shall be for the Native
11 Hawaiian block grant authorized under title VIII of the
12 Native American Housing Assistance and Self-Determina-
13 tion Act of 1996; no less than \$4,900,000 shall be trans-
14 ferred to the Working Capital Fund for the development
15 of and modification to information technology systems
16 which serve programs or activities under “Community
17 planning and development”; \$28,000,000 shall be for
18 grants pursuant to the Self Help Homeownership Oppor-
19 tunity Program; \$33,250,000 shall be for capacity build-
20 ing, of which \$28,250,000 shall be for Capacity Building
21 for Community Development and Affordable Housing for
22 LISC and the Enterprise Foundation for activities as au-
23 thorized by section 4 of the HUD Demonstration Act of
24 1993 (42 U.S.C. 9816 note), as in effect immediately be-
25 fore June 12, 1997, with not less than \$5,000,000 of the

1 funding to be used in rural areas, including tribal areas,
2 and of which \$5,000,000 shall be for capacity building ac-
3 tivities administered by Habitat for Humanity Inter-
4 national; \$65,000,000 shall be available for YouthBuild
5 program activities authorized by subtitle D of title IV of
6 the Cranston-Gonzalez National Affordable Housing Act,
7 as amended; and such activities shall be an eligible activity
8 with respect to any funds made available under this head-
9 ing: *Provided* That local YouthBuild programs that dem-
10 onstrate an ability to leverage private and nonprofit fund-
11 ing shall be given a priority for YouthBuild funding: *Pro-*
12 *vided further*, That no more than 10 percent of any grant
13 award under the YouthBuild program may be used for ad-
14 ministrative costs: *Provided further*, That of the amount
15 made available for YouthBuild not less than \$10,000,000
16 is for grants to establish YouthBuild programs in under-
17 served and rural areas and \$2,000,000 is to be made avail-
18 able for a grant to YouthBuild USA for capacity building
19 for community development and affordable housing activi-
20 ties as specified in section 4 of the HUD Demonstration
21 Act of 1993, as amended.

22 Of the amount made available under this heading,
23 \$21,000,000 shall be available for neighborhood initiatives
24 that are utilized to improve the conditions of distressed
25 and blighted areas and neighborhoods, to stimulate invest-

1 ment, economic diversification, and community revitaliza-
2 tion in areas with population outmigration or a stagnating
3 or declining economic base, or to determine whether hous-
4 ing benefits can be integrated more effectively with welfare
5 reform initiatives: *Provided*, That amounts made available
6 under this paragraph shall be provided in accordance with
7 the terms and conditions specified in the report accom-
8 panying this Act.

9 Of the amount made available under this heading,
10 \$137,500,000 shall be available for grants for the Eco-
11 nomic Development Initiative (EDI) to finance a variety
12 of targeted economic investments in accordance with the
13 terms and conditions specified in the report accompanying
14 this Act: *Provided*, That none of the funds provided under
15 this paragraph may be used for program operations.

16 The referenced statement of the managers under this
17 heading in Public Law 107–73 is deemed to be amended
18 with respect to the amount made available to the North
19 Carolina Community Land Trust Initiative by striking
20 “North Carolina Community Land Trust Initiative” and
21 inserting “Orange Community Housing and Land Trust”.

22 The referenced statement of the managers under this
23 heading in Public Law 107–73 is deemed to be amended
24 with respect to the amount made available to the Willacy
25 County Boys and Girls Club in Willacy County, Texas by

1 striking “Willacy County Boys and Girls Club in Willacy
2 County, Texas” and inserting “Willacy County, Texas”.

3 The referenced statement of the managers under this
4 heading in Public Law 108–10 is deemed to be amended
5 with respect to item number 17 by striking “for sidewalks,
6 curbs, street lighting, outdoor furniture and façade im-
7 provements in the Mill Village neighborhood” and insert-
8 ing “for the restoration and renovation of houses within
9 the Lincoln or Dallas mill villages”.

10 The referenced statement of the managers under this
11 heading in Public Law 107–73 is deemed to be amended
12 with respect to the amount made available to the Metro-
13 politan Development Association in Syracuse, New York
14 by inserting “and other economic development planning
15 and revitalization activities” after the word “study”.

16 The referenced statement of the managers under this
17 heading in Public Law 107–73 is deemed to be amended
18 with respect to the amount made available to the Staten
19 Island Freedom Memorial Fund by striking all “Staten
20 Island Freedom Memorial Fund for the construction of
21 a memorial in the Staten Island community of St. George,
22 New York” and inserting “Staten Island Botanical Gar-
23 den for construction and related activities for a healing
24 garden”.

1 The referenced statement of the managers under this
2 heading in title II of division K of the Consolidated Appro-
3 priations Resolution, 2003 (Public Law 108–7; H. Rept.
4 108–10) is deemed to be amended with respect to item
5 number 526 by striking “for an economic development
6 study for the revitalization of Westchester” and inserting
7 “for the reconstruction of renaissance plaza at Main and
8 Mamaroneck in downtown White Plains”.

9 The referenced statement of the managers under this
10 heading in title II of division K of the Consolidated Appro-
11 priations Resolution, 2003 (Public Law 108–7; H. Rept.
12 108–10) is deemed to be amended with respect to item
13 number 877 by striking “West Virginia High Technology
14 Consortium Foundation, Inc. in Marion County, West Vir-
15 ginia for facilities construction for a high-tech park” and
16 inserting “Glenville State College in Glenville, West Vir-
17 ginia for construction of a new campus community edu-
18 cation center”.

19 The referenced statement of the managers under this
20 heading in title II of division K of the Consolidated Appro-
21 priations Resolution, 2003 (Public Law 108–7; H. Rept.
22 108–10) is deemed to be amended with respect to item
23 number 126 by striking “for construction of” and insert-
24 ing “for facilities improvements and build out for”.

1 URBAN DEVELOPMENT ACTION GRANTS

2 (RESCISSION)

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

7 BROWNFIELDS REDEVELOPMENT

8 For competitive economic development grants, as au-
9 thorized by section 108(q) of the Housing and Community
10 Development Act of 1974, as amended, for Brownfields
11 redevelopment projects, \$25,000,000, to remain available
12 until September 30, 2005.

13 HOME INVESTMENT PARTNERSHIPS PROGRAM

14 (INCLUDING TRANSFER OF FUNDS)

15 For the HOME investment partnerships program, as
16 authorized under title II of the Cranston-Gonzalez Na-
17 tional Affordable Housing Act, as amended,
18 \$1,939,100,000, to remain available until September 30,
19 2006: *Provided*, That of the total amount provided in this
20 paragraph, up to \$40,000,000 shall be available for hous-
21 ing counseling under section 106 of the Housing and
22 Urban Development Act of 1968 and no less than
23 \$2,100,000 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 “Community planning and development”.

1 In addition to amounts otherwise made available
 2 under this heading, \$125,000,000, to remain available
 3 until September 30, 2006, for assistance to homebuyers
 4 as authorized under title II of the Cranston-Gonzalez Na-
 5 tional Affordable Housing Act, as amended: *Provided*,
 6 That the Secretary shall provide such assistance in accord-
 7 ance with a formula to be established by the Secretary
 8 that considers a participating jurisdiction's need for, and
 9 prior commitment to, assistance to homebuyers.

10 HOMELESS ASSISTANCE GRANTS

11 (INCLUDING TRANSFER OF FUNDS)

12 For the emergency shelter grants program as author-
 13 ized under subtitle B of title IV of the McKinney-Vento
 14 Homeless Assistance Act, as amended; the supportive
 15 housing program as authorized under subtitle C of title
 16 IV of such Act; the section 8 moderate rehabilitation sin-
 17 gle room occupancy program as authorized under the
 18 United States Housing Act of 1937, as amended; to assist
 19 homeless individuals pursuant to section 441 of the
 20 McKinney-Vento Homeless Assistance Act; and the shelter
 21 plus care program as authorized under subtitle F of title
 22 IV of such Act, \$1,242,000,000, of which \$1,222,000,000
 23 to remain available until September 30, 2006, and of
 24 which \$20,000,000 to remain available until expended:
 25 *Provided*, That not less than 30 percent of funds made
 26 available, excluding amounts provided for renewals under

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

1 technology systems which serve programs or activities
 2 under “Community planning and development”.

3 HOUSING PROGRAMS

4 HOUSING FOR THE ELDERLY

5 (INCLUDING TRANSFER OF FUNDS)

6 For capital advances, including amendments to cap-
 7 ital advance contracts, for housing for the elderly, as au-
 8 thorized by section 202 of the Housing Act of 1959, as
 9 amended, and for project rental assistance for the elderly
 10 under section 202(c)(2) of such Act, including amend-
 11 ments to contracts for such assistance and renewal of ex-
 12 piring contracts for such assistance for up to a 1-year
 13 term, and for supportive services associated with the hous-
 14 ing, \$773,320,000, plus recaptures and cancelled commit-
 15 ments, to remain available until September 30, 2006, of
 16 which amount \$50,000,000 shall be for service coordina-
 17 tors and the continuation of existing congregate service
 18 grants for residents of assisted housing projects, and of
 19 which amount up to \$25,000,000 shall be for grants under
 20 section 202b of the Housing Act of 1959 (~~12 U.S.C.~~
 21 ~~1701q-2~~) for conversion of eligible projects under such
 22 section to assisted living or related use: *Provided*, That
 23 of the amount made available under this heading,
 24 \$16,000,000 shall be available to the Secretary of Housing
 25 and Urban Development only for making competitive
 26 grants to private nonprofit organizations and consumer

1 cooperatives for covering costs of architectural and engi-
 2 neering work, site control, and other planning relating to
 3 the development of supportive housing for the elderly that
 4 is eligible for assistance under section 202 of the Housing
 5 Act of 1959 (12 U.S.C. 1701q): *Provided further*, That
 6 no less than \$470,000 shall be transferred to the Working
 7 Capital Fund for the development of and modifications to
 8 information technology systems which serve programs or
 9 activities under “Housing programs” or “Federal Housing
 10 Administration”: *Provided further*, That the Secretary
 11 may waive the provisions of section 202 governing the
 12 terms and conditions of project rental assistance, except
 13 that the initial contract term for such assistance shall not
 14 exceed 5 years in duration: *Provided further*, That all bal-
 15 ances outstanding, as of September 30, 2003, for capital
 16 advances, including amendments to capital advances, for
 17 housing for elderly, as authorized by section 202, for
 18 project rental assistance for housing for the elderly, as au-
 19 thorized under section 202(c)(2) of such Act, including
 20 amendments to contracts shall be transferred to and
 21 merged with the amounts for those purposes under this
 22 heading.

23 HOUSING FOR PERSONS WITH DISABILITIES

24 (INCLUDING TRANSFER OF FUNDS)

25 For capital advance contracts, for supportive housing
 26 for persons with disabilities, as authorized by section 811

1 of the Cranston-Gonzalez National Affordable Housing
2 Act, for project rental assistance for supportive housing
3 for persons with disabilities under section 811(d)(2) of
4 such Act, including amendments to contracts for such as-
5 sistance and renewal of expiring contracts for such assist-
6 ance for up to a 1-year term, and for supportive services
7 associated with the housing for persons with disabilities
8 as authorized by section 811(b)(1) of such Act, and for
9 tenant-based rental assistance contracts entered into pur-
10 suant to section 811 of such Act, \$250,570,000, plus re-
11 captures and cancelled commitments to remain available
12 until September 30, 2006: *Provided*, That no less than
13 \$470,000 shall be transferred to the Working Capital
14 Fund for the development of and modifications to informa-
15 tion technology systems which serve programs or activities
16 under “Housing programs” or “Federal Housing Admin-
17 istration”: *Provided further*, That of the amount provided
18 under this heading, other than amounts for renewal of ex-
19 piring project-based or tenant-based rental assistance con-
20 tracts, the Secretary may designate up to 25 percent for
21 tenant-based rental assistance, as authorized by section
22 811 of such Act, (which assistance is five years in dura-
23 tion): *Provided further*, That the Secretary may waive the
24 provisions of section 811 governing the terms and condi-
25 tions of project rental assistance and tenant-based assist-

1 anee, except that the initial contract term for such assist-
 2 anee shall not exceed five years in duration: *Provided fur-*
 3 *ther,* That all balances outstanding, as of September 30,
 4 2003, for capital advances, including amendments to cap-
 5 ital advances, for supportive housing for persons with dis-
 6 abilities, as authorized by section 811, for project rental
 7 assistance for supportive housing for persons with disabil-
 8 ities, as authorized under section 811(d)(2), including
 9 amendments to contracts for such assistance and renewal
 10 of expiring contracts for such assistance, and for sup-
 11 portive services associated with the housing for persons
 12 with disabilities as authorized by section 811(b)(1), shall
 13 be transferred to and merged with the amounts for these
 14 purposes under this heading.

15 FLEXIBLE SUBSIDY FUND

16 (TRANSFER OF FUNDS)

17 From the Rental Housing Assistance Fund, all un-
 18 committed balances of excess rental charges as of Sep-
 19 tember 30, 2003, and any collections made during fiscal
 20 year 2004, shall be transferred to the Flexible Subsidy
 21 Fund, as authorized by section 236(g) of the National
 22 Housing Act, as amended.

23 RENTAL HOUSING ASSISTANCE

24 (RESCISSION)

25 Up to \$303,000,000 of recaptured section 236 budget
 26 authority resulting from prepayment of mortgages sub-

1 sidized under section 236 of the National Housing Act (42
 2 U.S.C. 1715z-1) shall be rescinded in fiscal year 2004:
 3 *Provided*, That the limitation otherwise applicable to the
 4 maximum payments that may be required in any fiscal
 5 year by all contracts entered into under section 236 is re-
 6 duced in fiscal year 2004 by not more than \$303,000,000
 7 in uncommitted balances of authorizations of contract au-
 8 thority provided for this purpose in prior appropriations
 9 Acts.

10 MANUFACTURED HOUSING FEES TRUST FUND

11 For necessary expenses as authorized by the National
 12 Manufactured Housing Construction and Safety Stand-
 13 ards Act of 1974, as amended (42 U.S.C. 5401 et seq.),
 14 up to \$13,000,000 to remain available until expended, to
 15 be derived from the Manufactured Housing Fees Trust
 16 Fund: *Provided*, That not to exceed the total amount ap-
 17 propriated under this heading shall be available from the
 18 general fund of the Treasury to the extent necessary to
 19 incur obligations and make expenditures pending the re-
 20 ceipt of collections to the Fund pursuant to section 620
 21 of such Act: *Provided further*, That the amount made
 22 available under this heading from the general fund shall
 23 be reduced as such collections are received during fiscal
 24 year 2004 so as to result in a final fiscal year 2004 appro-
 25 priation from the general fund estimated at not more than
 26 \$0 and fees pursuant to such section 620 shall be modified

1 as necessary to ensure such a final fiscal year 2004 appro-
 2 priation.

3 FEDERAL HOUSING ADMINISTRATION
 4 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
 5 (INCLUDING TRANSFERS OF FUNDS)

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

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

18 For administrative expenses necessary to carry out
 19 the guaranteed and direct loan program, \$359,000,000,
 20 of which not to exceed \$355,000,000 shall be transferred
 21 to the appropriation for “Salaries and expenses”; and not
 22 to exceed \$4,000,000 shall be transferred to the appro-
 23 priation for “Office of Inspector General”. In addition, for
 24 administrative contract expenses, \$85,000,000, of which
 25 no less than \$20,744,000 shall be transferred to the Work-
 26 ing Capital Fund for the development of and modifications

1 to information technology systems which serve programs
 2 or activities under “Housing programs” or “Federal
 3 Housing Administration”: *Provided*, That to the extent
 4 guaranteed loan commitments exceed \$65,500,000,000 on
 5 or before April 1, 2004, an additional \$1,400 for adminis-
 6 trative contract expenses shall be available for each
 7 \$1,000,000 in additional guaranteed loan commitments
 8 (including a pro rata amount for any amount below
 9 \$1,000,000), but in no case shall funds made available by
 10 this proviso exceed \$30,000,000.

11 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT
 12 (INCLUDING TRANSFERS OF FUNDS)

13 For the cost of guaranteed loans, as authorized by
 14 sections 238 and 519 of the National Housing Act (12
 15 U.S.C. 1715z-3 and 1735c), including the cost of loan
 16 guarantee modifications, as that term is defined in section
 17 502 of the Congressional Budget Act of 1974, as amend-
 18 ed, \$15,000,000, to remain available until expended: *Pro-*
 19 *vided*, That these funds are available to subsidize total
 20 loan principal, any part of which is to be guaranteed, of
 21 up to \$25,000,000,000.

22 Gross obligations for the principal amount of direct
 23 loans, as authorized by sections 204(g), 207(l), 238, and
 24 519(a) of the National Housing Act, shall not exceed
 25 \$50,000,000, of which not to exceed \$30,000,000 shall be
 26 for bridge financing in connection with the sale of multi-

1 family real properties owned by the Secretary and for-
2 merly insured under such Act; and of which not to exceed
3 \$20,000,000 shall be for loans to nonprofit and govern-
4 mental entities in connection with the sale of single-family
5 real properties owned by the Secretary and formerly in-
6 sured under such Act.

7 In addition, for administrative expenses necessary to
8 carry out the guaranteed and direct loan programs,
9 \$229,000,000, of which \$209,000,000 shall be transferred
10 to the appropriation for “Salaries and expenses”; and of
11 which \$20,000,000 shall be transferred to the appropria-
12 tion for “Office of Inspector General”.

13 In addition, for administrative contract expenses nec-
14 essary to carry out the guaranteed and direct loan pro-
15 grams, \$93,780,000, of which no less than \$16,946,000
16 shall be transferred to the Working Capital Fund for the
17 development of and modifications to information tech-
18 nology systems which serve programs or activities under
19 “Housing programs” or “Federal Housing Administra-
20 tion”: *Provided*, That to the extent guaranteed loan com-
21 mitments exceed \$8,426,000,000 on or before April 1,
22 2004, an additional \$1,980 for administrative contract ex-
23 penses shall be available for each \$1,000,000 in additional
24 guaranteed loan commitments over \$8,426,000,000 (in-
25 cluding a pro rata amount for any increment below

1 \$1,000,000), but in no case shall funds made available by
 2 this proviso exceed \$14,400,000.

3 ~~GOVERNMENT NATIONAL MORTGAGE ASSOCIATION~~
 4 ~~GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN~~
 5 ~~GUARANTEE PROGRAM ACCOUNT~~
 6 ~~(INCLUDING TRANSFER OF FUNDS)~~

7 New commitments to issue guarantees to carry out
 8 the purposes of section 306 of the National Housing Act,
 9 as amended (12 U.S.C. 1721(g)), shall not exceed
 10 \$200,000,000,000, to remain available until September
 11 30, 2005.

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

18 ~~POLICY DEVELOPMENT AND RESEARCH~~
 19 ~~RESEARCH AND TECHNOLOGY~~

20 For contracts, grants, and necessary expenses of pro-
 21 grams of research and studies relating to housing and
 22 urban problems, not otherwise provided for, as authorized
 23 by title V of the Housing and Urban Development Act
 24 of 1970, as amended (12 U.S.C. 1701z–1 et seq.), includ-
 25 ing carrying out the functions of the Secretary under sec-
 26 tion 1(a)(1)(i) of Reorganization Plan No. 2 of 1968,

1 \$47,000,000, to remain available until September 30,
 2 2005: *Provided*, That of the total amount provided under
 3 this heading, \$7,500,000 shall be for the Partnership for
 4 Advancing Technology in Housing (PATH) Initiative.

5 FAIR HOUSING AND EQUAL OPPORTUNITY

6 FAIR HOUSING ACTIVITIES

7 For contracts, grants, and other assistance, not oth-
 8 erwise provided for, as authorized by title VIII of the Civil
 9 Rights Act of 1968, as amended by the Fair Housing
 10 Amendments Act of 1988, and section 561 of the Housing
 11 and Community Development Act of 1987, as amended,
 12 \$46,000,000, to remain available until September 30,
 13 2005, of which \$20,250,000 shall be to carry out activities
 14 pursuant to such section 561: *Provided*, That no funds
 15 made available under this heading shall be used to lobby
 16 the executive or legislative branches of the Federal Gov-
 17 ernment in connection with a specific contract, grant or
 18 loan.

19 OFFICE OF LEAD HAZARD CONTROL

20 LEAD HAZARD REDUCTION

21 For the Lead Hazard Reduction Program, as author-
 22 ized by section 1011 of the Residential Lead-Based Paint
 23 Hazard Reduction Act of 1992, \$130,000,000, to remain
 24 available until September 30, 2005, of which \$10,000,000
 25 shall be for the Healthy Homes Initiative, pursuant to sec-

1 tions 501 and 502 of the Housing and Urban Develop-
 2 ment Act of 1970 that shall include research, studies, test-
 3 ing, and demonstration efforts, including education and
 4 outreach concerning lead-based paint poisoning and other
 5 housing-related diseases and hazards.

6 MANAGEMENT AND ADMINISTRATION

7 SALARIES AND EXPENSES

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary administrative and non-administrative
 10 expenses of the Department of Housing and Urban Devel-
 11 opment, not otherwise provided for, including purchase of
 12 uniforms, or allowances therefor, as authorized by 5
 13 U.S.C. 5901–5902; hire of passenger motor vehicles; serv-
 14 ices as authorized by 5 U.S.C. 3109; and not to exceed
 15 \$25,000 for official reception and representation expenses;
 16 \$1,122,130,000, of which \$564,000,000 shall be provided
 17 from the various funds of the Federal Housing Adminis-
 18 tration, \$10,695,000 shall be provided from funds of the
 19 Government National Mortgage Association, \$150,000
 20 shall be provided by transfer from the “Native American
 21 housing block grants” account, \$250,000 shall be provided
 22 by transfer from the “Indian housing loan guarantee fund
 23 program” account and \$35,000 shall be transferred from
 24 the “Native Hawaiian housing loan guarantee fund” ac-
 25 count: *Provided*, That funds made available under this
 26 heading shall only be allocated in the manner specified in

1 the report accompanying this Act unless the Committees
2 on Appropriations of both the House of Representatives
3 and the Senate are notified of any changes in an operating
4 plan or reprogramming: *Provided further*, That no official
5 or employee of the Department shall be designated as an
6 allotment holder unless the Office of the Chief Financial
7 Officer (OCFO) has determined that such allotment hold-
8 er has implemented an adequate system of funds control
9 and has received training in funds control procedures and
10 directives: *Provided further*, That the Chief Financial Offi-
11 cer shall establish positive control of and maintain ade-
12 quate systems of accounting for appropriations and other
13 available funds as required by 31 U.S.C. 1514: *Provided*
14 *further*, That for purposes of funds control and deter-
15 mining whether a violation exists under the Anti-Defi-
16 ciency Act (31 U.S.C. 1341 et seq.), the point of obligation
17 shall be the executed agreement or contract, except with
18 respect to insurance and guarantee programs; certain
19 types of salaries and expenses funding; and incremental
20 funding that is authorized under an executed agreement
21 or contract, and shall be designated in the approved funds
22 control plan: *Provided further*, That the Chief Financial
23 Officer shall: (a) appoint qualified personnel to conduct
24 investigations of potential or actual violations; (b) estab-
25 lish minimum training requirements and other qualifica-

1 tions for personnel that may be appointed to conduct in-
 2 vestigations; (e) establish guidelines and timeframes for
 3 the conduct and completion of investigations; (d) prescribe
 4 the content, format and other requirements for the sub-
 5 mission of final reports on violations; and (e) prescribe
 6 such additional policies and procedures as may be required
 7 for conducting investigations of, and administering, proc-
 8 essing, and reporting on, potential and actual violations
 9 of the Anti-Deficiency Act and all other statutes and regu-
 10 lations governing the obligation and expenditure of funds
 11 made available in this or any other Act: *Provided further,*
 12 That the Secretary shall fill 7 out of 10 vacancies at the
 13 GS-14 and GS-15 levels until the total number of GS-
 14 14 and GS-15 positions in the Department has been re-
 15 duced from the number of GS-14 and GS-15 positions
 16 on the date of enactment of Public Law 106-377 by 2½
 17 percent: *Provided further,* That the Secretary shall submit
 18 a staffing plan for the Department by November 15, 2003.

19 The tenth proviso under this heading in the Depart-
 20 ments of Veterans Affairs and Housing and Urban Devel-
 21 opment, and Independent Agencies Appropriations Act,
 22 2003, is amended by striking “the purpose of” and insert-
 23 ing “purposes of funds control and” and before the colon
 24 insert the following “; except with respect to insurance and
 25 guarantee programs, certain types of salaries and ex-

1 penses funding, and incremental funding that is author-
 2 ized under an executed agreement or contract”.

3 WORKING CAPITAL FUND

4 For additional capital for the Working Capital Fund
 5 (42 U.S.C. 3535) for the development of, modifications
 6 to, and infrastructure for Department-wide information
 7 technology systems, and for the continuing operation of
 8 both Department-wide and program-specific information
 9 systems, \$240,000,000 (reduced by \$150,000,000), to re-
 10 main available until September 30, 2005: *Provided*, That
 11 any amounts transferred to this Fund under this Act shall
 12 remain available until expended.

13 OFFICE OF INSPECTOR GENERAL

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses of the Office of Inspector
 16 General in carrying out the Inspector General Act of 1978,
 17 as amended, \$100,080,000, of which \$24,000,000 shall be
 18 provided from the various funds of the Federal Housing
 19 Administration: *Provided*, That the Inspector General
 20 shall have independent authority over all personnel issues
 21 within this office: *Provided further*, That no less than
 22 \$300,000 shall be transferred to the Working Capital
 23 Fund for the development of and modifications to informa-
 24 tion technology systems for the Office of Inspector Gen-
 25 eral.

1 CONSOLIDATED FEE FUND

2 (RESCISSION)

3 All unobligated balances remaining available from
4 fees and charges under section 7(j) of the Department of
5 Housing and Urban Development Act on October 1, 2003
6 are rescinded.

7 OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

8 SALARIES AND EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For carrying out the Federal Housing Enterprises
11 Financial Safety and Soundness Act of 1992, including
12 not to exceed \$500 for official reception and representa-
13 tion expenses, \$32,415,000, to remain available until ex-
14 pended, to be derived from the Federal Housing Enter-
15 prises Oversight Fund: *Provided*, That not to exceed such
16 amount shall be available from the general fund of the
17 Treasury to the extent necessary to incur obligations and
18 make expenditures pending the receipt of collections to the
19 Fund: *Provided further*, That the general fund amount
20 shall be reduced as collections are received during the fis-
21 cal year so as to result in a final appropriation from the
22 general fund estimated at not more than \$0.

23 ADMINISTRATIVE PROVISIONS

24 SEC. 201. Fifty percent of the amounts of budget au-
25 thority, or in lieu thereof 50 percent of the cash amounts
26 associated with such budget authority, that are recaptured

1 from projects described in section ~~1012(a)~~ of the Stewart
2 B. McKinney Homeless Assistance Amendments Act of
3 1988 (42 U.S.C. ~~1437~~ note) shall be rescinded, or in the
4 case of cash, shall be remitted to the Treasury, and such
5 amounts of budget authority or cash recaptured and not
6 rescinded or remitted to the Treasury shall be used by
7 State housing finance agencies or local governments or
8 local housing agencies with projects approved by the Sec-
9 retary of Housing and Urban Development for which set-
10 tlement occurred after January 1, 1992, in accordance
11 with such section. Notwithstanding the previous sentence,
12 the Secretary may award up to 15 percent of the budget
13 authority or cash recaptured and not rescinded or remitted
14 to the Treasury to provide project owners with incentives
15 to refinance their project at a lower interest rate.

16 ~~SEC. 202.~~ None of the amounts made available under
17 this Act may be used during fiscal year 2003 to investigate
18 or prosecute under the Fair Housing Act any otherwise
19 lawful activity engaged in by one or more persons, includ-
20 ing the filing or maintaining of a non-frivolous legal ac-
21 tion, that is engaged in solely for the purpose of achieving
22 or preventing action by a Government official or entity,
23 or a court of competent jurisdiction.

24 ~~SEC. 203.~~ (a) Notwithstanding section 854(c)(1)(A)
25 of the AIDS Housing Opportunity Act (42 U.S.C.

1 ~~12903(c)(1)(A))~~, from any amounts made available under
 2 this title for fiscal year 2004 that are allocated under such
 3 section, the Secretary of Housing and Urban Development
 4 shall allocate and make a grant, in the amount determined
 5 under subsection (b), for any State that—

6 ~~(1)~~ received an allocation in a prior fiscal year
 7 under clause (ii) of such section; and

8 ~~(2)~~ is not otherwise eligible for an allocation for
 9 fiscal year 2004 under such clause (ii) because the
 10 areas in the State outside of the metropolitan statis-
 11 tical areas that qualify under clause (i) in fiscal year
 12 2004 do not have the number of cases of acquired
 13 immunodeficiency syndrome (AIDS) required under
 14 such clause.

15 ~~(b)~~ The amount of the allocation and grant for any
 16 State described in subsection (a) shall be an amount based
 17 on the cumulative number of AIDS cases in the areas of
 18 that State that are outside of metropolitan statistical
 19 areas that qualify under clause (i) of such section
 20 ~~854(c)(1)(A)~~ in fiscal year 2004, in proportion to AIDS
 21 cases among cities and States that qualify under clauses
 22 (i) and (ii) of such section and States deemed eligible
 23 under subsection (a).

24 ~~SEC. 204.~~ (a) Section 225(a) of the Departments of
 25 Veterans Affairs and Housing and Urban Development,

1 and Independent Agencies Appropriations Act, 2000, Pub-
2 lie Law 106—74 (113 Stat. 1076), is amended by striking
3 “year 2000, and the amounts that would otherwise be allo-
4 cated for fiscal year 2001 and fiscal year 2002”, and in-
5 serting “years 2000, 2001, 2002, 2003, and 2004”.

6 (b) Notwithstanding any other provision of law, the
7 Secretary of Housing and Urban Development shall allo-
8 cate to Wake County, North Carolina, the amounts that
9 otherwise would be allocated for fiscal year 2004 under
10 section 854(c) of the AIDS Housing Opportunity Act (42
11 U.S.C. 12903(e)) 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 activi-
15 ties under section 855 of such Act (42 U.S.C. 12904)
16 within such metropolitan statistical area.

17 SEC. 205. (a) During fiscal year 2004, in the provi-
18 sion of rental assistance under section 8(o) of the United
19 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
20 nection with a program to demonstrate the economy and
21 effectiveness of providing such assistance for use in as-
22 sisted living facilities that is carried out in the counties
23 of the State of Michigan specified in subsection (b) of this
24 section, notwithstanding paragraphs (3) and (18)(B)(iii)
25 of such section 8(o), a family residing in an assisted living

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

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

12 SEC. 206. Except as explicitly provided in law, any
13 grant, cooperative agreement or other assistance made
14 pursuant to title II of this Act shall be made on a competi-
15 tive basis and in accordance with section 102 of the De-
16 partment of Housing and Urban Development Reform Act
17 of 1989.

18 SEC. 207. Funds of the Department of Housing and
19 Urban Development subject to the Government Corpora-
20 tion Control Act or section 402 of the Housing Act of
21 1950 shall be available, without regard to the limitations
22 on administrative expenses, for legal services on a contract
23 or fee basis, and for utilizing and making payment for
24 services and facilities of the Federal National Mortgage
25 Association, Government National Mortgage Association,

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

6 SEC. 208. 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
9 Development shall be available for any program, project
10 or activity in excess of amounts set forth in the budget
11 estimates submitted to Congress.

12 SEC. 209. Corporations and agencies of the Depart-
13 ment of Housing and Urban Development which are sub-
14 ject to the Government Corporation Control Act, as
15 amended, are hereby authorized to make such expendi-
16 tures, within the limits of funds and borrowing authority
17 available to each such corporation or agency and in ac-
18 cordance with law, and to make such contracts and com-
19 mitments without regard to fiscal year limitations as pro-
20 vided by section 104 of such Act as may be necessary in
21 carrying out the programs set forth in the budget for 2003
22 for such corporation or agency except as hereinafter pro-
23 vided: *Provided*, That collections of these corporations and
24 agencies may be used for new loan or mortgage purchase
25 commitments only to the extent expressly provided for in

1 this Act (unless such loans are in support of other forms
2 of assistance provided for in this or prior appropriations
3 Acts); except that this proviso shall not apply to the mort-
4 gage insurance or guaranty operations of these corpora-
5 tions, or where loans or mortgage purchases are necessary
6 to protect the financial interest of the United States Gov-
7 ernment.

8 SEC. 210. None of the funds provided in this title
9 for technical assistance, training, or management improve-
10 ments may be obligated or expended unless HUD provides
11 to the Committees on Appropriations a description of each
12 proposed activity and a detailed budget estimate of the
13 costs associated with each program, project or activity as
14 part of the Budget Justifications. For fiscal year 2004,
15 HUD shall transmit this information to the Committees
16 by November 15, 2003 for 30 days of review.

17 SEC. 211. A public housing agency or such other enti-
18 ty that administers Federal housing assistance in the
19 states of Alaska, Iowa, and Mississippi shall not be re-
20 quired to include a resident of public housing or a recipi-
21 ent of assistance provided under section 8 of the United
22 States Housing Act of 1937 on the board of directors or
23 a similar governing board of such agency or entity as re-
24 quired under section (2)(b) of such Act. Each public hous-
25 ing agency or other entity that administers Federal hous-

1 ing assistance under section 8 in the states of Alaska;
 2 Iowa and Mississippi shall establish an advisory board of
 3 not less than 6 residents of public housing or recipients
 4 of section 8 assistance to provide advice and comment to
 5 the public housing agency or other administering entity
 6 on issues related to public housing and section 8. Such
 7 advisory board shall meet not less than quarterly.

8 SEC. 212. The Secretary of Housing and Urban De-
 9 velopment shall provide quarterly reports to the House
 10 and Senate Committees on Appropriations regarding all
 11 uncommitted, unobligated, recaptured and excess funds in
 12 each program and activity within the jurisdiction of the
 13 Department and shall submit additional, updated budget
 14 information to these Committees upon request.

15 TITLE III—INDEPENDENT AGENCIES

16 AMERICAN BATTLE MONUMENTS COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses, not otherwise provided for,
 19 of the American Battle Monuments Commission, including
 20 the acquisition of land or interest in land in foreign coun-
 21 tries; purchases and repair of uniforms for caretakers of
 22 national cemeteries and monuments outside of the United
 23 States and its territories and possessions; rent of office
 24 and garage space in foreign countries; purchase (one for
 25 replacement only) and hire of passenger motor vehicles;

1 and insurance of official motor vehicles in foreign coun-
2 tries, when required by law of such countries, \$47,276,000
3 (of which \$10,000,000 shall not become available until
4 September 1, 2004), to remain available until expended.

5 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
6 SALARIES AND EXPENSES

7 For necessary expenses in carrying out activities pur-
8 suant to section 112(r)(6) of the Clean Air Act, as amend-
9 ed, including hire of passenger vehicles, uniforms or allow-
10 ances therefore, as authorized by 5 U.S.C. 5901–5902,
11 and for services authorized by 5 U.S.C. 3109 but at rates
12 for individuals not to exceed the per diem equivalent to
13 the maximum rate payable for senior level positions under
14 5 U.S.C. 5376, \$8,550,000: *Provided*, That the Chemical
15 Safety and Hazard Investigation Board shall have not
16 more than three career Senior Executive Service positions.

17 EMERGENCY FUND

18 For necessary expenses of the Chemical Safety and
19 Hazard Investigation Board for accident investigations
20 not otherwise provided for, \$450,000, to remain available
21 until expended.

1 DEPARTMENT OF THE TREASURY
2 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
3 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
4 FUND 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~~, \$51,000,000, to remain available until September
10 30, 2005, of which \$3,000,000 shall be for financial assist-
11 ance, technical assistance, training and outreach programs
12 designed to benefit Native American, Native Hawaiian,
13 and Alaskan Native communities and provided primarily
14 through qualified community development lender organi-
15 zations with experience and expertise in community devel-
16 opment banking and lending in Indian country, Native
17 American organizations, tribes and tribal organizations
18 and other suitable providers, and up to \$13,000,000 may
19 be used for administrative expenses, including administra-
20 tion of the New Markets Tax Credit, up to \$6,000,000
21 may be used for the cost of direct loans, and up to
22 \$250,000 may be used for administrative expenses to
23 carry out the direct loan program: *Provided*, That the cost
24 of direct loans, including the cost of modifying such loans,
25 shall be as defined in section 502 of the Congressional

1 Budget Act of 1974, as amended: *Provided further*, That
 2 these funds are available to subsidize gross obligations for
 3 the principal amount of direct loans not to exceed
 4 \$11,000,000.

5 CONSUMER PRODUCT SAFETY COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Consumer Product
 8 Safety Commission, including hire of passenger motor ve-
 9 hicles, services as authorized by 5 U.S.C. 3109, but at
 10 rates for individuals not to exceed the per diem rate equiv-
 11 alent to the maximum rate payable under 5 U.S.C. 5376,
 12 purchase of nominal awards to recognize non-Federal offi-
 13 cials' contributions to Commission activities, and not to
 14 exceed \$500 for official reception and representation ex-
 15 penses, \$60,000,000: *Provided*, That up to \$1,000,000 is
 16 for purposes of carrying out the Inspector General Act of
 17 1978.

18 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

19 NATIONAL AND COMMUNITY SERVICE PROGRAMS

20 OPERATING EXPENSES

21 For necessary expenses for the Corporation for Na-
 22 tional and Community Service (the "Corporation") in car-
 23 rying out programs, activities, and initiatives under the
 24 National and Community Service Act of 1990 (the "Act")
 25 (42 U.S.C. 12501 et seq.), \$363,452,000, to remain avail-

1 able until September 30, 2005: *Provided*, That not more
2 than \$30,500,000 shall be available for administrative ex-
3 penses authorized under section 501(a)(4): *Provided fur-*
4 *ther*, That not more than \$2,500 shall be for official recep-
5 tion and representation expenses: *Provided further*, That
6 \$244,352,000 of the amount provided under this heading
7 shall be available for grants under the National Service
8 Trust program authorized under subtitle C of title I of
9 the Act (42 U.S.C. 12571 et seq.) (relating to activities
10 including the AmeriCorps program); and for grants to or-
11 ganizations operating projects under the AmeriCorps Edu-
12 cation Awards Program (without regard to the require-
13 ments of sections 121(d) and (e), 131(e), 132, and 140(a),
14 (d), and (e) of the Act): of which not more than
15 \$50,000,000 may be used to administer, reimburse, or
16 support any national service program authorized under
17 section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)):
18 *Provided further*, That to the maximum extent feasible,
19 funds appropriated under subtitle C of title I of the Act
20 shall be provided in a manner that is consistent with the
21 recommendations of peer review panels in order to ensure
22 that priority is given to programs that demonstrate qual-
23 ity, innovation, replicability, and sustainability: *Provided*
24 *further*, That not more than \$10,000,000 of the funds
25 made available under this heading shall be for the Points

1 of Light Foundation for activities authorized under title
2 III of the Act (42 U.S.C. 12661 et seq.); of which not
3 more than \$2,500,000 may be used to support an endow-
4 ment fund; the corpus of which shall remain intact and
5 the interest income from which shall be used to support
6 activities described in title III of the Act; provided that
7 the Foundation may invest the corpus and income in fed-
8 erally insured bank savings accounts or comparable inter-
9 est bearing accounts; certificates of deposit; money market
10 funds; mutual funds; obligations of the United States; and
11 other market instruments and securities but not in real
12 estate investments: *Provided further*, That no funds shall
13 be available for national service programs run by Federal
14 agencies authorized under section 121(b) of such Act (42
15 U.S.C. 12571(b)): *Provided further*, That not less than
16 \$24,000,000 of the funds made available under this head-
17 ing shall be available for the Civilian Community Corps
18 authorized under subtitle E of title I of the Act (42 U.S.C.
19 12611 et seq.): *Provided further*, That not more than
20 \$40,000,000 shall be available for school-based and com-
21 munity-based service-learning programs authorized under
22 subtitle B of title I of the Act (42 U.S.C. 12521 et seq.):
23 *Provided further*, That not more than \$6,100,000 shall be
24 available for quality and innovation activities authorized
25 under subtitle H of title I of the Act (42 U.S.C. 12853

1 et seq.): *Provided further*, That not more than \$5,000,000
 2 of the funds made available under this heading shall be
 3 made available to America's Promise—The Alliance for
 4 Youth, Inc. only to support efforts to mobilize individuals,
 5 groups, and organizations to build and strengthen the
 6 character and competence of the Nation's youth: *Provided*
 7 *further*, That not more than \$3,500,000 shall be available
 8 for audits and other evaluations authorized under section
 9 179 of the Act (42 U.S.C. 12639).

10 NATIONAL SERVICE TRUST

11 For payment of educational awards authorized under
 12 subtitle D of title I of the National Community Service
 13 Act of 1990 (42 U.S.C. 12601), \$110,771,000, to remain
 14 available until expended; of which \$5,000,000 shall be
 15 available for national service scholarships for high school
 16 students performing community service, and \$10,000,000
 17 shall be held in reserve as defined in Public Law 108–
 18 45: *Provided*, That the Corporation for National and Com-
 19 munity Service shall enroll no more than 55,000 volun-
 20 teers in the National Service Trust with the funds pro-
 21 vided in this Act.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector
 24 General in carrying out the Inspector General Act of 1978,
 25 as amended, \$6,000,000, to remain available until Sep-
 26 tember 30, 2005.

ADMINISTRATIVE PROVISIONS

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

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

U.S. COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by 38 U.S.C. 7251–7298, \$15,938,000 of which \$1,175,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

1 DEPARTMENT OF DEFENSE—CIVIL

2 CEMETERIAL EXPENSES, ARMY

3 SALARIES AND EXPENSES

4 For necessary expenses, as authorized by law, for
5 maintenance, operation, and improvement of Arlington
6 National Cemetery and Soldiers' and Airmen's Home Na-
7 tional Cemetery, including the purchase of one passenger
8 motor vehicle for replacement only, and not to exceed
9 \$1,000 for official reception and representation expenses,
10 \$25,961,000, to remain available until expended.

11 DEPARTMENT OF HEALTH AND HUMAN SERVICES

12 NATIONAL INSTITUTES OF HEALTH

13 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH

14 SCIENCES

15 For necessary expenses for the National Institute of
16 Environmental Health Sciences in carrying out activities
17 set forth in section 311(a) of the Comprehensive Environ-
18 mental Response, Compensation, and Liability Act of
19 1980, as amended, and section 126(g) of the Superfund
20 Amendments and Reauthorization Act of 1986,
21 \$80,000,000.

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1 ~~CERCLA: *Provided further*, That none of the funds appro-~~
2 ~~priated under this heading shall be available for ATSDR~~
3 ~~to issue in excess of 40 toxicological profiles pursuant to~~
4 ~~section 104(i) of CERCLA during fiscal year 2004, and~~
5 ~~existing profiles may be updated as necessary.~~

6 ENVIRONMENTAL PROTECTION AGENCY

7 SCIENCE AND TECHNOLOGY

8 For science and technology, including research and
9 development activities, which shall include research and
10 development activities under the Comprehensive Environ-
11 mental Response, Compensation, and Liability Act of
12 1980, as amended; necessary expenses for personnel and
13 related costs and travel expenses, including uniforms, or
14 allowances therefor, as authorized by 5 U.S.C. 5901–
15 5902; services as authorized by 5 U.S.C. 3109, but at
16 rates for individuals not to exceed the per diem rate equiv-
17 alent to the maximum rate payable for senior level posi-
18 tions under 5 U.S.C. 5376; procurement of laboratory
19 equipment and supplies; other operating expenses in sup-
20 port of research and development; construction, alteration,
21 repair, rehabilitation, and renovation of facilities, not to
22 exceed \$75,000 per project, \$767,115,000 (reduced by
23 \$7,300,000) which shall remain available until September
24 30, 2005.

1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For environmental programs and management, in-
 3 cluding necessary expenses, not otherwise provided for, for
 4 personnel and related costs and travel expenses, including
 5 uniforms, or allowances therefor, as authorized by 5
 6 U.S.C. 5901–5902; services as authorized by 5 U.S.C.
 7 3109, but at rates for individuals not to exceed the per
 8 diem rate equivalent to the maximum rate payable for sen-
 9 ior level positions under 5 U.S.C. 5376; hire of passenger
 10 motor vehicles; hire, maintenance, and operation of air-
 11 craft; purchase of reprints; library memberships in soci-
 12 eties or associations which issue publications to members
 13 only or at a price to members lower than to subscribers
 14 who are not members; construction, alteration, repair, re-
 15 habilitation, and renovation of facilities, not to exceed
 16 \$75,000 per project; and not to exceed \$9,000 for official
 17 reception and representation expenses, \$2,192,552,000
 18 (increased by \$550,000) (reduced by \$1,000,000) (in-
 19 creased by \$1,000,000) (reduced by \$5,400,000) (in-
 20 creased by \$5,400,000), which shall remain available until
 21 September 30, 2005, including administrative costs of the
 22 brownfields program under the Small Business Liability
 23 Relief and Brownfields Revitalization Act of 2002.

24 OFFICE OF INSPECTOR GENERAL

25 For necessary expenses of the Office of Inspector
 26 General in carrying out the provisions of the Inspector

1 General Act of 1978, as amended, and for construction,
 2 alteration, repair, rehabilitation, and renovation of facili-
 3 ties, not to exceed \$75,000 per project, \$36,808,000, to
 4 remain available until September 30, 2005.

5 BUILDINGS AND FACILITIES

6 For construction, repair, improvement, extension, al-
 7 teration, and purchase of fixed equipment or facilities of,
 8 or for use by, the Environmental Protection Agency,
 9 \$42,918,000 (reduced by \$550,000), to remain available
 10 until expended.

11 HAZARDOUS SUBSTANCE SUPERFUND
 12 (INCLUDING TRANSFERS OF FUNDS)

13 For necessary expenses to carry out the Comprehen-
 14 sive Environmental Response, Compensation, and Liabil-
 15 ity Act of 1980 (CERCLA), as amended, including sec-
 16 tions 111(c)(3), (c)(5), (c)(6), and (c)(4) (42 U.S.C.
 17 9611), and for construction, alteration, repair, rehabilita-
 18 tion, and renovation of facilities, not to exceed \$75,000
 19 per project, \$1,275,000,000, to remain available until ex-
 20 pended, consisting of \$200,000,000, as authorized by sec-
 21 tion 517(a) of the Superfund Amendments and Reauthor-
 22 ization Act of 1986 (SARA), as amended, and
 23 \$1,075,000,000 as a payment from general revenues to
 24 the Hazardous Substance Superfund for purposes as au-
 25 thorized by section 517(b) of SARA, as amended: *Pro-*
 26 *vided*, That funds appropriated under this heading may

1 be allocated to other Federal agencies in accordance with
 2 section 111(a) of CERCLA: *Provided further*, That of the
 3 funds appropriated under this heading, \$13,214,000 shall
 4 be transferred to the “Office of Inspector General” appro-
 5 priation to remain available until September 30, 2005,
 6 and \$44,697,000 shall be transferred to the “Science and
 7 technology” appropriation to remain available until Sep-
 8 tember 30, 2005.

9 LEAKING UNDERGROUND STORAGE TANK TRUST FUND

10 For necessary expenses to carry out leaking under-
 11 ground storage tank cleanup activities authorized by sec-
 12 tion 205 of the Superfund Amendments and Reauthoriza-
 13 tion Act of 1986, and for construction, alteration, repair,
 14 rehabilitation, and renovation of facilities, not to exceed
 15 \$75,000 per project, \$72,545,000 (increased by
 16 \$7,300,000), to remain available until expended.

17 OIL SPILL RESPONSE

18 For expenses necessary to carry out the Environ-
 19 mental Protection Agency’s responsibilities under the Oil
 20 Pollution Act of 1990, \$16,209,000, to be derived from
 21 the Oil Spill Liability trust fund, to remain available until
 22 expended.

23 STATE AND TRIBAL ASSISTANCE GRANTS

24 For environmental programs and infrastructure as-
 25 sistance, including capitalization grants for State revolv-
 26 ing funds and performance partnership grants,

1 ~~\$3,601,950,000~~, to remain available until expended, of
2 which ~~\$1,200,000,000~~ shall be for making capitalization
3 grants for the Clean Water State Revolving Funds under
4 title VI of the Federal Water Pollution Control Act, as
5 amended (the “Act”), of which up to ~~\$68,000,000~~ shall
6 be available for loans, including interest free loans as au-
7 thorized by ~~33~~ U.S.C. ~~1383(d)(1)(A)~~, to municipal, inter-
8 municipal, interstate, or State agencies or nonprofit enti-
9 ties for projects that provide treatment for or that mini-
10 mize sewage or stormwater discharges using one or more
11 approaches which include, but are not limited to, decen-
12 tralized or distributed stormwater controls, decentralized
13 wastewater treatment, low-impact development practices,
14 conservation easements, stream buffers, or wetlands res-
15 toration; ~~\$850,000,000~~ shall be for capitalization grants
16 for the Drinking Water State Revolving Funds under sec-
17 tion ~~1452~~ of the Safe Drinking Water Act, as amended;
18 ~~\$50,000,000~~ shall be for architectural, engineering, plan-
19 ning, design, construction and related activities in connec-
20 tion with the construction of high priority water and
21 wastewater facilities in the area of the United States-Mex-
22 ico Border, after consultation with the appropriate border
23 commission; ~~\$25,000,000~~ shall be for grants to the State
24 of Alaska to address drinking water and wastewater infra-
25 structure needs of rural and Alaska Native Villages;

1 \$195,000,000 shall be for making grants for the construc-
2 tion of drinking water, wastewater and storm water infra-
3 structure and for water quality protection in accordance
4 with the terms and conditions specified for such grants
5 in the report accompanying this legislation; \$8,250,000
6 for grants for construction of alternative decentralized
7 wastewater facilities under the National Decentralized
8 Wastewater Demonstration program, in accordance with
9 the terms and conditions specified in the report accom-
10 panying this legislation; \$93,500,000 shall be to carry out
11 section 104(k) of the Comprehensive Environmental Re-
12 sponse, Compensation, and Liability Act of 1980
13 (CERCLA), as amended, including grants, interagency
14 agreements, and associated program support costs; and
15 \$1,180,200,000 shall be for grants, including associated
16 program support costs, to States, federally recognized
17 tribes, interstate agencies, tribal consortia, and air pollu-
18 tion control agencies for multi-media or single media pol-
19 lution prevention, control and abatement and related ac-
20 tivities, including activities pursuant to the provisions set
21 forth under this heading in Public Law 104-134, and for
22 making grants under section 103 of the Clean Air Act for
23 particulate matter monitoring and data collection activi-
24 ties, of which and subject to terms and conditions specified
25 by the Administrator, \$50,000,000 shall be for carrying

1 out section 128 of CERCLA, as amended, and
2 \$20,000,000 shall be for National Environmental Infor-
3 mation Exchange Network grants, including associated
4 program support costs: *Provided*, That for fiscal year
5 2004, State authority under section 302(a) of Public Law
6 104-182 shall remain in effect: *Provided further*, That
7 notwithstanding section 603(d)(7) of the Act, the limita-
8 tion on the amounts in a State water pollution control re-
9 volving fund that may be used by a State to administer
10 the fund shall not apply to amounts included as principal
11 in loans made by such fund in fiscal year 2004 and prior
12 years where such amounts represent costs of admin-
13 istering the fund to the extent that such amounts are or
14 were deemed reasonable by the Administrator, accounted
15 for separately from other assets in the fund, and used for
16 eligible purposes of the fund, including administration:
17 *Provided further*, That for fiscal year 2004, and notwith-
18 standing section 518(f) of the Act, the Administrator is
19 authorized to use the amounts appropriated for any fiscal
20 year under section 319 of that Act to make grants to In-
21 dian tribes pursuant to sections 319(h) and 518(e) of that
22 Act: *Provided further*, That for fiscal year 2004, notwith-
23 standing the limitation on amounts in section 518(e) of
24 the Act, up to a total of 1½ percent of the funds appro-
25 priated for State Revolving Funds under title VI of that

1 Act may be reserved by the Administrator for grants
 2 under section 518(e) of such Act: *Provided further*, That
 3 no funds provided by this legislation to address the water,
 4 wastewater and other critical infrastructure needs of the
 5 colonias in the United States along the United States-
 6 Mexico border shall be made available to a county or mu-
 7 nicipal government unless that government has established
 8 an enforceable local ordinance, or other zoning rule, which
 9 prevents in that jurisdiction the development or construc-
 10 tion of any additional colonia areas, or the development
 11 within an existing colonia the construction of any new
 12 home, business, or other structure which lacks water,
 13 wastewater, or other necessary infrastructure: *Provided*
 14 *further*, That the referenced statement of the managers
 15 under this heading in Public Law 108-7, item number
 16 383, is deemed to be amended by adding after the word
 17 “overflow”, “and water infrastructure”: *Provided further*,
 18 That the referenced statement of the managers under this
 19 heading in Public Law 108-07, item number 255, is
 20 deemed to be amended by inserting “water and” after the
 21 words “Mississippi for”: *Provided further*, That the ref-
 22 erenced statement of the managers under this heading in
 23 Public Law 108-07, item number 256, is deemed to be
 24 amended by adding after the word “for”, “water and”.

1 ADMINISTRATIVE PROVISIONS

2 For fiscal year 2004, notwithstanding 31 U.S.C.
3 6303(1) and 6305(1), the Administrator of the Environ-
4 mental Protection Agency, in carrying out the Agency's
5 function to implement directly Federal environmental pro-
6 grams required or authorized by law in the absence of an
7 acceptable tribal program, may award cooperative agree-
8 ments to federally-recognized Indian Tribes or Intertribal
9 consortia, if authorized by their member Tribes, to assist
10 the Administrator in implementing Federal environmental
11 programs for Indian Tribes required or authorized by law,
12 except that no such cooperative agreements may be award-
13 ed from funds designated for State financial assistance
14 agreements.

15 None of the funds appropriated or otherwise made
16 available by this Act shall be used to promulgate a final
17 regulation to implement changes in the payment of pes-
18 ticide tolerance processing fees as proposed at 64 Fed.
19 Reg. 31040, or any similar proposals. The Environmental
20 Protection Agency may proceed with the development of
21 such a rule.

22 The Environmental Protection Agency may not use
23 any of the funds appropriated or otherwise made available
24 by this Act to implement the Registration Fee system
25 codified at 40 Code of Federal Regulations Subpart U

1 ~~(sections 152.400 et seq.) if its authority to collect mainte-~~
 2 ~~nance fees pursuant to FIFRA section 4(i)(5) is extended~~
 3 ~~for at least 1 year beyond September 30, 2003.~~

4 ~~Section 136a-1 of title 7, U.S.C. is amended—~~

5 ~~(1) in subsection (i)(5)(C)(i) by striking~~
 6 ~~“2003” and inserting “2004”;~~

7 ~~(2) in subsection (i)(5)(H) by striking “2003”~~
 8 ~~and inserting “2004”;~~

9 ~~(3) in subsection (i)(6) by striking “2003” and~~
 10 ~~inserting “2004”; and~~

11 ~~(4) in subsection (k)(3)(A) by striking “2003”~~
 12 ~~and inserting “2004”.~~

13 ~~EXECUTIVE OFFICE OF THE PRESIDENT~~

14 ~~OFFICE OF SCIENCE AND TECHNOLOGY POLICY~~

15 ~~For necessary expenses of the Office of Science and~~
 16 ~~Technology Policy, in carrying out the purposes of the Na-~~
 17 ~~tional Science and Technology Policy, Organization, and~~
 18 ~~Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire~~
 19 ~~of passenger motor vehicles, and services as authorized by~~
 20 ~~5 U.S.C. 3109, not to exceed \$2,500 for official reception~~
 21 ~~and representation expenses, and rental of conference~~
 22 ~~rooms in the District of Columbia, \$7,027,000.~~

23 ~~COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF~~
 24 ~~ENVIRONMENTAL QUALITY~~

25 ~~For necessary expenses to continue functions as-~~
 26 ~~signed to the Council on Environmental Quality and Office~~

1 of Environmental Quality pursuant to the National Envi-
 2 ronmental Policy Act of 1969, the Environmental Quality
 3 Improvement Act of 1970, and Reorganization Plan No-
 4 1 of 1977, and not to exceed \$750 for official reception
 5 and representation expenses, \$3,238,000: *Provided*, That
 6 notwithstanding section 202 of the National Environ-
 7 mental Policy Act of 1970, the Council shall consist of
 8 one member, appointed by the President, by and with the
 9 advice and consent of the Senate, serving as chairman and
 10 exercising all powers, functions, and duties of the Council.

11 FEDERAL DEPOSIT INSURANCE CORPORATION

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
 14 General in carrying out the provisions of the Inspector
 15 General Act of 1978, as amended, \$30,125,000, to be de-
 16 rived from the Bank Insurance Fund, the Savings Asso-
 17 ciation Insurance Fund, and the FSLIC Resolution Fund.

18 GENERAL SERVICES ADMINISTRATION

19 FEDERAL CITIZEN INFORMATION CENTER FUND

20 For necessary expenses of the Federal Citizen Infor-
 21 mation Center, including services authorized by 5 U.S.C.
 22 3109, \$12,500,000, to be deposited into the Federal Cit-
 23 izen Information Center Fund: *Provided*, That the appro-
 24 priations, revenues, and collections deposited into the
 25 Fund shall be available for necessary expenses of Federal

1 Citizen Information Center activities in the aggregate
 2 amount of \$18,000,000. Appropriations, revenues, and
 3 collections accruing to this Fund during fiscal year 2004
 4 in excess of \$18,000,000 shall remain in the Fund and
 5 shall not be available for expenditure except as authorized
 6 in appropriations Acts.

7 INTERAGENCY COUNCIL ON THE HOMELESS

8 OPERATING EXPENSES

9 For necessary expenses (including payment of sala-
 10 ries, authorized travel, hire of passenger motor vehicles,
 11 the rental of conference rooms in the District of Columbia,
 12 and the employment of experts and consultants under sec-
 13 tion 3109 of title 5, United States Code) of the Inter-
 14 agency Council on the Homeless in carrying out the func-
 15 tions pursuant to title II of the McKinney-Vento Homeless
 16 Assistance Act, as amended, \$1,500,000.

17 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

18 SPACE FLIGHT CAPABILITIES

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses, not otherwise provided for,
 21 in the conduct and support of space flight capabilities re-
 22 search and development activities, including research, de-
 23 velopment, operations, support and services, maintenance,
 24 construction of facilities including repair, rehabilitation,
 25 revitalization and modification of facilities, construction of
 26 new facilities and additions to existing facilities, facility

1 planning and design, and acquisition or condemnation of
2 real property, as authorized by law; environmental compli-
3 ance and restoration; space flight, spacecraft control and
4 communications activities including operations, produc-
5 tion, and services; program management; personnel and
6 related costs, including uniforms or allowances therefor,
7 as authorized by ~~5~~ U.S.C. 5901–5902; travel expenses;
8 purchase and hire of passenger motor vehicles; not to ex-
9 ceed \$35,000 for official reception and representation ex-
10 penses; and purchase, lease, charter, maintenance and op-
11 eration of mission and administrative aircraft,
12 \$7,806,100,000, to remain available until September 30,
13 2005, of which \$15,000,000 of amounts for the Space
14 Shuttle Life Extension Program shall be for the develop-
15 ment and independent assessment of concepts to increase
16 Space Shuttle crew survivability for crew sizes of 4 to 7
17 astronauts by at least a factor of 20 relative to the dem-
18 onstrated crew survival rate of the Space Shuttle to date,
19 and of which amounts as determined by the Administrator
20 for salaries and benefits; training; travel and awards; facil-
21 ity and related costs; information technology services;
22 science, engineering, fabricating and testing services; and
23 other administrative services may be transferred to
24 “Science, aeronautics and exploration” in accordance with

1 section 312(b) of the National Aeronautics and Space Act
2 of 1958, as amended by Public Law 106-377.

3 SCIENCE, AERONAUTICS AND EXPLORATION
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses, not otherwise provided for,
6 in the conduct and support of science, aeronautics and ex-
7 ploration research and development activities, including
8 research, development, operations, support and services;
9 maintenance; construction of facilities including repair, re-
10 habilitation, revitalization, and modification of facilities;
11 construction of new facilities and additions to existing fa-
12 cilities; facility planning and design, and acquisition or
13 condemnation of real property, as authorized by law; envi-
14 ronmental compliance and restoration; space flight, space-
15 craft control and communications activities including oper-
16 ations, production, and services; program management;
17 personnel and related costs, including uniforms or allow-
18 ances therefor, as authorized by 5 U.S.C. 5901-5902;
19 travel expenses; purchase and hire of passenger motor ve-
20 hicles; not to exceed \$35,000 for official reception and rep-
21 resentation expenses; and purchase, lease, charter, mainte-
22 nance and operation of mission and administrative air-
23 craft, \$7,707,900,000, to remain available until Sep-
24 tember 30, 2005, of which amounts as determined by the
25 Administrator for salaries and benefits; training, travel
26 and awards; facility and related costs; information tech-

1 nology services; science, engineering, fabricating and test-
2 ing services; and other administrative services may be
3 transferred to “Space flight capabilities” in accordance
4 with section 312(b) of the National Aeronautics and Space
5 Act of 1958, as amended by Public Law 106–377.

6 OFFICE OF INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector
8 General in carrying out the Inspector General Act of 1978,
9 as amended, \$26,300,000.

10 ADMINISTRATIVE PROVISIONS

11 Notwithstanding the limitation on the availability of
12 funds appropriated for “Science, aeronautics and explo-
13 ration”, or “Space flight capabilities” by this appropria-
14 tions Act, when any activity has been initiated by the in-
15 currence of obligations for construction of facilities or en-
16 vironmental compliance and restoration activities as au-
17 thorized by law, such amount available for such activity
18 shall remain available until expended. This provision does
19 not apply to the amounts appropriated for institutional
20 minor revitalization and construction of facilities, and in-
21 stitutional facility planning and design.

22 Notwithstanding the limitation on the availability of
23 funds appropriated for “Science, aeronautics and explo-
24 ration”, or “Space flight capabilities” by this appropria-
25 tions Act, the amounts appropriated for construction of
26 facilities shall remain available until September 30, 2006.

1 From amounts made available in this Act for these
 2 activities, the Administration may transfer amounts be-
 3 tween aeronautics of the “Science, Aeronautics and Explo-
 4 ration” account and crosscutting technologies of the
 5 “Space flight capabilities” account.

6 Funds for announced prizes otherwise authorized
 7 shall remain available, without fiscal year limitation, until
 8 the prize is claimed or the offer is withdrawn.

9 The unexpired balances of prior appropriations to
 10 NASA for activities for which funds are provided under
 11 this Act may be transferred to the new account established
 12 for the appropriation that provides such activity under this
 13 Act. Balances so transferred may be merged with funds
 14 in the newly established account and thereafter may be
 15 accounted for as one fund under the same terms and con-
 16 ditions.

17 NATIONAL CREDIT UNION ADMINISTRATION

18 CENTRAL LIQUIDITY FACILITY

19 (INCLUDING TRANSFER OF FUNDS)

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

1 ~~COMMUNITY DEVELOPMENT REVOLVING LOAN FUND~~

2 ~~For the Community Development Revolving Loan~~
 3 ~~Fund program as authorized by 42 U.S.C. 9812, 9822~~
 4 ~~and 9910, \$1,000,000 for technical assistance to low-in-~~
 5 ~~come and community development credit unions.~~

6 ~~NATIONAL SCIENCE FOUNDATION~~

7 ~~RESEARCH AND RELATED ACTIVITIES~~

8 ~~For necessary expenses in carrying out the National~~
 9 ~~Science Foundation Act of 1950, as amended (42 U.S.C.~~
 10 ~~1861–1875), and the Act to establish a National Medal~~
 11 ~~of Science (42 U.S.C. 1880–1881); services as authorized~~
 12 ~~by 5 U.S.C. 3109; maintenance and operation of aircraft~~
 13 ~~and purchase of flight services for research support; acqui-~~
 14 ~~sition of aircraft; and authorized travel; \$4,306,360,000~~
 15 ~~(reduced by \$5,000,000), of which not more than~~
 16 ~~\$355,000,000 (reduced by \$5,000,000) shall remain avail-~~
 17 ~~able until expended for Polar research and operations sup-~~
 18 ~~port, and for reimbursement to other Federal agencies for~~
 19 ~~operational and science support and logistical and other~~
 20 ~~related activities for the United States Antarctic program;~~
 21 ~~the balance to remain available until September 30, 2005:~~
 22 ~~*Provided,* That receipts for scientific support services and~~
 23 ~~materials furnished by the National Research Centers and~~
 24 ~~other National Science Foundation supported research fa-~~
 25 ~~cilities may be credited to this appropriation: *Provided fur-*~~

1 ~~ther~~, That to the extent that the amount appropriated is
 2 less than the total amount authorized to be appropriated
 3 for included program activities, all amounts, including
 4 floors and ceilings, specified in the authorizing Act for
 5 those program activities or their subactivities shall be re-
 6 duced proportionally and used for authorized purposes of
 7 this account.

8 MAJOR RESEARCH EQUIPMENT AND FACILITIES

9 CONSTRUCTION

10 For necessary expenses for the acquisition, construc-
 11 tion, commissioning, and upgrading of major research
 12 equipment, facilities, and other such capital assets pursu-
 13 ant to the National Science Foundation Act of 1950, as
 14 amended, including authorized travel, \$192,330,000, to
 15 remain available until expended.

16 EDUCATION AND HUMAN RESOURCES

17 For necessary expenses in carrying out science and
 18 engineering education and human resources programs and
 19 activities pursuant to the National Science Foundation
 20 Act of 1950, as amended (42 U.S.C. 1861–1875), includ-
 21 ing services as authorized by 5 U.S.C. 3109, authorized
 22 travel, and rental of conference rooms in the District of
 23 Columbia, \$910,680,000, to remain available until Sep-
 24 tember 30, 2005: *Provided*, That to the extent that the
 25 amount of this appropriation is less than the total amount
 26 authorized to be appropriated for included program activi-

1 ties, all amounts, including floors and ceilings, specified
 2 in the authorizing Act for those program activities or their
 3 subactivities shall be reduced proportionally.

4 SALARIES AND EXPENSES

5 For salaries and expenses necessary in carrying out
 6 the National Science Foundation Act of 1950, as amended
 7 ~~(42 U.S.C. 1861–1875)~~; services authorized by ~~5 U.S.C.~~
 8 ~~3109~~; hire of passenger motor vehicles; not to exceed
 9 \$9,000 for official reception and representation expenses;
 10 uniforms or allowances therefor, as authorized by ~~5 U.S.C.~~
 11 ~~5901–5902~~; rental of conference rooms in the District of
 12 Columbia; reimbursement of the General Services Admin-
 13 istration for security guard services; ~~\$215,900,000~~: *Pro-*
 14 *vided*, That contracts may be entered into under “Salaries
 15 and expenses” in fiscal year 2004 for maintenance and
 16 operation of facilities, and for other services, to be pro-
 17 vided during the next fiscal year.

18 OFFICE OF THE NATIONAL SCIENCE BOARD

19 For necessary expenses (including payment of sala-
 20 ries; authorized travel; hire of passenger motor vehicles;
 21 the rental of conference rooms in the District of Columbia;
 22 and the employment of experts and consultants under sec-
 23 tion ~~3109~~ of title ~~5~~, United States Code) involved in ear-
 24 rying out section 4 of the National Science Foundation
 25 Act of 1950 (~~42 U.S.C. 1863~~) and Public Law ~~86–209~~
 26 (~~42 U.S.C. 1880 et seq.~~), ~~\$3,800,000~~: *Provided*, That not

1 more than \$9,000 shall be available for official reception
 2 and representation expenses.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
 5 General as authorized by the Inspector General Act of
 6 1978, as amended, \$10,000,000, to remain available until
 7 September 30, 2005.

8 NEIGHBORHOOD REINVESTMENT CORPORATION

9 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

10 CORPORATION

11 For payment to the Neighborhood Reinvestment Cor-
 12 poration for use in neighborhood reinvestment activities,
 13 as authorized by the Neighborhood Reinvestment Corpora-
 14 tion Act (42 U.S.C. 8101–8107), \$115,000,000.

15 ADMINISTRATIVE PROVISION

16 Section 605(a) of the Neighborhood Reinvestment
 17 Corporation Act (42 U.S.C. 8104) is amended by—

18 (1) striking out “compensation” and inserting
 19 “salary”; and striking out “highest rate provided for
 20 GS–18 of the General Schedule under section 5332
 21 of title 5 United States Code”; and inserting “rate
 22 for level IV of the Executive Schedule”; and

23 (2) inserting after the end the following sen-
 24 tence: “The Corporation shall also apply the provi-
 25 sions of section 5307 (a)(1), (b)(1), and (b)(2) of
 26 title 5, United States Code, governing limitations on

1 certain pay as if its employees were Federal employ-
2 ees receiving payments under title 5.”.

3 SELECTIVE SERVICE SYSTEM

4 SALARIES AND EXPENSES

5 For necessary expenses of the Selective Service Sys-
6 tem, including expenses of attendance at meetings and of
7 training for uniformed personnel assigned to the Selective
8 Service System, as authorized by 5 U.S.C. 4101–4118 for
9 civilian employees; purchase of uniforms, or allowances
10 therefor, as authorized by 5 U.S.C. 5901–5902; hire of
11 passenger motor vehicles; services as authorized by 5
12 U.S.C. 3109; and not to exceed \$750 for official reception
13 and representation expenses; \$28,290,000: *Provided*, That
14 during the current fiscal year, the President may exempt
15 this appropriation from the provisions of 31 U.S.C. 1341,
16 whenever the President deems such action to be necessary
17 in the interest of national defense: *Provided further*, That
18 none of the funds appropriated by this Act may be ex-
19 pended for or in connection with the induction of any per-
20 son into the Armed Forces of the United States.

21 TITLE IV—GENERAL PROVISIONS

22 SEC. 401. No part of any appropriation contained in
23 this Act shall remain available for obligation beyond the
24 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,
6 or is part of, a voucher or abstract which de-
7 scribes the payee or payees and the items or
8 services for which such expenditure is being
9 made; or

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

14 (2) unless such expenditure is subject to audit
15 by the General Accounting Officer or is specifically
16 exempt by law from such audit.

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

1 ~~SEC. 404.~~ None of the funds provided in this Act may
2 be used for payment, through grants or contracts, to re-
3 cipients that do not share in the cost of conducting re-
4 search resulting from proposals not specifically solicited
5 by the Government: *Provided,* That the extent of cost
6 sharing by the recipient shall reflect the mutuality of in-
7 terest of the grantee or contractor and the Government
8 in the research.

9 ~~SEC. 405.~~ None of the funds provided in this Act may
10 be used, directly or through grants, to pay or to provide
11 reimbursement for payment of the salary of a consultant
12 (whether retained by the Federal Government or a grant-
13 ee) at more than the daily equivalent of the rate paid for
14 level IV of the Executive Schedule, unless specifically au-
15 thorized by law.

16 ~~SEC. 406.~~ None of the funds provided in this Act may
17 be used to pay the expenses of, or otherwise compensate,
18 non-Federal parties intervening in regulatory or adjudica-
19 tory proceedings. Nothing herein affects the authority of
20 the Consumer Product Safety Commission pursuant to
21 section 7 of the Consumer Product Safety Act (15 U.S.C.
22 2056 et seq.).

23 ~~SEC. 407.~~ Except as otherwise provided under exist-
24 ing law, or under an existing Executive order issued pur-
25 suant to an existing law, the obligation or expenditure of

1 any appropriation under this Act for contracts for any
2 consulting service shall be limited to contracts which are:
3 (1) a matter of public record and available for public in-
4 spection; and (2) thereafter included in a publicly available
5 list of all contracts entered into within 24 months prior
6 to the date on which the list is made available to the public
7 and of all contracts on which performance has not been
8 completed by such date. The list required by the preceding
9 sentence shall be updated quarterly and shall include a
10 narrative description of the work to be performed under
11 each such contract.

12 SEC. 408. None of the funds appropriated in this Act
13 may be used to implement any cap on reimbursements to
14 grantees for indirect costs, except as published in Office
15 of Management and Budget Circular A-21.

16 SEC. 409. Such sums as may be necessary for fiscal
17 year 2004 pay raises for programs funded by this Act shall
18 be absorbed within the levels appropriated in this Act.

19 SEC. 410. None of the funds made available in this
20 Act may be used for any program, project, or activity,
21 when it is made known to the Federal entity or official
22 to which the funds are made available that the program,
23 project, or activity is not in compliance with any Federal
24 law relating to risk assessment, the protection of private
25 property rights, or unfunded mandates.

1 ~~SEC. 411.~~ Except in the case of entities that are
2 funded solely with Federal funds or any natural persons
3 that are funded under this Act, none of the funds in this
4 Act shall be used for the planning or execution of any pro-
5 gram to pay the expenses of, or otherwise compensate,
6 non-Federal parties to lobby or litigate in respect to adju-
7 dicatory proceedings funded in this Act. A chief executive
8 officer of any entity receiving funds under this Act shall
9 certify that none of these funds have been used to engage
10 in the lobbying of the Federal Government or in litigation
11 against the United States unless authorized under existing
12 law.

13 ~~SEC. 412.~~ No part of any funds appropriated in this
14 Act shall be used by an agency of the executive branch,
15 other than for normal and recognized executive-legislative
16 relationships, for publicity or propaganda purposes, and
17 for the preparation, distribution or use of any kit, pam-
18 phlet, booklet, publication, radio, television or film presen-
19 tation designed to support or defeat legislation pending
20 before the Congress, except in presentation to the Con-
21 gress itself.

22 ~~SEC. 413.~~ All departments and agencies funded under
23 this Act are encouraged, within the limits of the existing
24 statutory authorities and funding, to expand their use of
25 “E-Commerce” technologies and procedures in the con-

1 duct of their business practices and public service activi-
2 ties.

3 SEC. 414. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this Act or any other appropriation Act.

8 SEC. 415. None of the funds provided in this Act to
9 any department or agency shall be obligated or expended
10 to procure passenger automobiles as defined in 15 U.S.C.
11 2001 with an EPA estimated miles per gallon average of
12 less than 22 miles per gallon.

13 SEC. 416. Section 312 of the National Aeronautics
14 and Space Administration of 1958, as amended, is further
15 amended—

16 (1) by striking the second Sec. “312” and in-
17 serting “313”;

18 (2) by inserting the title, “Full Cost Appropria-
19 tions Account Structure”, before Sec. 313;

20 (3) in subsection (a)—

21 (A) by striking “Human space flight” and
22 inserting “Space flight capabilities”;

23 (B) by striking “technology” and inserting
24 “exploration”; and

1 (C) by striking “2002” and inserting
2 “2004”; and

3 (4) by striking subsection (c), and inserting the
4 following new subsection:

5 “(c) The unexpired balances of prior appropriations
6 to the Administration for activities authorized under this
7 Act may be transferred to the new account established for
8 such activity in subsection (a). Balances so transferred
9 may be merged with funds in the newly established ac-
10 count and thereafter may be accounted for as one fund
11 under the same terms and conditions”.

12 SEC. 417. None of the funds made available in this
13 Act may be used to implement any policy prohibiting the
14 Directors of the Veterans Integrated Service Networks
15 from conducting outreach or marketing to enroll new vet-
16 erans within their respective Networks.

17 SEC. 418. None of the funds provided in this Act may
18 be expended to apply, in a numerical estimate of the bene-
19 fits of an agency action prepared pursuant to Executive
20 Order No. 12866 or section 812 of the Clean Air Act,
21 monetary values for adult premature mortality that differ
22 based on the age of the adult.

6 SEC. 420. None of the funds made available in this
7 Act may be used to accept, consider, or rely on third-party
8 intentional dosing human studies for pesticides.

18 This Act may be cited as the “Departments of Vet-
19 erans Affairs and Housing and Urban Development, and
20 Independent Agencies Appropriations Act, 2004”.

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1 *commissions, corporations, and offices for the fiscal year*
 2 *ending September 30, 2004, and for other purposes, namely:*

3 *TITLE I—DEPARTMENT OF VETERANS AFFAIRS*

4 *VETERANS BENEFITS ADMINISTRATION*

5 *COMPENSATION AND PENSIONS*

6 *(INCLUDING TRANSFER OF FUNDS)*

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

1 *Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53,*
 2 *and 55), the funding source for which is specifically pro-*
 3 *vided as the "Compensation and pensions" appropriation:*
 4 *Provided further, That such sums as may be earned on an*
 5 *actual qualifying patient basis, shall be reimbursed to*
 6 *"Medical facilities revolving fund" to augment the funding*
 7 *of individual medical facilities for nursing home care pro-*
 8 *vided to pensioners as authorized.*

9 *READJUSTMENT BENEFITS*

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

19 *VETERANS INSURANCE AND INDEMNITIES*

20 *For military and naval insurance, national service life*
 21 *insurance, servicemen's indemnities, service-disabled vet-*
 22 *erans insurance, and veterans mortgage life insurance as*
 23 *authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat.*
 24 *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.

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”.*

22 (INCLUDING TRANSFER OF FUNDS)

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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.*

CONSTRUCTION, MAJOR PROJECTS

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

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 re-*
21 *quire—*

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”.

16 *ACCOUNT*

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*

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 Exec-*
20 *utive 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 *finied 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-*

tion 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2004, and existing profiles may be updated as necessary.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum 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-

tion, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; and \$1,130,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, of which \$60,000,000 shall be for carrying out section 128 of CERCLA, as amended, and \$20,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs: Provided, That for fiscal year 2004, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2004 and 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_{2.5} 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_{2.5} 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_{2.5}*
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.”.

*SELECTIVE SERVICE SYSTEM**SALARIES AND EXPENSES*

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$26,308,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States: Provided further, That none of the funds appropriated under this heading may be used in direct support of the Corporation for National and Community Service.

TITLE IV—GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the 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 amend-
5 ed—

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”;

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 *dicta 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-*

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

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

5 *“(ii) notify the applicant of the deter-*
6 *mination.*

7 *“(D) MINOR USES.—*

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

12 *“(ii) SUPPORTING DOCUMENTATION.—*
13 *An applicant requesting a waiver under*
14 *this subparagraph shall provide supporting*
15 *documentation that demonstrates, to the sat-*
16 *isfaction of the Administrator, that antici-*
17 *pated revenues from the uses that are the*
18 *subject of the application would be insuffi-*
19 *cient to justify imposition of the full appli-*
20 *cation fee.*

21 *“(E) IR-4 WAIVER.—The Administrator*
22 *shall waive the registration service fee for an ap-*
23 *plication if the Administrator determines that—*

24 *“(i) the application is solely associated*
25 *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.”.*

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: **JEFF TRANDAH**,
Clerk.

Attest: EMILY J. REYNOLDS,
Secretary.