

Calendar No. 273

108TH CONGRESS
1ST SESSION

S. 1584

[Report No. 108–143]

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 5, 2003

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

A BILL

Making appropriations for the Departments of 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 Veteran Affairs and Housing and Urban

1 Development, and for sundry independent agencies,
 2 boards, commissions, corporations, and offices for the fis-
 3 cal year ending September 30, 2004, and for other pur-
 4 poses, namely:

5 TITLE I—DEPARTMENT OF VETERANS AFFAIRS

6 VETERANS BENEFITS ADMINISTRATION

7 COMPENSATION AND PENSIONS

8 (INCLUDING TRANSFER OF FUNDS)

9 For the payment of compensation benefits to or on
 10 behalf of veterans and a pilot program for disability ex-
 11 aminations as authorized by law (38 U.S.C. 107, chapters
 12 11, 13, 18, 51, 53, 55, and 61); pension benefits to or
 13 on behalf of veterans as authorized by law (38 U.S.C.
 14 chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and bur-
 15 ial benefits, emergency and other officers' retirement pay,
 16 adjusted-service credits and certificates, payment of pre-
 17 miums due on commercial life insurance policies guaran-
 18 teed under the provisions of article IV of the Soldiers' and
 19 Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et
 20 seq.) and for other benefits as authorized by law (38
 21 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53,
 22 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123;
 23 45 Stat. 735; 76 Stat. 1198), \$29,845,127,000, to remain
 24 available until expended: *Provided*, That not to exceed
 25 \$17,056,000 of the amount appropriated under this head-
 26 ing shall be reimbursed to “General operating expenses”

1 and “Medical care” for necessary expenses in imple-
 2 menting those provisions authorized in the Omnibus
 3 Budget Reconciliation Act of 1990, and in the Veterans’
 4 Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55),
 5 the funding source for which is specifically provided as the
 6 “Compensation and pensions” appropriation: *Provided*
 7 *further*, That such sums as may be earned on an actual
 8 qualifying patient basis, shall be reimbursed to “Medical
 9 facilities revolving fund” to augment the funding of indi-
 10 vidual medical facilities for nursing home care provided
 11 to pensioners as authorized.

12 READJUSTMENT BENEFITS

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

23 VETERANS INSURANCE AND INDEMNITIES

24 For military and naval insurance, national service life
 25 insurance, servicemen’s indemnities, service-disabled vet-
 26 erans insurance, and veterans mortgage life insurance as

1 authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72
 2 Stat. 487, \$29,017,000, to remain available until ex-
 3 pended.

4 VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM

5 ACCOUNT

6 (INCLUDING TRANSFER OF FUNDS)

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

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

21 EDUCATION LOAN FUND PROGRAM ACCOUNT

22 (INCLUDING TRANSFER OF FUNDS)

23 For the cost of direct loans, \$1,000, as authorized
 24 by 38 U.S.C. 3698, as amended: *Provided*, That such
 25 costs, including the cost of modifying such loans, shall be
 26 as defined in section 502 of the Congressional Budget Act

1 of 1974, as amended: *Provided further*, That these funds
2 are available to subsidize gross obligations for the prin-
3 cipal amount of direct loans not to exceed \$3,400.

4 In addition, for administrative expenses necessary to
5 carry out the direct loan program, \$70,000, which may
6 be transferred to and merged with the appropriation for
7 “General operating expenses”.

8 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT
9 (INCLUDING TRANSFER OF FUNDS)

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

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

1 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
2 ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 For administrative expenses to carry out the direct
5 loan program authorized by 38 U.S.C. chapter 37, sub-
6 chapter V, as amended, \$571,000, which may be trans-
7 ferred to and merged with the appropriation for “General
8 operating expenses”.

9 GUARANTEED TRANSITIONAL HOUSING LOANS FOR
10 HOMELESS VETERANS PROGRAM ACCOUNT

11 For the administrative expenses to carry out the
12 guaranteed transitional housing loan program authorized
13 by 38 U.S.C. chapter 37, subchapter VI, not to exceed
14 \$750,000 of the amounts appropriated by this Act for
15 “General operating expenses” and “Medical care” may be
16 expended.

17 VETERANS HEALTH ADMINISTRATION
18 MEDICAL CARE
19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses for the maintenance and op-
21 eration of hospitals, nursing homes, and domiciliary facili-
22 ties; for furnishing, as authorized by law, inpatient and
23 outpatient care and treatment to beneficiaries of the De-
24 partment of Veterans Affairs, including care and treat-
25 ment in facilities not under the jurisdiction of the depart-
26 ment; and furnishing recreational facilities, supplies, and

1 equipment; funeral, burial, and other expenses incidental
2 thereto for beneficiaries receiving care in the department;
3 administrative expenses in support of planning, design,
4 project management, real property acquisition and disposi-
5 tion, construction and renovation of any facility under the
6 jurisdiction or for the use of the department; oversight,
7 engineering and architectural activities not charged to
8 project cost; repairing, altering, improving or providing fa-
9 cilities in the several hospitals and homes under the juris-
10 diction of the department, not otherwise provided for, ei-
11 ther by contract or by the hire of temporary employees
12 and purchase of materials; uniforms or allowances there-
13 for, as authorized by 5 U.S.C. 5901–5902; aid to State
14 homes as authorized by 38 U.S.C. 1741; administrative
15 and legal expenses of the department for collecting and
16 recovering amounts owed the department as authorized
17 under 38 U.S.C. chapter 17, and the Federal Medical
18 Care Recovery Act, 42 U.S.C. 2651 et seq.,
19 \$25,488,080,000, plus reimbursements: *Provided*, That,
20 notwithstanding any other provision of law, the Secretary
21 of Veterans Affairs shall establish a priority for treatment
22 for veterans who are service-connected disabled, lower in-
23 come, or have special needs: *Provided further*, That, not-
24 withstanding any other provision of law, the Secretary of
25 Veterans Affairs shall give priority funding for the provi-

1 sion of basic medical benefits to veterans in enrollment
2 priority groups 1 through 6: *Provided further*, That of the
3 funds made available under this heading, \$1,100,000,000
4 is for equipment and land and structures object classifica-
5 tions only, which amount shall not become available for
6 obligation until August 1, 2004, and shall remain available
7 until September 30, 2005: *Provided further*, That of the
8 funds made available under this heading, not to exceed
9 \$1,100,000,000 shall be available until September 30,
10 2005: *Provided further*, That of the funds made available
11 under this heading, the Secretary may transfer up to
12 \$400,000,000 to “Construction, major projects” for pur-
13 poses of implementing CARES subject to a determination
14 by the Secretary that such funds will improve access and
15 quality of veteran’s health care needs: *Provided further*,
16 That, notwithstanding any other provision of law, the Sec-
17 retary of Veterans Affairs may provide prescription drugs
18 to enrolled veterans with privately written prescriptions
19 based on requirements established by the Secretary: *Pro-*
20 *vided further*, That the Secretary of Veterans Affairs shall
21 conduct by contract a program of recovery audits for the
22 fee basis and other medical services contracts with respect
23 to payments for hospital care; and, notwithstanding 31
24 U.S.C. 3302(b), amounts collected, by setoff or otherwise,
25 as the result of such audits shall be available, without fis-

1 cal year limitation, for the purposes for which funds are
2 appropriated under this heading and the purposes of pay-
3 ing a contractor a percent of the amount collected as a
4 result of an audit carried out by the contractor: *Provided*
5 *further*, That all amounts so collected under the preceding
6 proviso with respect to a designated health care region (as
7 that term is defined in 38 U.S.C. 1729A(d)(2)) shall be
8 allocated, net of payments to the contractor, to that re-
9 gion: *Provided further*, That such sums as may be depos-
10 ited to the Medical Care Collections Fund pursuant to 38
11 U.S.C. 1729A may be transferred to this account, to re-
12 main available until expended for the purposes of this ac-
13 count: *Provided further*, That Medical Care Collections
14 Funds may be used for construction, alteration and im-
15 provement of any parking facility set forth in 38 U.S.C.
16 8109: *Provided further*, That of the unobligated balances
17 remaining from prior year recoveries under this heading,
18 \$270,000,000 is rescinded.

19 For an additional amount for “Medical care”,
20 \$1,300,000,000: *Provided*, That the entire amount is des-
21 ignated by the Congress as an emergency requirement
22 pursuant to section 502 of H. Con. Res. 95, the concur-
23 rent resolution on the budget for fiscal year 2004: *Pro-*
24 *vided further*, That the entire amount shall be available
25 only to the extent that an official budget request for a

1 specific dollar amount, that includes designation of the en-
 2 tire amount of the request as an emergency requirement
 3 as defined in H. Con. Res. 95, the concurrent resolution
 4 on the budget for fiscal year 2004, is transmitted by the
 5 President to the Congress.

6 MEDICAL AND PROSTHETIC RESEARCH

7 For necessary expenses in carrying out programs of
 8 medical and prosthetic research and development as au-
 9 thorized by 38 U.S.C. chapter 73, to remain available until
 10 September 30, 2005, \$413,000,000 plus reimbursements.

11 MEDICAL ADMINISTRATION AND MISCELLANEOUS

12 OPERATING EXPENSES

13 For necessary expenses in the administration of the
 14 medical, hospital, nursing home, domiciliary, construction,
 15 supply, and research activities, as authorized by law; ad-
 16 ministrative expenses in support of capital policy activi-
 17 ties, \$79,146,000: *Provided further*, That of the funds
 18 made available under this heading, not to exceed,
 19 \$4,000,000 shall be available until September 30, 2005,
 20 plus reimbursements: *Provided further*, That technical and
 21 consulting services offered by the Facilities Management
 22 Field Support Service, including project management and
 23 real property administration (including leases, site acquisi-
 24 tion and disposal activities directly supporting projects),
 25 shall be provided to Department of Veterans Affairs com-

ponents only on a reimbursable basis, and such amounts will remain available until September 30, 2004.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of department-wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,283,272,000: *Provided*, That expenses for services and assistance authorized under 38 U.S.C. 3104(a)(1), (2), (5), and (11) that the Secretary determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than \$1,004,704,000: *Provided further*, That of the funds made available under this heading, not to exceed \$64,000,000 shall be available for obligation until September 30, 2005:

1 *Provided further*, That from the funds made available
 2 under this heading, the Veterans Benefits Administration
 3 may purchase up to two passenger motor vehicles for use
 4 in operations of that Administration in Manila, Phil-
 5ippines.

6 NATIONAL CEMETERY ADMINISTRATION

7 For necessary expenses of the National Cemetery Ad-
 8 ministration for operations and maintenance, not other-
 9 wise provided for, including uniforms or allowances there-
 10 for; cemeterial expenses as authorized by law; purchase
 11 of one passenger motor vehicle for use in cemeterial oper-
 12 ations; and hire of passenger motor vehicles,
 13 \$144,203,000: *Provided*, That of the funds made available
 14 under this heading, not to exceed \$7,200,000 shall be
 15 available until September 30, 2005.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
 18 General in carrying out the provisions of the Inspector
 19 General Act of 1978, as amended, \$62,250,000, to remain
 20 available until September 30, 2005.

21 CONSTRUCTION, MAJOR 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, or for any of the
 25 purposes set forth in sections 316, 2404, 2406, 8102,
 26 8103, 8106, 8108, 8109, 8110, and 8122 of title 38,

1 United States Code, including planning, architectural and
2 engineering services, maintenance or guarantee period
3 services costs associated with equipment guarantees pro-
4 vided under the project, services of claims analysts, offsite
5 utility and storm drainage system construction costs, and
6 site acquisition, where the estimated cost of a project is
7 more than the amount set forth in 38 U.S.C.
8 8104(a)(3)(A) or where funds for a project were made
9 available in a previous major project appropriation,
10 \$272,690,000, to remain available until expended, of
11 which \$183,000,000 shall be for Capital Asset Realign-
12 ment for Enhanced Services (CARES) activities; and of
13 which \$10,000,000 shall be to make reimbursements as
14 provided in 41 U.S.C. 612 for claims paid for contract
15 disputes: *Provided*, That except for advance planning ac-
16 tivities, including needs assessments which may or may
17 not lead to capital investments, and other capital asset
18 management related activities, such as portfolio develop-
19 ment and management activities, and investment strategy
20 studies funded through the advance planning fund and the
21 planning and design activities funded through the design
22 fund and CARES funds, including needs assessments
23 which may or may not lead to capital investments, none
24 of the funds appropriated under this heading shall be used
25 for any project which has not been approved by the Con-

1 gress in the budgetary process: *Provided further*, That
 2 funds provided in this appropriation for fiscal year 2004,
 3 for each approved project (except those for CARES activi-
 4 ties referenced above) shall be obligated: (1) by the award-
 5 ing of a construction documents contract by September
 6 30, 2004; and (2) by the awarding of a construction con-
 7 tract by September 30, 2005: *Provided further*, That the
 8 Secretary of Veterans Affairs shall promptly report in
 9 writing to the Committees on Appropriations any ap-
 10 proved major construction project in which obligations are
 11 not incurred within the time limitations established above:
 12 *Provided further*, That no funds from any other account
 13 except the “Parking revolving fund”, may be obligated for
 14 constructing, altering, extending, or improving a project
 15 which was approved in the budget process and funded in
 16 this account until 1 year after substantial completion and
 17 beneficial occupancy by the Department of Veterans Af-
 18 fairs of the project or any part thereof with respect to
 19 that part only.

20 CONSTRUCTION, MINOR PROJECTS

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

1 equipment guarantees provided under the project, services
2 of claims analysts, offsite utility and storm drainage sys-
3 tem construction costs, and site acquisition, or for any of
4 the purposes set forth in sections 316, 2404, 2406, 8102,
5 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title
6 38, United States Code, where the estimated cost of a
7 project is equal to or less than the amount set forth in
8 38 U.S.C. 8104(a)(3)(A), \$252,144,000, to remain avail-
9 able until expended, along with unobligated balances of
10 previous “Construction, minor projects” appropriations
11 which are hereby made available for any project where the
12 estimated cost is equal to or less than the amount set forth
13 in 38 U.S.C. 8104(a)(3)(A), of which \$42,000,000 shall
14 be for Capital Asset Realignment for Enhanced Services
15 (CARES) activities: *Provided*, That from amounts appro-
16 priated under this heading, additional amounts may be
17 used for CARES activities upon notification of and ap-
18 proval by the Committees on Appropriations: *Provided fur-*
19 *ther*, That funds in this account shall be available for: (1)
20 repairs to any of the nonmedical facilities under the juris-
21 diction or for the use of the department which are nec-
22 essary because of loss or damage caused by any natural
23 disaster or catastrophe; and (2) temporary measures nec-
24 essary to prevent or to minimize further loss by such
25 causes.

1 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
 2 FACILITIES

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

9 GRANTS FOR THE CONSTRUCTION OF STATE VETERANS
 10 CEMETERIES

11 For grants to aid States in establishing, expanding,
 12 or improving State veterans cemeteries as authorized by
 13 38 U.S.C. 2408, \$32,000,000, to remain available until
 14 expended.

15 ADMINISTRATIVE PROVISIONS
 16 (INCLUDING TRANSFER OF FUNDS)

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

21 SEC. 102. Appropriations available to the Depart-
 22 ment of Veterans Affairs for fiscal year 2004 for salaries
 23 and expenses shall be available for services authorized by
 24 5 U.S.C. 3109.

25 SEC. 103. No appropriations in this Act for the De-
 26 partment of Veterans Affairs (except the appropriations

1 for “Construction, major projects”, “Construction, minor
2 projects”, and the “Parking revolving fund”) shall be
3 available for the purchase of any site for or toward the
4 construction of any new hospital or home.

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

14 SEC. 105. Appropriations available to the Depart-
15 ment of Veterans Affairs for fiscal year 2004 for “Com-
16 pensation and pensions”, “Readjustment benefits”, and
17 “Veterans insurance and indemnities” shall be available
18 for payment of prior year accrued obligations required to
19 be recorded by law against the corresponding prior year
20 accounts within the last quarter of fiscal year 2003.

21 SEC. 106. Appropriations accounts available to the
22 Department of Veterans Affairs for fiscal year 2004 shall
23 be available to pay prior year obligations of corresponding
24 prior year appropriations accounts resulting from title X
25 of the Competitive Equality Banking Act, Public Law

1 100–86, except that if such obligations are from trust
2 fund accounts they shall be payable from “Compensation
3 and pensions”.

4 SEC. 107. Notwithstanding any other provision of
5 law, during fiscal year 2004, the Secretary of Veterans
6 Affairs shall, from the National Service Life Insurance
7 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-
8 ance Fund (38 U.S.C. 1923), and the United States Gov-
9 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
10 burse the “General operating expenses” account for the
11 cost of administration of the insurance programs financed
12 through those accounts: *Provided*, That reimbursement
13 shall be made only from the surplus earnings accumulated
14 in an insurance program in fiscal year 2004 that are avail-
15 able for dividends in that program after claims have been
16 paid and actuarially determined reserves have been set
17 aside: *Provided further*, That if the cost of administration
18 of an insurance program exceeds the amount of surplus
19 earnings accumulated in that program, reimbursement
20 shall be made only to the extent of such surplus earnings:
21 *Provided further*, That the Secretary shall determine the
22 cost of administration for fiscal year 2004 which is prop-
23 erly allocable to the provision of each insurance program
24 and to the provision of any total disability income insur-
25 ance included in such insurance program.

1 SEC. 108. Notwithstanding any other provision of
2 law, the Department of Veterans Affairs shall continue the
3 Franchise Fund pilot program authorized to be estab-
4 lished by section 403 of Public Law 103–356 until Octo-
5 ber 1, 2004: *Provided*, That the Franchise Fund, estab-
6 lished by title I of Public Law 104–204 to finance the
7 operations of the Franchise Fund pilot program, shall con-
8 tinue until October 1, 2004.

9 SEC. 109. Amounts deducted from enhanced-use
10 lease proceeds to reimburse an account for expenses in-
11 curred by that account during a prior fiscal year for pro-
12 viding enhanced-use lease services, may be obligated dur-
13 ing the fiscal year in which the proceeds are received.

14 SEC. 110. Funds available in any Department of Vet-
15 erans Affairs appropriation for fiscal year 2004 or funds
16 for salaries and other administrative expenses shall also
17 be available to reimburse the Office of Resolution Manage-
18 ment and the Office of Employment Discrimination Com-
19 plaint Adjudication for all services provided at rates which
20 will recover actual costs but not exceed \$29,318,000 for
21 the Office of Resolution Management and \$3,059,000 for
22 the Office of Employment and Discrimination Complaint
23 Adjudication: *Provided*, That payments may be made in
24 advance for services to be furnished based on estimated
25 costs: *Provided further*, That amounts received shall be

1 credited to “General operating expenses” for use by the
2 office that provided the service.

3 SEC. 111. No appropriations in this Act for the De-
4 partment of Veterans Affairs shall be available to enter
5 into any new lease of real property if the estimated annual
6 rental is more than \$300,000 unless the Secretary submits
7 a report which the Committees on Appropriations of the
8 Congress approve within 30 days following the date on
9 which the report is received.

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

17 (1) current, accurate third-party reimbursement
18 information for purposes of section 1729 of such
19 title; and

20 (2) annual income information for purposes of
21 section 1722 of such title.

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

24 SEC. 114. Receipts that would otherwise be credited
25 to the Veterans Extended Care Revolving Fund, the Med-

1 ical Facilities Revolving Fund, the Special Therapeutic
2 and Rehabilitation Fund, the Nursing Home Revolving
3 Fund, the Veterans Health Services Improvement Fund,
4 and the Parking Revolving Fund shall be deposited into
5 the Medical Care Collections Fund, and shall be trans-
6 ferred to the Medical Care account, to remain available
7 until expended, to carry out the purposes of the Medical
8 Care account.

9 SEC. 115. Notwithstanding any other provision of
10 law, at the discretion of the Secretary of Veterans Affairs,
11 proceeds or revenues derived from enhanced-use leasing
12 activities (including disposal) that are deposited into the
13 Medical Care Collections Fund may be transferred and
14 merged with major construction and minor construction
15 accounts and be used for construction (including site ac-
16 quisition and disposition), alterations and improvements
17 of any medical facility under the jurisdiction or for the
18 use of the Department of Veterans Affairs. Such sums as
19 realized are in addition to the amount provided for in the
20 Major and Minor Construction appropriations.

1 TITLE II—DEPARTMENT OF HOUSING AND
2 URBAN DEVELOPMENT
3 PUBLIC AND INDIAN HOUSING
4 HOUSING CERTIFICATE FUND
5 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

6 For activities and assistance under the United States
7 Housing Act of 1937, as amended (42 U.S.C. 1437 et
8 seq.) (“the Act” herein), not otherwise provided for,
9 \$18,433,606,000, and amounts that are recaptured in this
10 account, to remain available until expended: *Provided*,
11 That of the amounts made available under this heading,
12 \$14,233,606,379 and the aforementioned recaptures shall
13 be available on October 1, 2003 and \$4,200,000,000 shall
14 be available on October 1, 2004: *Provided further*, That
15 amounts made available under this heading are provided
16 as follows:

17 (1) \$16,202,616,000 for expiring or termi-
18 nating section 8 project-based subsidy contracts (in-
19 cluding section 8 moderate rehabilitation contracts),
20 for amendments to section 8 project-based subsidy
21 contracts, for contracts entered into pursuant to sec-
22 tion 441 of the McKinney-Vento Homeless Assist-
23 ance Act, for the 1-year renewal of section 8 con-
24 tracts for units in projects that are subject to ap-
25 proved plans of action under the Emergency Low In-
26 come Housing Preservation Act of 1987 or the Low-

1 Income Housing Preservation and Resident Home-
2 ownership Act of 1990, and for renewals of expiring
3 section 8 tenant-based annual contributions con-
4 tracts (including amendments and renewals of en-
5 hanced vouchers under any provision of law author-
6 izing such assistance under section 8(t) of the Act
7 (42 U.S.C. 1437f(t))): *Provided*, That notwith-
8 standing any other provision of law, the Secretary
9 shall renew expiring section 8 tenant-based annual
10 contributions contracts for each public housing agen-
11 cy (including for agencies participating in the Mov-
12 ing to Work demonstration, unit months rep-
13 resenting section 8 tenant-based assistance funds
14 committed by the public housing agency for specific
15 purposes, other than reserves, that are authorized
16 pursuant to any agreement and conditions entered
17 into under such demonstration, and utilized in com-
18 pliance with any applicable program obligation dead-
19 lines) based on the total number of unit months
20 which were under lease as reported on the most re-
21 cent end-of-year financial statement submitted by
22 the public housing agency to the Department, ad-
23 justed by such additional information submitted by
24 the public housing agency to the Secretary which the
25 Secretary determines to be timely and reliable re-

1 garding the total number of unit months under lease
2 at the time of renewal of the annual contributions
3 contract, and by applying an inflation factor based
4 on local or regional factors to the actual per unit
5 cost as reported: *Provided further*, That funds may
6 be made available in this paragraph to support a
7 total number of unit months under lease that ex-
8 ceeds a public housing agency's authorized level of
9 units under lease to the extent that the use of these
10 funds is part of a strategy for a public housing
11 agency to attain its authorized level of units under
12 contract: *Provided further*, That when a public hous-
13 ing agency is over its authorized contract level, that
14 public housing agency may not issue another vouch-
15 er (including turnover vouchers) until that public
16 housing agency is at or below its authorized contract
17 level for vouchers.

18 (2) \$461,329,000 for a central fund to be allo-
19 cated by the Secretary for the support of section 8
20 subsidy contracts or amendments to such contracts,
21 and for such other purposes as are set forth in this
22 paragraph: *Provided*, That subject to the following
23 proviso, the Secretary shall use amounts in such
24 fund, as necessary, for contract amendments to
25 maintain the total number of unit months under

1 lease (up to the authorized level) including turnover
2 and reissuance of authorized vouchers, and for con-
3 tract amendments resulting from a significant in-
4 crease in per-unit costs, or otherwise provide funds
5 so that public housing agencies may lease units up
6 to their authorized unit level: *Provided further*, That
7 the Secretary may use up to \$36,000,000 in such
8 funds for incremental vouchers under section 8 of
9 the Act to be used for non-elderly disabled families
10 affected by the designation of a public housing devel-
11 opment under section 7 of the Act, the establishment
12 of preferences in accordance with section 651 of the
13 Housing and Community Development Act of 1992
14 (42 U.S.C. 13611), or the restriction of occupancy
15 to elderly families in accordance with section 658 of
16 such Act (42 U.S.C. 13618): *Provided further*, That
17 the Secretary may only allocate the incremental
18 vouchers under the previous proviso upon a deter-
19 mination that there are adequate funds under this
20 heading to fund all voucher needs in this fiscal year:
21 *Provided further*, That if a public housing agency, at
22 any point in time during their fiscal year, has obli-
23 gated the amounts made available to such agency
24 pursuant to paragraph (1) under this heading for
25 the renewal of expiring section 8 tenant-based an-

1 nual contributions contracts, and if such agency has
2 expended 50 percent of the amounts available to
3 such agency in its annual contributions contract re-
4 serve account, the Secretary shall make available
5 such amounts as are necessary from amounts avail-
6 able from such central fund to fund amendments
7 under the preceding proviso within 30 days of a re-
8 quest from such agency: *Provided further*, That none
9 of the funds made available in this paragraph may
10 be used to support a total number of unit months
11 under lease which exceeds a public housing agency's
12 authorized level of units under contract: *Provided*
13 *further*, That the Secretary shall provide quarterly
14 reports to the Committees on Appropriations of the
15 House and the Senate on the obligation of funds
16 provided in this paragraph;

17 (3) \$252,203,000 for section 8 rental assistance
18 for relocation and replacement of housing units that
19 are demolished or disposed of pursuant to the Omni-
20 bus Consolidated Rescissions and Appropriations Act
21 of 1996 (Public Law 104–134), conversion of section
22 23 projects to assistance under section 8, the family
23 unification program under section 8(x) of the Act,
24 relocation of witnesses in connection with efforts to
25 combat crime in public and assisted housing pursu-

ant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act (42 U.S.C.1437f(t)), and tenant protection assistance, including replacement and relocation assistance;

(4) \$72,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(5) not to exceed \$1,339,448,400 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program: *Provided*, That the fee otherwise authorized under section 8(q) of the Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998;

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

(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 activities under “Public and Indian Housing”; and

(8) up to \$3,000,000 for an outside audit by a major accounting firm to assess the current status

1 of all funds within this account, including the
2 amounts of obligated and unobligated funds for all
3 programs funded under this heading for fiscal year
4 2004 as well as the availability of funds currently
5 appropriated under this heading for fiscal years
6 2005 and thereafter.

7 The Secretary may transfer up to 15 percent of funds
8 provided under paragraphs (1), (2), (3) or (5), herein to
9 paragraphs (1), (2), (3) or (5), if the Secretary determines
10 that such action is necessary because the funding provided
11 under one such paragraph otherwise would be depleted
12 and as a result, the maximum utilization of section 8 ten-
13 ant-based assistance with the funds appropriated for this
14 purpose by this Act would not be feasible: *Provided*, That
15 prior to undertaking the transfer of funds in excess of 10
16 percent from any paragraph pursuant to the previous pro-
17 viso, the Secretary shall notify the Chairman and Ranking
18 Member of the Subcommittees on Veterans Affairs and
19 Housing and Urban Development, and Independent Agen-
20 cies of the Committees on Appropriations of the House
21 of Representatives and the Senate and shall not transfer
22 any such funds until 30 days after such notification: *Pro-*
23 *vided further*, That, hereafter, the Secretary shall require
24 public housing agencies to submit accounting data for
25 funds disbursed under this heading in this Act and prior

1 Acts by source and purpose of such funds: *Provided fur-*
 2 *ther*, That incremental vouchers previously made available
 3 under this heading for non-elderly disabled families shall,
 4 to the extent practicable, continue to be provided to non-
 5 elderly disabled families upon turnover: *Provided further*,
 6 That \$1,372,000,000 is rescinded from unobligated bal-
 7 ances remaining from funds appropriated to the Depart-
 8 ment of Housing and Urban Development under this
 9 heading or the heading “Annual contributions for assisted
 10 housing” or any other heading for fiscal year 2003 and
 11 prior years, to be effected by the Secretary no later than
 12 September 30, 2004: *Provided further*, That any such bal-
 13 ances governed by reallocation provisions under the stat-
 14 ute authorizing the program for which the funds were
 15 originally appropriated shall be available for the rescission:
 16 *Provided further*, That any obligated balances of contract
 17 authority from fiscal year 1974 and prior that have been
 18 terminated shall be cancelled.

19 PUBLIC HOUSING CAPITAL FUND

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Public Housing Capital Fund Program to
 22 carry out capital and management activities for public
 23 housing agencies, as authorized under section 9 of the
 24 United States Housing Act of 1937, as amended (42
 25 U.S.C. 1437g), \$2,641,000,000 (the “Act”), to remain
 26 available until September 30, 2007: *Provided*, That of the

1 total amount provided under this heading, in addition to
2 amounts otherwise allocated under this heading,
3 \$400,000,000 shall be allocated for such capital and man-
4 agement activities only among public housing agencies
5 that have obligated all assistance for the agency for fiscal
6 years 2001 and 2002 made available under this same
7 heading in accordance with the requirements under para-
8 graphs (1) and (2) of section 9(j) of such Act: *Provided*
9 *further*, That notwithstanding any other provision of law
10 or regulation, during fiscal year 2004, the Secretary may
11 not delegate to any Department official other than the
12 Deputy Secretary any authority under paragraph (2) of
13 such section 9(j) regarding the extension of the time peri-
14 ods under such section for obligation of amounts made
15 available for fiscal years 1998, 1999, 2000, 2001, 2002,
16 2003, or 2004: *Provided further*, That with respect to any
17 amounts made available under the Public Housing Capital
18 Fund for fiscal years 1999, 2000, 2001, 2002, 2003, or
19 2004 that remain unobligated in violation of paragraph
20 (1) of such section 9(j) or unexpended in violation of para-
21 graph (5)(A) of such section 9(j), the Secretary shall re-
22 capture any such amounts and reallocate such amounts
23 among public housing agencies determined under 6(j) of
24 the Act to be high-performing: *Provided further*, That for
25 purposes of this heading, the term “obligate” means, with

1 respect to amounts, that the amounts are subject to a
2 binding agreement that will result in outlays immediately
3 or in the future: *Provided further*, That of the total
4 amount provided under this heading, up to \$50,000,000
5 shall be for carrying out activities under section 9(h) of
6 such Act, of which up to \$13,000,000 shall be for the pro-
7 vision of remediation services to public housing agencies
8 identified as “troubled” under the Section 8 Management
9 Assessment Program and for surveys used to calculate
10 local Fair Market Rents and assess housing conditions in
11 connection with rental assistance under section 8 of the
12 Act: *Provided further*, That of the total amount provided
13 under this heading, up to \$500,000 shall be for lease ad-
14 justments to section 23 projects, and no less than
15 \$10,610,000 shall be transferred to the Working Capital
16 Fund for the development of and modifications to informa-
17 tion technology systems which serve programs or activities
18 under “Public and Indian housing”: *Provided further*,
19 That no funds may be used under this heading for the
20 purposes specified in section 9(k) of the United States
21 Housing Act of 1937, as amended: *Provided further*, That
22 of the total amount provided under this heading, up to
23 \$40,000,000 shall be available for the Secretary of Hous-
24 ing and Urban Development to make grants to public
25 housing agencies for emergency capital needs resulting

1 from emergencies and natural disasters in fiscal year
2 2003: *Provided further*, That of the total amount provided
3 under this heading, \$15,000,000 shall be for Neighbor-
4 hood Networks grants for activities authorized in section
5 9(d)(1)(E) of the United States Housing Act of 1937, as
6 amended: *Provided further*, That notwithstanding any
7 other provision of law, amounts made available in the pre-
8 vious proviso shall be awarded to public housing agencies
9 on a competitive basis as provided in section 102 of the
10 Department of Housing and Urban Development Reform
11 Act of 1989: *Provided further*, That of the total amount
12 provided under this heading, \$55,000,000 shall be for sup-
13 portive services, service coordinators and congregate serv-
14 ices as authorized by section 34 of the Act and the Native
15 American Housing Assistance and Self-Determination Act
16 of 1996: *Provided further*, That of the total amount pro-
17 vided under this heading, up to \$125,000,000 shall be for
18 grants and credit subsidy to support a loan guarantee and
19 loan program for the development of public housing units
20 in mixed income housing developments: *Provided further*,
21 That the first proviso under this heading in the Depart-
22 ments of Veterans Affairs and Housing and Urban Devel-
23 opment, and Independent Agencies Appropriations Act,
24 2003 is amended by striking “1998, 1999”.

1 PUBLIC HOUSING OPERATING FUND

2 For payments to public housing agencies for the oper-
 3 ation and management of public housing, as authorized
 4 by section 9(e) of the United States Housing Act of 1937,
 5 as amended (42 U.S.C. 1437g(e)), \$3,576,600,000: *Pro-*
 6 *vided*, That of the total amount provided under this head-
 7 ing, \$10,000,000 shall be for programs, as determined ap-
 8 propriate by the Attorney General, which assist in the in-
 9 vestigation, prosecution, and prevention of violent crimes
 10 and drug offenses in public and federally-assisted low-in-
 11 come housing, including Indian housing, which shall be ad-
 12 ministered by the Department of Justice through a reim-
 13 bursable agreement with the Department of Housing and
 14 Urban Development: *Provided further*, That, in fiscal year
 15 2004 and all fiscal years hereafter, no amounts under this
 16 heading in any appropriations Act may be used for pay-
 17 ments to public housing agencies for the costs of operation
 18 and management of public housing for any year prior to
 19 the current year of such Act: *Provided further*, That no
 20 funds may be used under this heading for the purposes
 21 specified in section 9(k) of the United States Housing Act
 22 of 1937, as amended.

23 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC
 24 HOUSING (HOPE VI)

25 For grants to public housing agencies for demolition,
 26 site revitalization, replacement housing, and tenant-based

1 assistance grants to projects as authorized by section 24
2 of the United States Housing Act of 1937, as amended
3 (“such Act”), \$195,115,000, to remain available until ex-
4 pended: *Provided*, That the Secretary may recapture funds
5 from grants previously awarded under this heading in fis-
6 cal year 1997 and prior fiscal years for use in making
7 grants in fiscal year 2004 as authorized under section 24
8 of such Act: *Provided further*, That the Secretary may only
9 recapture grants under the previous proviso where the
10 Secretary determines that a project is less than 90 percent
11 complete and that the project is unlikely to be completed
12 successfully within the next 2 fiscal years: *Provided fur-*
13 *ther*, That the Secretary shall not recapture funds from
14 any HOPE VI project that has unobligated funds due to
15 litigation or a court ordered consent decree: *Provided fur-*
16 *ther*, That the Secretary shall establish an alternative
17 housing plan to meet tenant needs where the Secretary
18 is recapturing HOPE VI funds from a public housing
19 agency with a failed HOPE VI project and the Secretary
20 may recapture only the amount of funds which are not
21 necessary to meet the requirements of the alternative
22 housing plan: *Provided further*, That the Secretary shall
23 report to the Congress by December 15, 2003 on the sta-
24 tus of all HOPE VI projects that are unlikely to be com-
25 pleted according to program requirements: *Provided fur-*

1 *ther*, That the Secretary shall report to the Congress on
 2 any decision to recapture funds from a HOPE VI project,
 3 including the justification for the decision and the provi-
 4 sions of the alternative housing plan: *Provided further*,
 5 That the Secretary may use up to \$3,000,000 of the funds
 6 made available under this heading for technical assistance
 7 and contract expertise, to be provided directly or indirectly
 8 by grants, contracts or cooperative agreements, including
 9 training and cost of necessary travel for participants in
 10 such training, by or to officials and employees of the de-
 11 partment and of public housing agencies and to residents:
 12 *Provided further*, That none of such funds shall be used
 13 directly or indirectly by granting competitive advantage in
 14 awards to settle litigation or pay judgments, unless ex-
 15 pressly permitted herein.

16 NATIVE AMERICAN HOUSING BLOCK GRANTS

17 (INCLUDING TRANSFERS OF FUNDS)

18 For the Native American Housing Block Grants pro-
 19 gram, as authorized under title I of the Native American
 20 Housing Assistance and Self-Determination Act of 1996
 21 (NAHASDA) (25 U.S.C. 4111 et seq.), \$646,600,000, to
 22 remain available until expended, of which \$2,200,000 shall
 23 be contracted through the Secretary as technical assist-
 24 ance and capacity building to be used by the National
 25 American Indian Housing Council in support of the imple-
 26 mentation of NAHASDA; of which \$4,000,000 shall be

1 to support the inspection of Indian housing units, contract
2 expertise, training, and technical assistance in the train-
3 ing, oversight, and management of Indian housing and
4 tenant-based assistance, including up to \$300,000 for re-
5 lated travel; and of which no less than \$2,720,000 shall
6 be transferred to the Working Capital Fund for develop-
7 ment of and modifications to information technology sys-
8 tems which serve programs or activities under “Public and
9 Indian housing”: *Provided*, That of the amount provided
10 under this heading, \$2,000,000 shall be made available
11 for the cost of guaranteed notes and other obligations, as
12 authorized by title VI of NAHASDA: *Provided further*,
13 That such costs, including the costs of modifying such
14 notes and other obligations, shall be as defined in section
15 502 of the Congressional Budget Act of 1974, as amend-
16 ed: *Provided further*, That these funds are available to sub-
17 sidize the total principal amount of any notes and other
18 obligations, any part of which is to be guaranteed, not to
19 exceed \$16,658,000: *Provided further*, That for adminis-
20 trative expenses to carry out the guaranteed loan program,
21 up to \$150,000 from amounts in the first proviso, which
22 shall be transferred to and merged with the appropriation
23 for “Salaries and expenses”, to be used only for the ad-
24 ministrative costs of these guarantees.

1 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM
2 ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

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

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

19 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
20 PROGRAM ACCOUNT
21 (INCLUDING TRANSFER OF FUNDS)

22 For the cost of guaranteed loans, as authorized by
23 section 184A of the Housing and Community Develop-
24 ment Act of 1992 (12 U.S.C. 1715z–13b), \$1,035,000, to
25 remain available until expended: *Provided*, That such
26 costs, including the costs of modifying such loans, shall

1 be as defined in section 502 of the Congressional Budget
 2 Act of 1974, as amended: *Provided further*, That these
 3 funds are available to subsidize total loan principal, any
 4 part of which is to be guaranteed, not to exceed
 5 \$39,712,000.

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

12 COMMUNITY PLANNING AND DEVELOPMENT

13 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

14 For carrying out the Housing Opportunities for Per-
 15 sons with AIDS program, as authorized by the AIDS
 16 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
 17 \$291,000,000, to remain available until September 30,
 18 2005: *Provided*, That the Secretary shall renew all expir-
 19 ing contracts for permanent supportive housing that were
 20 funded under section 854(c)(3) of such Act that meet all
 21 program requirements before awarding funds for new con-
 22 tracts and activities authorized under this section: *Pro-*
 23 *vided further*, That the formula funds made available
 24 under this heading for fiscal year 2004 shall be awarded
 25 to eligible grantees under the same rules and requirements

1 as were in effect for fiscal year 2003: *Provided further*,
 2 That the Secretary may use up to \$3,000,000 of the funds
 3 under this heading for training, oversight, and technical
 4 assistance activities.

5 RURAL HOUSING AND ECONOMIC DEVELOPMENT

6 For the Office of Rural Housing and Economic De-
 7 velopment in the Department of Housing and Urban De-
 8 velopment, \$25,000,000 to remain available until ex-
 9 pended, which amount shall be awarded by June 1, 2004,
 10 to Indian tribes, State housing finance agencies, State
 11 community and/or economic development agencies, local
 12 rural nonprofits and community development corporations
 13 to support innovative housing and economic development
 14 activities in rural areas: *Provided*, That all grants shall
 15 be awarded on a competitive basis as specified in section
 16 102 of the Department of Housing and Urban Develop-
 17 ment Reform Act of 1989.

18 COMMUNITY DEVELOPMENT FUND

19 (INCLUDING TRANSFERS OF FUNDS)

20 For assistance to units of State and local govern-
 21 ment, and to other entities, for economic and community
 22 development activities, and for other purposes,
 23 \$4,950,000,000, to remain available until September 30,
 24 2006: *Provided*, That of the amount provided,
 25 \$4,545,700,000 is for carrying out the community devel-
 26 opment block grant program under title I of the Housing

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

1 tion for activities as authorized by section 4 of the HUD
 2 Demonstration Act of 1993 (42 U.S.C. 9816 note), as in
 3 effect immediately before June 12, 1997, with not less
 4 than \$5,000,000 of the funding to be used in rural areas,
 5 including tribal areas, and of which \$4,000,000 shall be
 6 for capacity building activities administered by Habitat for
 7 Humanity International; \$10,000,000 for the Native Ha-
 8 waiian Housing Block Grant Program, as authorized
 9 under the Native American Housing Assistance and Self-
 10 Determination Act of 1996 (25 U.S.C. 4111 et seq.), of
 11 which \$400,000 shall be for training and technical assist-
 12 ance; \$60,000,000 shall be available for YouthBuild pro-
 13 gram activities authorized by subtitle D of title IV of the
 14 Cranston-Gonzalez National Affordable Housing Act, as
 15 amended, and such activities shall be an eligible activity
 16 with respect to any funds made available under this head-
 17 ing: *Provided*, That local YouthBuild programs that dem-
 18 onstrate an ability to leverage private and nonprofit fund-
 19 ing shall be given a priority for YouthBuild funding: *Pro-*
 20 *vided further*, That no more than 10 percent of any grant
 21 award under the YouthBuild program may be used for ad-
 22 ministrative costs: *Provided further*, That of the amount
 23 made available for YouthBuild not less than \$10,000,000
 24 is for grants to establish YouthBuild programs in under-
 25 served and rural areas and \$2,000,000 is to be made avail-

1 able for a grant to YouthBuild USA for capacity building
2 for community development and affordable housing activi-
3 ties as specified in section 4 of the HUD Demonstration
4 Act of 1993, as amended.

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

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

22 The referenced statement of the managers under this
23 heading in title II of Division K of the Consolidated Ap-
24 propriations Resolution, 2003 (Public Law 108–7; H.
25 Rept. 108–10) is deemed to be amended with respect to

10 The referenced statement of the managers under this
11 heading in title II of Division K of the Consolidated Ap-
12 propriations Resolution, 2003 (Public Law 108-7; H.
13 Rept. 108-10) is deemed to be amended with respect to
14 item number 324 by striking “225,000” and inserting
15 “209,000”.

19 For the cost of guaranteed loans, \$6,325,000, to re-
20 main available until September 30, 2005, as authorized
21 by section 108 of the Housing and Community Develop-
22 ment Act of 1974, as amended: *Provided*, That such costs,
23 including the cost of modifying such loans, shall be as de-
24 fined in section 502 of the Congressional Budget Act of
25 1974, as amended: *Provided further*, That these funds are
26 available to subsidize total loan principal, any part of

1 which is to be guaranteed, not to exceed \$275,000,000,
 2 notwithstanding any aggregate limitation on outstanding
 3 obligations guaranteed in section 108(k) of the Housing
 4 and Community Development Act of 1974, as amended.

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

9 BROWNFIELDS REDEVELOPMENT

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

19 HOME INVESTMENT PARTNERSHIPS PROGRAM

20 (INCLUDING TRANSFER OF FUNDS)

21 For the HOME investment partnerships program, as
 22 authorized under title II of the Cranston-Gonzalez Na-
 23 tional Affordable Housing Act, as amended,
 24 \$1,925,000,000, to remain available until September 30,
 25 2006: *Provided*, That of the total amount provided in this
 26 paragraph, up to \$40,000,000 shall be available for hous-

1 ing counseling under section 106 of the Housing and
 2 Urban Development Act of 1968; and no less than
 3 \$1,100,000 shall be transferred to the Working Capital
 4 Fund for the development of, maintenance of, and modi-
 5 fication to information technology systems which serve
 6 programs or activities under “Community planning and
 7 development”.

8 In addition to the amounts made available under this
 9 heading, \$50,000,000, to remain available until September
 10 30, 2006, for assistance to homebuyers as authorized
 11 under title II of the Cranston-Gonzalez National Afford-
 12 able Housing Act, as amended: *Provided*, That the Sec-
 13 retary shall provide such assistance in accordance with a
 14 formula developed through rulemaking.

15 HOMELESS ASSISTANCE GRANTS

16 (INCLUDING TRANSFER OF FUNDS)

17 For the emergency shelter grants program as author-
 18 ized under subtitle B of title IV of the McKinney-Vento
 19 Homeless Assistance Act, as amended; the supportive
 20 housing program as authorized under subtitle C of title
 21 IV of such Act; the section 8 moderate rehabilitation sin-
 22 gle room occupancy program as authorized under the
 23 United States Housing Act of 1937, as amended, to assist
 24 homeless individuals pursuant to section 441 of the
 25 McKinney-Vento Homeless Assistance Act; and the shelter
 26 plus care program as authorized under subtitle F of title

1 IV of such Act, \$1,325,000,000, to remain available until
2 September 30, 2006: *Provided*, That not less than 30 per-
3 cent of funds made available, excluding amounts provided
4 for renewals under the shelter plus care program, shall
5 be used for permanent housing: *Provided further*, That all
6 funds awarded for services shall be matched by 25 percent
7 in funding by each grantee: *Provided further*, That the
8 Secretary shall renew on an annual basis expiring con-
9 tracts or amendments to contracts funded under the shel-
10 ter plus care program if the program is determined to be
11 needed under the applicable continuum of care and meets
12 appropriate program requirements and financial stand-
13 ards, as determined by the Secretary: *Provided further*,
14 That all awards of assistance under this heading shall be
15 required to coordinate and integrate homeless programs
16 with other mainstream health, social services, and employ-
17 ment programs for which homeless populations may be eli-
18 gible, including Medicaid, State Children's Health Insur-
19 ance Program, Temporary Assistance for Needy Families,
20 Food Stamps, and services funding through the Mental
21 Health and Substance Abuse Block Grant, Workforce In-
22 vestment Act, and the Welfare-to-Work grant program:
23 *Provided further*, That \$12,000,000 of the funds appro-
24 priated under this heading shall be available for the na-
25 tional homeless data analysis project and technical assist-

1 ance: *Provided further*, That no less than \$2,580,000 of
 2 the funds appropriated under this heading shall be trans-
 3 ferred to the Working Capital Fund for the development
 4 of and modifications to information technology systems
 5 which serve activities under “Community planning and de-
 6 velopment”.

7 URBAN DEVELOPMENT ACTION GRANTS

8 From balances of the Urban Development Action
 9 Grant Program, as authorized by title I of the Housing
 10 and Community Development Act of 1974, as amended,
 11 \$30,000,000 are cancelled.

12 HOUSING PROGRAMS

13 HOUSING FOR SPECIAL POPULATIONS

14 (INCLUDING TRANSFER OF FUNDS)

15 For assistance for the purchase, construction, acqui-
 16 sition, or development of additional public and subsidized
 17 housing units for low income families not otherwise pro-
 18 vided for, \$1,033,801,000, to remain available until Sep-
 19 tember 30, 2007: *Provided*, That \$783,286,000, plus re-
 20 captures or cancelled commitments, shall be for capital ad-
 21 vances, including amendments to capital advance con-
 22 tracts, for housing for the elderly, as authorized by section
 23 202 of the Housing Act of 1959, as amended, and for
 24 project rental assistance for the elderly under section
 25 202(c)(2) of such Act, including amendments to contracts
 26 for such assistance and renewal of expiring contracts for

1 such assistance for up to a 1-year term, and for supportive
2 services associated with the housing, of which amount
3 \$50,000,000 shall be for service coordinators and the con-
4 tinuation of existing congregate service grants for resi-
5 dents of assisted housing projects, of which amount up
6 to \$30,000,000 shall be for grants under section 202b of
7 the Housing Act of 1959 (12 U.S.C. 1701q-2) for conver-
8 sion of eligible projects under such section to assisted liv-
9 ing or related use, including substantial capital repair, of
10 which amount \$25,000,000 shall be maintained by the
11 Secretary as a revolving loan fund for use as gap financing
12 to assist grantees in meeting all the initial cost require-
13 ments for developing projects under section 202 of such
14 Act: *Provided further*, That of the amount under this head-
15 ing, \$250,515,000 shall be for capital advances, including
16 amendments to capital advance contracts, for supportive
17 housing for persons with disabilities, as authorized by sec-
18 tion 811 of the Cranston-Gonzalez National Affordable
19 Housing Act, for project rental assistance for supportive
20 housing for persons with disabilities under section
21 811(d)(2) of such Act, including amendments to contracts
22 for such assistance and renewal of expiring contracts for
23 such assistance for up to a 1-year term, and for supportive
24 services associated with the housing for persons with dis-
25 abilities as authorized by section 811(b)(1) of such Act,

1 and for tenant-based rental assistance contracts entered
2 into pursuant to section 811 of such Act: *Provided further*,
3 That of the amount made available under this heading,
4 \$15,000,000 shall be available to the Secretary of Housing
5 and Urban Development only for making grants to private
6 nonprofit organizations and consumer cooperatives for
7 covering costs of architectural and engineering work, site
8 control, and other planning relating to the development
9 of supportive housing for the elderly that is eligible for
10 assistance under section 202 of the Housing Act of 1959
11 (12 U.S.C. 1701q): *Provided further*, That amounts made
12 available in the previous proviso shall be awarded on a
13 competitive basis as provided in section 102 of the Depart-
14 ment of Housing and Urban Development Reform Act of
15 1989: *Provided further*, That no less than \$940,000, to
16 be divided evenly between the appropriations for the sec-
17 tion 202 and section 811 programs, shall be transferred
18 to the Working Capital Fund for the development of and
19 modifications to information technology systems which
20 serve activities under “Housing programs” or “Federal
21 housing administration”: *Provided further*, That, in addi-
22 tion to amounts made available for renewal of tenant-
23 based rental assistance contracts pursuant to the second
24 proviso of this paragraph, the Secretary may designate up
25 to 25 percent of the amounts earmarked under this para-

1 graph for section 811 of such Act for tenant-based assist-
 2 ance, as authorized under that section, including such au-
 3 thority as may be waived under the next proviso, which
 4 assistance is 5 years in duration: *Provided further*, That
 5 the Secretary may waive the provisions governing the
 6 terms and conditions of project rental assistance and ten-
 7 ant-based rental assistance for such section 202 and such
 8 section 811, except that the initial contract term for such
 9 assistance shall not exceed 5 years in duration: *Provided*
 10 *further*, That all balances and recaptures, as of October
 11 1, 2003, remaining in the “Congregate housing services”
 12 account as authorized by the Housing and Community De-
 13 velopment Amendments of 1978, as amended, shall be
 14 transferred to and merged with the amounts for those pur-
 15 poses under this heading.

16 FLEXIBLE SUBSIDY FUND

17 (TRANSFER OF FUNDS)

18 From the Rental Housing Assistance Fund, all un-
 19 committed balances of excess rental charges as of Sep-
 20 tember 30, 2003, and any collections made during fiscal
 21 year 2004 (with the exception of amounts required to
 22 make refunds of excess income remittances as authorized
 23 by Public Law 106–569), shall be transferred to the Flexi-
 24 ble Subsidy Fund, as authorized by section 236(g) of the
 25 National Housing Act, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

Up to \$303,000,000 of recaptured section 236 budget authority resulting from prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z-1) shall be rescinded in fiscal year 2004: *Provided*, That the limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 is reduced in fiscal year 2004 by not more than \$303,000,000 in uncommitted balances of authorizations of contract authority provided for this purpose in appropriations Acts.

MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), \$13,000,000, to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2004

1 so as to result in a final fiscal year 2004 appropriation
 2 from the general fund estimated at not more than \$0 and
 3 fees pursuant to such section 620 shall be modified as nec-
 4 essary to ensure such a final fiscal year 2004 appropria-
 5 tion.

6 FEDERAL HOUSING ADMINISTRATION
 7 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
 8 (INCLUDING TRANSFERS OF FUNDS)

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

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

21 For administrative expenses necessary to carry out
 22 the guaranteed and direct loan program, \$359,000,000,
 23 of which not to exceed \$355,000,000 shall be transferred
 24 to the appropriation for “Salaries and expenses”; and not
 25 to exceed \$4,000,000 shall be transferred to the appro-
 26 priation for “Office of Inspector General”. In addition, for

1 administrative contract expenses, \$85,000,000, of which
 2 no less than \$20,744,000 shall be transferred to the Work-
 3 ing Capital Fund for the development of and modifications
 4 to information technology systems which serve programs
 5 or activities under “Housing programs” or “Federal hous-
 6 ing administration”: *Provided*, That to the extent guaran-
 7 teed loan commitments exceed \$65,500,000,000 on or be-
 8 fore April 1, 2004, an additional \$1,400 for administrative
 9 contract expenses shall be available for each \$1,000,000
 10 in additional guaranteed loan commitments (including a
 11 pro rata amount for any amount below \$1,000,000), but
 12 in no case shall funds made available by this proviso ex-
 13 ceed \$30,000,000.

14 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT
 15 (INCLUDING TRANSFERS OF FUNDS)

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

25 Gross obligations for the principal amount of direct
 26 loans, as authorized by sections 204(g), 207(l), 238, and

1 519(a) of the National Housing Act, shall not exceed
2 \$50,000,000, of which not to exceed \$30,000,000 shall be
3 for bridge financing in connection with the sale of multi-
4 family real properties owned by the Secretary and for-
5 merly insured under such Act; and of which not to exceed
6 \$20,000,000 shall be for loans to nonprofit and govern-
7 mental entities in connection with the sale of single-family
8 real properties owned by the Secretary and formerly in-
9 sured under such Act.

10 In addition, for administrative expenses necessary to
11 carry out the guaranteed and direct loan programs,
12 \$229,000,000, of which \$209,000,000, shall be trans-
13 ferred to the appropriation for “Salaries and expenses”;
14 and of which \$20,000,000 shall be transferred to the ap-
15 propriation for “Office of Inspector General”.

16 In addition, for administrative contract expenses nec-
17 essary to carry out the guaranteed and direct loan pro-
18 grams, \$93,780,000, of which no less than \$16,946,000
19 shall be transferred to the Working Capital Fund for the
20 development of and modifications to information tech-
21 nology systems which serve activities under “Housing pro-
22 grams” or “Federal housing administration”: *Provided*,
23 That to the extent guaranteed loan commitments exceed
24 \$8,426,000,000 on or before April 1, 2004, an additional
25 \$1,980 for administrative contract expenses shall be avail-

1 able for each \$1,000,000 in additional guaranteed loan
 2 commitments over \$8,426,000,000 (including a pro rata
 3 amount for any increment below \$1,000,000), but in no
 4 case shall funds made available by this proviso exceed
 5 \$14,400,000.

6 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
 7 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
 8 GUARANTEE PROGRAM ACCOUNT
 9 (INCLUDING TRANSFER OF FUNDS)

10 New commitments to issue guarantees to carry out
 11 the purposes of section 306 of the National Housing Act,
 12 as amended (12 U.S.C. 1721(g)), shall not exceed
 13 \$200,000,000,000, to remain available until September
 14 30, 2005.

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

21 POLICY DEVELOPMENT AND RESEARCH
 22 RESEARCH AND TECHNOLOGY

23 For contracts, grants, and necessary expenses of pro-
 24 grams of research and studies relating to housing and
 25 urban problems, not otherwise provided for, as authorized
 26 by title V of the Housing and Urban Development Act

1 of 1970, as amended (12 U.S.C. 1701z–1 et seq.), includ-
 2 ing carrying out the functions of the Secretary under sec-
 3 tion 1(a)(1)(i) of Reorganization Plan No. 2 of 1968,
 4 \$47,000,000, to remain available until September 30,
 5 2005: *Provided*, That of the total amount provided under
 6 this heading, \$7,500,000 shall be for the Partnership for
 7 Advancing Technology in Housing (PATH) Initiative.

8 FAIR HOUSING AND EQUAL OPPORTUNITY

9 FAIR HOUSING ACTIVITIES

10 For contracts, grants, and other assistance, not oth-
 11 erwise provided for, as authorized by title VIII of the Civil
 12 Rights Act of 1968, as amended by the Fair Housing
 13 Amendments Act of 1988, and section 561 of the Housing
 14 and Community Development Act of 1987, as amended,
 15 \$50,000,000, to remain available until September 30,
 16 2005, of which \$20,000,000 shall be to carry out activities
 17 pursuant to such section 561: *Provided*, That no funds
 18 made available under this heading shall be used to lobby
 19 the executive or legislative branches of the Federal Gov-
 20 ernment in connection with a specific contract, grant or
 21 loan.

22 OFFICE OF LEAD HAZARD CONTROL

23 LEAD HAZARD REDUCTION

24 For the Lead Hazard Reduction Program, as author-
 25 ized by section 1011 of the Residential Lead-Based Paint

1 Hazard Reduction Act of 1992, \$175,000,000, to remain
2 available until September 30, 2005, of which \$10,000,000
3 shall be for the Healthy Homes Initiative, pursuant to sec-
4 tions 501 and 502 of the Housing and Urban Develop-
5 ment Act of 1970: *Provided*, That both programs may in-
6 clude research, studies, evaluations, testing, and dem-
7 onstration efforts, including education and outreach by
8 units of general local government, community-based orga-
9 nizations and other appropriate entities concerning lead-
10 based paint poisoning and other housing-related diseases
11 and hazards: *Provided*, That of the total amount made
12 available under this heading, \$50,000,000 shall be made
13 available on a competitive basis for areas with the highest
14 lead paint abatement needs, as identified by the Secretary
15 as having: (1) the highest number of pre-1940 units of
16 rental housing; and (2) a disproportionately high number
17 of documented cases of lead-poisoned children: *Provided*
18 *further*, That each grantee receiving funds under the pre-
19 vious proviso shall target those privately owned units and
20 multifamily buildings that are occupied by low-income
21 families as defined under section 3(b)(2) of the United
22 States Housing Act of 1937: *Provided further*, That not
23 less than 90 percent of the funds made available under
24 this paragraph shall be used exclusively for abatement, in-
25 spections, risk assessments, temporary relocations and in-

1 terim control of lead-based hazards as defined by 42
 2 U.S.C. 4851: *Provided further*, That each recipient of
 3 funds provided under the first proviso shall make a match-
 4 ing contribution in an amount not less than 25 percent:
 5 *Provided further*, That each applicant shall submit a de-
 6 tailed plan and strategy that demonstrates adequate ca-
 7 pacity that is acceptable to the Secretary of the Depart-
 8 ment of Housing and Urban Development to carry out the
 9 proposed use of funds pursuant to a Notice of Funding
 10 Availability.

11 MANAGEMENT AND ADMINISTRATION

12 SALARIES AND EXPENSES

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary administrative and non-administrative
 15 expenses of the Department of Housing and Urban Devel-
 16 opment, not otherwise provided for, including purchase of
 17 uniforms, or allowances therefor, as authorized by 5
 18 U.S.C. 5901–5902; hire of passenger motor vehicles; serv-
 19 ices as authorized by 5 U.S.C. 3109; and not to exceed
 20 \$25,000 for official reception and representation expenses,
 21 \$1,112,130,000, of which \$564,000,000 shall be provided
 22 from the various funds of the Federal Housing Adminis-
 23 tration, \$10,695,000 shall be provided from funds of the
 24 Government National Mortgage Association, \$1,000,000
 25 shall be provided from the “Community development loan
 26 guarantees program” account, \$150,000 shall be provided

1 by transfer from the “Native American housing block
 2 grants” account, \$250,000 shall be provided by transfer
 3 from the “Indian housing loan guarantee fund program”
 4 account and \$35,000 shall be transferred from the “Na-
 5 tive Hawaiian housing loan guarantee fund” account: *Pro-*
 6 *vided further*, That the General Counsel of the Depart-
 7 ment of Housing and Urban Development shall have for
 8 fiscal year 2004 and all fiscal years hereafter overall re-
 9 sponsibility for all issues related to appropriations law:
 10 *Provided further*, That the Secretary shall fill 7 out of 10
 11 vacancies at the GS-14 and GS-15 levels until the total
 12 number of GS-14 and GS-15 positions in the Department
 13 has been reduced from the number of GS-14 and GS-
 14 15 positions on the date of enactment of Public Law 106-
 15 377 by 2½ percent: *Provided further*, That no funds shall
 16 be made available for the salaries (other than pensions and
 17 related costs) of any employees who had significant re-
 18 sponsibility for allocating funding for the overleasing of
 19 vouchers by public housing agencies.

20 WORKING CAPITAL FUND

21 For additional capital for the Working Capitol Fund
 22 (42 U.S.C. 3535) for the development of, modifications
 23 to, and infrastructure for Department-wide information
 24 technology systems, and for the continuing operation of
 25 both Department-wide and program-specific information
 26 systems, \$240,000,000, to remain available until Sep-

1 tember 30, 2005: *Provided*, That any amounts transferred
2 to this Fund under this Act shall remain available until
3 expended.

4 OFFICE OF INSPECTOR GENERAL

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses of the Office of Inspector
7 General in carrying out the Inspector General Act of 1978,
8 as amended, \$102,000,000, of which \$24,000,000 shall be
9 provided from the various funds of the Federal Housing
10 Administration: *Provided*, That the Inspector General
11 shall have independent authority over all personnel issues
12 within this office: *Provided further*, That no less than
13 \$300,000 shall be transferred to the Working Capital
14 Fund for the development of and modifications to informa-
15 tion technology systems for the Office of Inspector Gen-
16 eral.

17 CONSOLIDATED FEE FUND

18 (RESCISSION)

19 All unobligated balances remaining available from
20 fees and charges under section 7(j) of the Department of
21 Housing and Urban Development Act on October 1, 2003
22 are rescinded.

1 OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

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

17 ADMINISTRATIVE PROVISIONS

18 SEC. 201. Fifty percent of the amounts of budget au-
19 thority, or in lieu thereof 50 percent of the cash amounts
20 associated with such budget authority, that are recaptured
21 from projects described in section 1012(a) of the Stewart
22 B. McKinney Homeless Assistance Amendments Act of
23 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the
24 case of cash, shall be remitted to the Treasury, and such
25 amounts of budget authority or cash recaptured and not
26 rescinded or remitted to the Treasury shall be used by

1 State housing finance agencies or local governments or
2 local housing agencies with projects approved by the Sec-
3 retary of Housing and Urban Development for which set-
4 tlement occurred after January 1, 1992, in accordance
5 with such section. Notwithstanding the previous sentence,
6 the Secretary may award up to 15 percent of the budget
7 authority or cash recaptured and not rescinded or remitted
8 to the Treasury to provide project owners with incentives
9 to refinance their project at a lower interest rate.

10 SEC. 202. None of the amounts made available under
11 this Act may be used during fiscal year 2004 to investigate
12 or prosecute under the Fair Housing Act any otherwise
13 lawful activity engaged in by one or more persons, includ-
14 ing the filing or maintaining of a non-frivolous legal ac-
15 tion, that is engaged in solely for the purpose of achieving
16 or preventing action by a Government official or entity,
17 or a court of competent jurisdiction.

18 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
19 of the AIDS Housing Opportunity Act (42 U.S.C.
20 12903(c)(1)(A)), from any amounts made available under
21 this title for fiscal year 2004 that are allocated under such
22 section, the Secretary of Housing and Urban Development
23 shall allocate and make a grant, in the amount determined
24 under subsection (b), for any State that—

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

3 (2) is not otherwise eligible for an allocation for
4 fiscal year 2004 under such clause (ii) because the
5 areas in the State outside of the metropolitan statis-
6 tical areas that qualify under clause (i) in fiscal year
7 2004 do not have the number of cases of acquired
8 immunodeficiency syndrome (AIDS) required under
9 such clause.

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

19 SEC. 204. Except as explicitly provided in law, any
20 grant or assistance made pursuant to title II of this Act
21 shall be made on a competitive basis in accordance with
22 section 102 of the Department of Housing and Urban De-
23 velopment Reform Act of 1989.

24 SEC. 205. Funds of the Department of Housing and
25 Urban Development subject to the Government Corpora-

tion Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as pro-

1 vided by section 104 of such Act as may be necessary in
2 carrying out the programs set forth in the budget for 2004
3 for such corporation or agency except as hereinafter pro-
4 vided: *Provided*, That collections of these corporations and
5 agencies may be used for new loan or mortgage purchase
6 commitments only to the extent expressly provided for in
7 this Act (unless such loans are in support of other forms
8 of assistance provided for in this or prior appropriations
9 Acts), except that this proviso shall not apply to the mort-
10 gage insurance or guaranty operations of these corpora-
11 tions, or where loans or mortgage purchases are necessary
12 to protect the financial interest of the United States Gov-
13 ernment.

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

23 SEC. 209. Notwithstanding any other provision of
24 law, in fiscal year 2004, in managing and disposing of any
25 multifamily property that is owned or held by the Sec-

1 retary and is occupied primarily by elderly or disabled
2 families, the Secretary of Housing and Urban Develop-
3 ment shall maintain any rental assistance payments under
4 section 8 of the United States Housing Act of 1937 that
5 are attached to any dwelling units in the property. To the
6 extent the Secretary determines that such a multifamily
7 property owned or held by the Secretary is not feasible
8 for continued rental assistance payments under such sec-
9 tion 8, the Secretary may, in consultation with the tenants
10 of that property, contract for project-based rental assist-
11 ance payments with an owner or owners of other existing
12 housing properties or provide other rental assistance.

13 SEC. 210. A public housing agency or such other enti-
14 ty that administers Federal housing assistance in the
15 States of Alaska, Iowa, and Mississippi shall not be re-
16 quired to include a resident of public housing or a recipi-
17 ent of assistance provided under section 8 of the United
18 States Housing Act of 1937 on the board of directors or
19 a similar governing board of such agency or entity as re-
20 quired under section (2)(b) of such Act. Each public hous-
21 ing agency or other entity that administers Federal hous-
22 ing assistance under section 8 in the States of Alaska,
23 Iowa and Mississippi shall establish an advisory board of
24 not less than 6 residents of public housing or recipients
25 of section 8 assistance to provide advice and comment to

1 the public housing agency or other administering entity
2 on issues related to public housing and section 8. Such
3 advisory board shall meet not less than quarterly.

4 SEC. 211. Section 24(n) of the United States Hous-
5 ing Act of 1937 (42 U.S.C. 1437v(n)) is amended by strik-
6 ing “September 30, 2004” and inserting “September 30,
7 2006”.

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, and excess funds in each pro-
12 gram and activity within the jurisdiction of the Depart-
13 ment and shall submit additional, updated budget infor-
14 mation to these committees upon request.

15 SEC. 213. The Secretary of Housing and Urban De-
16 velopment shall submit an annual report no later than Au-
17 gust 30, 2004 and annually thereafter to the House and
18 Senate Committees on Appropriations regarding the num-
19 ber of Federally assisted units under lease and the per
20 unit cost of these units to the Department of Housing and
21 Urban Development.

22 SEC. 214. (a) Notwithstanding any other provision
23 of law, the amount allocated for fiscal year 2004 and
24 thereafter to the City of Philadelphia, Pennsylvania on be-
25 half of the Philadelphia, PA–NJ Primary Metropolitan

1 Statistical Area (hereafter “metropolitan area”), under
2 section 854(c) of the AIDS Housing Opportunity Act (42
3 U.S.C. 12903(c)), shall be adjusted by the Secretary of
4 Housing and Urban Development by allocating to the
5 State of New Jersey the proportion of the metropolitan
6 area’s amount that is based on the number of cases of
7 AIDS reported in the portion of the metropolitan area
8 that is located in New Jersey. The State of New Jersey
9 shall use amounts allocated to the State under this sub-
10 section to carry out eligible activities under section 855
11 of the AIDS Housing Opportunity Act (42 U.S.C. 12904)
12 in the portion of the metropolitan area that is located in
13 New Jersey.

14 (b) Notwithstanding any other provision of law, the
15 Secretary of Housing and Urban Development shall allo-
16 cate to Wake County, North Carolina, the amounts that
17 otherwise would be allocated for fiscal year 2004 and
18 thereafter under section 854(c) of the AIDS Housing Op-
19 portunity Act (42 U.S.C. 12903(c)) to the City of Raleigh,
20 North Carolina, on behalf of the Raleigh-Durham-Chapel
21 Hill, North Carolina Metropolitan Statistical Area. Any
22 amounts allocated to Wake County shall be used to carry
23 out eligible activities under section 855 of such Act (42
24 U.S.C. 12904) within such metropolitan statistical area.

1 SEC. 215. (a) During fiscal year 2004, in the provi-
 2 sion of rental assistance under section 8(o) of the United
 3 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
 4 nection with a program to demonstrate the economy and
 5 effectiveness of providing such assistance for use in as-
 6 sisted living facilities that is carried out in the counties
 7 of the State of Michigan specified in subsection (b) of this
 8 section, notwithstanding paragraphs (3) and (18)(B)(iii)
 9 of such section 8(o), a family residing in an assisted living
 10 facility in any such county, on behalf of which a public
 11 housing agency provides assistance pursuant to section
 12 8(o)(18) of such Act, may be required, at the time the
 13 family initially receives such assistance, to pay rent in an
 14 amount exceeding 40 percent of the monthly adjusted in-
 15 come of the family by such a percentage or amount as
 16 the Secretary of Housing and Urban Development deter-
 17 mines to be appropriate.

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

21 SEC. 216. Section 683(2) of the Housing and Com-
 22 munity Development Act of 1992 is amended—

- 23 (1) in subparagraph (F), by striking “and”;
- 24 (2) in subparagraph (G), by striking “section.”
- 25 and inserting “section; and”; and

1 (3) by adding the following new subparagraph
2 at the end:

3 “(H) housing that is assisted under section
4 811 of the Cranston-Gonzalez National Afford-
5 able Housing Act.”.

6 SEC. 217. Section 224 of the National Housing Act
7 (12 U.S.C. 1735o) is amended by adding the following
8 new sentence at the end of the first paragraph: “Notwith-
9 standing the preceding sentence and the following para-
10 graph, if an insurance claim is paid in cash for any mort-
11 gage that is insured under section 203 or 234 of this Act
12 and is endorsed for mortgage insurance after the date of
13 enactment of this sentence, the debenture interest rate for
14 purposes of calculating such a claim shall be the monthly
15 average yield, for the month in which the default on the
16 mortgage occurred, on United States Treasury Securities
17 adjusted to a constant maturity of ten years.”.

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

20 (1) in section 101(b), by striking “Interagency
21 Council on the Homeless” and inserting “United
22 States Interagency Council on Homelessness”;

23 (2) in section 102(b)(1), by striking “an Inter-
24 agency Council on the Homeless” and inserting “the

1 United States Interagency Council on Homeless-
2 ness”;

3 (3) in the heading for title II, by striking
4 “INTERAGENCY COUNCIL ON THE HOME-
5 LESS” and inserting “UNITED STATES INTER-
6 AGENCY COUNCIL ON HOMELESSNESS”;

7 (4) in sections 201, 207(1), 501(c)(2)(a), and
8 501(d)(3), by striking “Interagency Council on the
9 Homeless” and inserting “United States Interagency
10 Council on Homelessness”; and

11 (5) in section 204(c), by inserting after “reim-
12 bursable” the two places it appears the following:
13 “or nonreimbursable”.

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

17 “PAYMENT REWARDS FOR CERTAIN SINGLE FAMILY
18 MORTGAGES

19 “SEC. 257. For purposes of establishing an alter-
20 native to high cost mortgages for borrowers with credit
21 impairments, the Secretary may insure under sections
22 203(b) and 234(c) of this title any mortgage that meets
23 the requirements of such sections, except as provided in
24 the following sentences. The Secretary may establish lower
25 percentage of appraised value limitations than those pro-
26 vided in section 203(b)(2)(B). Notwithstanding section

1 203(c)(2)(B), the Secretary may establish and collect an-
 2 nual premium payments in an amount not exceeding 1.0
 3 percent of the remaining insured principal balance and
 4 such payments may be reduced or eliminated in subse-
 5 quent years based on mortgage payment performance. All
 6 mortgages insured pursuant to this section shall be obliga-
 7 tions of the Mutual Mortgage Insurance Fund notwith-
 8 standing section 519 of this Act.”.

9 SEC. 220. (a) INFORMATION COMPARISONS FOR PUB-
 10 LIC AND ASSISTED HOUSING PROGRAMS.—Section 453(j)
 11 of the Social Security Act (42 U.S.C. 653(j)) is amended
 12 by adding at the end the following new paragraph:

13 “(7) INFORMATION COMPARISONS FOR HOUSING
 14 ASSISTANCE PROGRAMS.—

15 “(A) FURNISHING OF INFORMATION BY
 16 HUD.—Subject to subparagraph (G), the Sec-
 17 retary of Housing and Urban Development
 18 shall furnish to the Secretary, on such periodic
 19 basis as determined by the Secretary of Hous-
 20 ing and Urban Development in consultation
 21 with the Secretary, information in the custody
 22 of the Secretary of Housing and Urban Devel-
 23 opment for comparison with information in the
 24 National Directory of New Hires, in order to
 25 obtain information in such Directory with re-

1 spect to individuals who are participating in
 2 any program under—

3 “(i) the United States Housing Act of
 4 1937 (42 U.S.C. 1437 et seq.);

5 “(ii) section 202 of the Housing Act
 6 of 1959 (12 U.S.C. 1701q);

7 “(iii) section 221(d)(3), 221(d)(5), or
 8 236 of the National Housing Act (12
 9 U.S.C. 1715l(d) and 1715z–1);

10 “(iv) section 811 of the Cranston-
 11 Gonzalez National Affordable Housing Act
 12 (42 U.S.C. 8013); or

13 “(v) section 101 of the Housing and
 14 Urban Development Act of 1965 (12
 15 U.S.C. 1701s).

16 “(B) REQUIREMENT TO SEEK MINIMUM
 17 INFORMATION.—The Secretary of Housing and
 18 Urban Development shall seek information pur-
 19 suant to this section only to the extent nec-
 20 essary to verify the employment and income of
 21 individuals described in subparagraph (A).

22 “(C) DUTIES OF THE SECRETARY.—

23 “(i) INFORMATION DISCLOSURE.—The
 24 Secretary, in cooperation with the Sec-
 25 retary of Housing and Urban Develop-

1 ment, shall compare information in the
2 National Directory of New Hires with in-
3 formation provided by the Secretary of
4 Housing and Urban Development with re-
5 spect to individuals described in subpara-
6 graph (A), and shall disclose information
7 in such Directory regarding such individ-
8 uals to the Secretary of Housing and
9 Urban Development, in accordance with
10 this paragraph, for the purposes specified
11 in this paragraph.

12 “(ii) CONDITION ON DISCLOSURE.—

13 The Secretary shall make disclosures in ac-
14 cordance with clause (i) only to the extent
15 that the Secretary determines that such
16 disclosures do not interfere with the effec-
17 tive operation of the program under this
18 part.

19 “(D) USE OF INFORMATION BY HUD.—The
20 Secretary of Housing and Urban Development
21 may use information resulting from a data
22 match pursuant to this paragraph only—

23 “(i) for the purpose of verifying the
24 employment and income of individuals de-
25 scribed in subparagraph (A); and

1 “(ii) after removal of personal identi-
 2 fiers, to conduct analyses of the employ-
 3 ment and income reporting of individuals
 4 described in subparagraph (A).

5 “(E) DISCLOSURE OF INFORMATION BY
 6 HUD.—

7 “(i) PURPOSE OF DISCLOSURE.—The
 8 Secretary of Housing and Urban Develop-
 9 ment may make a disclosure under this
 10 subparagraph only for the purpose of
 11 verifying the employment and income of in-
 12 dividuals described in subparagraph (A).

13 “(ii) DISCLOSURES PERMITTED.—
 14 Subject to clause (iii), the Secretary of
 15 Housing and Urban Development may dis-
 16 close information resulting from a data
 17 match pursuant to this paragraph only to
 18 a public housing agency, the Inspector
 19 General of the Department of Housing and
 20 Urban Development, and the Attorney
 21 General in connection with the administra-
 22 tion of a program described in subpara-
 23 graph (A). Information obtained by the
 24 Secretary of Housing and Urban Develop-
 25 ment pursuant to this paragraph shall not

1 be made available under section 552 of
2 title 5, United States Code.

3 “(iii) CONDITIONS ON DISCLOSURE.—
4 Disclosures under this paragraph shall
5 be—

6 “(I) made in accordance with
7 data security and control policies es-
8 tablished by the Secretary of Housing
9 and Urban Development and approved
10 by the Secretary;

11 “(II) subject to audit in a man-
12 ner satisfactory to the Secretary; and

13 “(III) subject to the sanctions
14 under subsection (l)(2).

15 “(iv) ADDITIONAL DISCLOSURES.—

16 “(I) DETERMINATION BY SECRE-
17 TARIES.—The Secretary of Housing
18 and Urban Development and the Sec-
19 retary shall determine whether to per-
20 mit disclosure of information under
21 this paragraph to persons or entities
22 described in subclause (II), based on
23 an evaluation made by the Secretary
24 of Housing and Urban Development
25 (in consultation with and approved by

1 the Secretary), of the costs and bene-
2 fits of disclosures made under clause
3 (ii) and the adequacy of measures
4 used to safeguard the security and
5 confidentiality of information so dis-
6 closed.

7 “(II) PERMITTED PERSONS OR
8 ENTITIES.—If the Secretary of Hous-
9 ing and Urban Development and the
10 Secretary determine pursuant to sub-
11 clause (I) that disclosures to addi-
12 tional persons or entities shall be per-
13 mitted, information under this para-
14 graph may be disclosed by the Sec-
15 retary of Housing and Urban Devel-
16 opment to a private owner, a manage-
17 ment agent, and a contract adminis-
18 trator in connection with the adminis-
19 tration of a program described in sub-
20 paragraph (A), subject to the condi-
21 tions in clause (iii) and such addi-
22 tional conditions as agreed to by the
23 Secretaries.

24 “(V) RESTRICTIONS ON REDISCLO-
25 SURE.—A person or entity to which infor-

1 mation is disclosed under this subpara-
 2 graph may use or disclose such informa-
 3 tion only as needed for verifying the em-
 4 ployment and income of individuals de-
 5 scribed in subparagraph (A), subject to the
 6 conditions in clause (iii) and such addi-
 7 tional conditions as agreed to by the Secre-
 8 taries.

9 “(F) REIMBURSEMENT OF HHS COSTS.—

10 The Secretary of Housing and Urban Develop-
 11 ment shall reimburse the Secretary, in accord-
 12 ance with subsection (k)(3), for the costs in-
 13 curred by the Secretary in furnishing the infor-
 14 mation requested under this paragraph.

15 “(G) CONSENT.—The Secretary of Hous-
 16 ing and Urban Development shall not seek, use,
 17 or disclose information under this paragraph re-
 18 lating to an individual without the prior written
 19 consent of such individual (or of a person le-
 20 gally authorized to consent on behalf of such in-
 21 dividual).”.

22 (b) CONSENT TO INFORMATION COMPARISON AND

23 USE AS CONDITION OF HUD PROGRAM ELIGIBILITY.—As

24 a condition of participating in any program authorized

25 under—

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

3 (2) section 202 of the Housing Act of 1959 (12
4 U.S.C. 1701q);

5 (3) section 221(d)(3), 221(d)(5), or 236 of the
6 National Housing Act (12 U.S.C. 1715l(d) and
7 1715z-1);

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

10 (5) section 101 of the Housing and Urban De-
11 velopment Act of 1965 (12 U.S.C. 1701s),

12 the Secretary of Housing and Urban Development may
13 require consent by an individual (or by a person legally
14 authorized to consent on behalf of such individual) for
15 such Secretary to obtain, use, and disclose information
16 with respect to such individual in accordance with section
17 453(j)(7) of the Social Security Act (42 U.S.C. 653(j)(7)).

18 SEC. 221. Section 9 of the United States Housing
19 Act of 1937 is amended by inserting at the end the fol-
20 lowing new subsection:

21 “(o) LOAN GUARANTEE DEVELOPMENT FUNDING.—

22 “(1) In order to facilitate the financing of the
23 rehabilitation and development needs of public hous-
24 ing, the Secretary is authorized to provide loan
25 guarantees for public housing agencies to enter into

1 loans or other financial obligations with financial in-
2 stitutions for the purpose of financing the rehabilita-
3 tion of a portion of public housing or the develop-
4 ment off-site of public housing in mixed income de-
5 velopments (including demolition costs of the public
6 housing units to be replaced), provided that the
7 number of public housing units developed off-site re-
8 places no less than an equal number of on-site public
9 housing units in a project. Loans or other obliga-
10 tions entered into pursuant to this subsection shall
11 be in such form and denominations, have such matu-
12 rities, and be subject to such conditions as may be
13 prescribed by regulations issued by the Secretary.

14 “(2) The Secretary may prohibit a public hous-
15 ing agency from obtaining a loan under this sub-
16 section only if the rehabilitation or replacement
17 housing proposed by a public housing agency is in-
18 consistent with its Public Housing Agency Plan, as
19 submitted under section 5A, or the proposed terms
20 of the guaranteed loan constitutes an unacceptable
21 financial risk to the public housing agency or for re-
22 payment of the loan under this subsection.

23 “(3) Notwithstanding any other provision of
24 this title, funding allocated to a public housing agen-
25 cy under subsections (d)(2) and (e)(2) of this section

1 for capital and operating funds is authorized for use
2 in the payment of the principal and interest due (in-
3 cluding such servicing, underwriting or other costs
4 as may be specified in the regulations of the Sec-
5 retary) on the loans or other obligations entered into
6 pursuant to this subsection.

7 “(4) The amount of any loan or other obliga-
8 tion entered into under this subsection shall not ex-
9 ceed in total the pro-rata amount of funds that
10 would be allocated over a period not to exceed 30
11 years under subsections (d)(2) and (e)(2) of this sec-
12 tion on a per unit basis as a percentage of the num-
13 ber of units that are designated to be rehabilitated
14 or replaced under this subsection by a public hous-
15 ing agency as compared to the total number of units
16 in the public housing development, as determined on
17 the basis of funds made available under such sub-
18 sections (d)(2) and (e)(2) in the previous year. Any
19 reduction in the total amount of funds provided to
20 a public housing agency under this section in subse-
21 quent years shall not reduce the amount of funds to
22 be paid under a loan entered into under this sub-
23 section but instead shall reduce the capital and oper-
24 ating funds which are available for the other housing
25 units in the public housing development in that fis-

1 cal year. Any additional income, including the re-
2 ceipt of rental income from tenants, generated by
3 the rehabilitated or replaced units may be used to
4 establish a loan loss reserve for the public housing
5 agency to assist in the repayment of loans or other
6 obligations entered into under this subsection or to
7 address any shortfall in the operating or capital
8 needs of the public housing agency in any fiscal
9 year.

10 “(5) Subject to appropriations, the Secretary
11 may use funds from the Public Housing Capital
12 Fund to—

13 “(A) establish a loan loss reserve account
14 within the Department of Housing and Urban
15 Development to minimize the risk of loss associ-
16 ated with the repayment of loans guaranteed
17 under this subsection,

18 “(B) make grants to a public housing
19 agency for capital investment needs or for the
20 creation of a loan loss reserve account to be
21 used in conjunction with a loan made under
22 this subsection for the rehabilitation of a por-
23 tion of public housing or the development off-
24 site of public housing in mixed income develop-

1 ments (including demolition costs of the public
2 housing units to be replaced), or

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

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

14 SEC. 222. Section 204(a) of the McKinney-Vento
15 Homeless Assistance Act (42 U.S.C. 11314(a)) is amend-
16 ed by striking in the first sentence after the word “level”,
17 “V”, and inserting in its place “III”.

18 SEC. 223. Notwithstanding any other provision of
19 law, the State of Hawaii may elect by July 31, 2004 to
20 distribute funds under section 106(d)(2) of the Housing
21 and Community Development Act of 1974, to units of gen-
22 eral local government located in nonentitlement areas of
23 that State. If the State of Hawaii fails to make such elec-
24 tion, the Secretary shall for fiscal years 2005 and there-
25 after make grants to the units of general local government

1 located in the State of Hawaii's nonentitlement areas (Ha-
2 waii, Kauai, and Maui counties). The Secretary of Hous-
3 ing and Urban Development shall allocate funds under
4 section 106(d) of such Act to units of general local govern-
5 ment located in nonentitlement areas within the State of
6 Hawaii in accordance with a formula which bears the same
7 ratio to the total amount available for the nonentitlement
8 areas of the State as the weighted average of the ratios
9 between (1) the population of that eligible unit of general
10 local government and the population of all eligible units
11 of general local government in the nonentitlement areas
12 of the State; (2) the extent of poverty in that eligible unit
13 of general local government and the extent of poverty in
14 all of the eligible units of general local government in the
15 nonentitlement areas of the State; and (3) the extent of
16 housing overcrowding in that eligible unit of general local
17 government and the extent of housing overcrowding in all
18 of the eligible units of general local government in the non-
19 entitlement areas of the State. In determining the weight-
20 ed average of the ratios described in the previous sentence,
21 the ratio described in clause (2) shall be counted twice
22 and the ratios described in clauses (1) and (3) shall be
23 counted once. Notwithstanding any other provision, grants
24 made under this section shall be subject to the program
25 requirements of section 104 of the Housing and Commu-

1 nity Development Act of 1974 in the same manner as such
2 requirements are made applicable to grants made under
3 section 106(b) of the Housing and Community Develop-
4 ment Act of 1974.

5 SEC. 224. The Secretary of Housing and Urban De-
6 velopment shall issue a proposed rulemaking, in accord-
7 ance with Title V, United States Code, not later than 90
8 days from the date of enactment of this Act that—

9 (1) addresses and expands, as necessary, the
10 participation and certification requirements for the
11 sale of HUD-owned multifamily housing projects
12 and the foreclosure sale of any multifamily housing
13 securing a mortgage held by the Secretary, including
14 whether a potential purchaser is in substantial com-
15 pliance with applicable state or local government
16 housing statutes, regulations, ordinances and codes
17 with regard to other properties owned by the pur-
18 chaser; and

19 (2) requires any state, city, or municipality that
20 exercises its right of first refusal for the purchase of
21 a multifamily housing project under section 203 of
22 the Housing and Community Development Amend-
23 ments of 1978 (12 U.S.C. 1701z–11(i)) to ensure
24 that potential purchasers of the project from the
25 state, city, or municipality are subject to the same

1 standards that they would otherwise be subject to if
 2 they had purchased the project directly from the
 3 Secretary, including whether a potential purchaser is
 4 in substantial compliance with applicable state or
 5 local government housing statutes, regulations, ordi-
 6 nances and codes with regard to other properties
 7 owned by the purchaser.

8 SEC. 225. Section 217 of Public Law 107–73 is
 9 amended by striking “the rehabilitation” and inserting in
 10 lieu thereof: “redevelopment, including demolition and new
 11 construction”.

12 TITLE III—INDEPENDENT AGENCIES

13 AMERICAN BATTLE MONUMENTS COMMISSION

14 SALARIES AND EXPENSES

15 For necessary expenses, not otherwise provided for,
 16 of the American Battle Monuments Commission, including
 17 the acquisition of land or interest in land in foreign coun-
 18 tries; purchases and repair of uniforms for caretakers of
 19 national cemeteries and monuments outside of the United
 20 States and its territories and possessions; rent of office
 21 and garage space in foreign countries; purchase (one for
 22 replacement only) and hire of passenger motor vehicles;
 23 and insurance of official motor vehicles in foreign coun-
 24 tries, when required by law of such countries,
 25 \$35,000,000, to remain available until expended.

1 CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD
 2 SALARIES AND EXPENSES

3 For necessary expenses in carrying out activities pur-
 4 suant to section 112(r)(6) of the Clean Air Act, as amend-
 5 ed, including hire of passenger vehicles, uniforms or allow-
 6 ances therefore, as authorized by 5 U.S.C. 5901–5902,
 7 and for services authorized by 5 U.S.C. 3109 but at rates
 8 for individuals not to exceed the per diem equivalent to
 9 the maximum rate payable for senior level positions under
 10 5 U.S.C. 5376, \$8,000,000, of which \$5,500,000 is to re-
 11 main available until September 30, 2004 and \$2,500,000,
 12 of which is to remain available until September 30, 2005:
 13 *Provided further*, That the Chemical Safety and Hazard
 14 Investigation Board shall have not more than three career
 15 Senior Executive Service positions.

16 DEPARTMENT OF THE TREASURY
 17 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
 18 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS
 19 FUND PROGRAM ACCOUNT

20 To carry out the Community Development Banking
 21 and Financial Institutions Act of 1994, including services
 22 authorized by 5 U.S.C. 3109, but at rates for individuals
 23 not to exceed the per diem rate equivalent to the rate for
 24 ES–3, \$70,000,000, to remain available until September
 25 30, 2005, of which not less than \$5,000,000 shall be for

1 financial assistance, technical assistance, training and out-
 2 reach programs designed to benefit Native American, Na-
 3 tive Hawaiian, and Alaskan Native communities and pro-
 4 vided primarily through qualified community development
 5 lender organizations with experience and expertise in com-
 6 munity development banking and lending in Indian coun-
 7 try, Native American organizations, tribes and tribal orga-
 8 nizations and other suitable providers, and up to
 9 \$12,000,000 may be used for administrative expenses, in-
 10 cluding administration of the New Markets Tax Credit,
 11 up to \$6,000,000 may be used for the cost of direct loans,
 12 and up to \$250,000 may be used for administrative ex-
 13 penses to carry out the direct loan program: *Provided*,
 14 That the cost of direct loans, including the cost of modi-
 15 fying such loans, shall be as defined in section 502 of the
 16 Congressional Budget Act of 1974, as amended: *Provided*
 17 *further*, That these funds are available to subsidize gross
 18 obligations for the principal amount of direct loans not
 19 to exceed \$11,000,000.

20 CONSUMER PRODUCT SAFETY COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses of the Consumer Product
 23 Safety Commission, including hire of passenger motor ve-
 24 hicles, services as authorized by 5 U.S.C. 3109, but at
 25 rates for individuals not to exceed the per diem rate equiv-

1 alent to the maximum rate payable under 5 U.S.C. 5376,
 2 purchase of nominal awards to recognize non-Federal offi-
 3 cials' contributions to Commission activities, and not to
 4 exceed \$500 for official reception and representation ex-
 5 penses, \$60,000,000.

6 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

7 NATIONAL AND COMMUNITY SERVICE PROGRAMS

8 OPERATING EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses for the Corporation for Na-
 11 tional and Community Service (the "Corporation") in car-
 12 rying out programs, activities, and initiatives under the
 13 National and Community Service Act of 1990 (the "Act")
 14 (42 U.S.C. 12501 et seq.), \$452,575,000, to remain avail-
 15 able until September 30, 2005: *Provided*, That not more
 16 than \$330,000,000 of the amount provided under this
 17 heading shall be available for the National Service Trust
 18 under subtitle D of title I of the Act (42 U.S.C. 12601
 19 et seq.) and for grants under the National Service Trust
 20 Program authorized under subtitle C of title I of the Act
 21 (42 U.S.C. 12571 et seq.) (relating to activities of the
 22 AmeriCorps program), including grants to organizations
 23 operating projects under the AmeriCorps Education
 24 Awards Program (without regard to the requirements of
 25 sections 121(d) and (e), section 131(e), section 132, and
 26 sections 140(a), (d), and (e) of the Act): *Provided further*,

1 That from the amount provided under the previous pro-
2 viso, the Corporation may transfer funds as necessary, to
3 remain available without fiscal year limitation, to the Na-
4 tional Service Trust for educational awards authorized
5 under subtitle D of title I of the Act (42 U.S.C. 12601),
6 of which up to \$5,000,000 shall be available to support
7 national service scholarships for high school students per-
8 forming community service: *Provided further*, That the
9 Corporation shall approve and enroll AmeriCorps members
10 pursuant to the Strengthen AmeriCorps Program Act
11 (Public Law 108–45): *Provided further*, That of the
12 amount provided under this heading for grants under the
13 National Service Trust program authorized under subtitle
14 C of title I of the Act, not more than \$50,000,000 may
15 be used to administer, reimburse, or support any national
16 service program authorized under section 121(d)(2) of
17 such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That
18 not more than \$14,575,000 shall be available for quality
19 and innovation activities authorized under subtitle H of
20 title I of the Act (42 U.S.C. 12853 et seq.), of which
21 \$5,000,000 shall be available for challenge grants to non-
22 profit organizations: *Provided further*, That notwith-
23 standing subtitle H of title I of the Act (42 U.S.C. 12853),
24 none of the funds provided under the previous proviso
25 shall be used to support salaries and related expenses (in-

cluding travel) attributable to Corporation employees: *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than \$10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than \$2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That not more than \$5,000,000 of the funds made

1 available under this heading shall be made available to
 2 America's Promise—The Alliance for Youth, Inc.: *Pro-*
 3 *vided further*, That to the maximum extent practicable, the
 4 Corporation shall increase significantly the level of match-
 5 ing funds and in-kind contributions provided by the pri-
 6 vate sector, and shall reduce the total Federal costs per
 7 participant in all programs by not less than 10 percent:
 8 *Provided further*, That the Inspector General of the Cor-
 9 poration for National and Community Service shall con-
 10 duct random audits of the grantees that administer activi-
 11 ties under the AmeriCorps programs and shall debar any
 12 grantee (or successor in interest or any entity with sub-
 13 stantially the same person or persons in control) that has
 14 been determined to have committed any substantial viola-
 15 tions of the requirements of the AmeriCorps programs, in-
 16 cluding any grantee that has been determined to have vio-
 17 lated the prohibition of using Federal funds to lobby the
 18 Congress: *Provided further*, That the Inspector General
 19 shall obtain reimbursements in the amount of any misused
 20 funds from any grantee that has been determined to have
 21 committed any substantial violations of the requirements
 22 of the AmeriCorps programs.

23 SALARIES AND EXPENSES

24 For necessary expenses (including payment of sala-
 25 ries, authorized travel, hire of passenger motor vehicles,
 26 the rental of conference rooms in the District of Columbia,

1 the employment of experts and consultants authorized
 2 under 5 U.S.C. 3109, and not to exceed \$2,500 for official
 3 reception and representation expenses) involved in car-
 4 rying out the National and Community Service Act of
 5 1990 (42 U.S.C. 12501 et seq.) involved in administration
 6 as provided under section 501(a)(4) of the Act,
 7 \$25,000,000.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
 10 General in carrying out the Inspector General Act of 1978,
 11 as amended, \$6,500,000, to remain available until Sep-
 12 tember 30, 2005.

13 ADMINISTRATIVE PROVISIONS

14 Notwithstanding any other provision of law, the term
 15 “qualified student loan” with respect to national service
 16 education awards shall mean any loan determined by an
 17 institution of higher education to be necessary to cover
 18 a student’s cost of attendance at such institution and
 19 made, insured, or guaranteed directly to a student by a
 20 State agency, in addition to other meanings under section
 21 148(b)(7) of the National and Community Service Act.

22 Notwithstanding any other provision of law, funds
 23 made available under section 129(d)(5)(B) of the National
 24 and Community Service Act to assist entities in placing
 25 applicants who are individuals with disabilities may be

1 provided to any entity that receives a grant under section
2 121 of the Act.

3 UNITED STATES COURT OF APPEALS FOR VETERANS
4 CLAIMS

5 SALARIES AND EXPENSES

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

13 DEPARTMENT OF DEFENSE—CIVIL

14 CEMETERIAL EXPENSES, ARMY

15 SALARIES AND EXPENSES

16 For necessary expenses, as authorized by law, for
17 maintenance, operation, and improvement of Arlington
18 National Cemetery and Soldiers’ and Airmen’s Home Na-
19 tional Cemetery, including the purchase of two passenger
20 motor vehicles for replacement only, and not to exceed
21 \$1,000,000 for official reception and representation ex-
22 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
9 1980, as amended, and section 126(g) of the Superfund
10 Amendments and Reauthorization Act of 1986,
11 \$78,774,000.

12 AGENCY FOR TOXIC SUBSTANCES AND DISEASE
13 REGISTRY
14 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
15 HEALTH

16 For necessary expenses for the Agency for Toxic Sub-
17 stances and Disease Registry (ATSDR) in carrying out
18 activities set forth in sections 104(i), 111(c)(4), and
19 111(c)(14) of the Comprehensive Environmental Re-
20 sponse, Compensation, and Liability Act of 1980
21 (CERCLA), as amended; section 118(f) of the Superfund
22 Amendments and Reauthorization Act of 1986 (SARA),
23 as amended; and section 3019 of the Solid Waste Disposal
24 Act, as amended, \$73,467,000, which may be derived to
25 the extent funds are available from the Hazardous Sub-

1 stance Superfund Trust Fund pursuant to section 517(a)
 2 of SARA (26 U.S.C. 9507): *Provided*, That notwith-
 3 standing any other provision of law, in lieu of performing
 4 a health assessment under section 104(i)(6) of CERCLA,
 5 the Administrator of ATSDR may conduct other appro-
 6 priate health studies, evaluations, or activities, including,
 7 without limitation, biomedical testing, clinical evaluations,
 8 medical monitoring, and referral to accredited health care
 9 providers: *Provided further*, That in performing any such
 10 health assessment or health study, evaluation, or activity,
 11 the Administrator of ATSDR shall not be bound by the
 12 deadlines in section 104(i)(6)(A) of CERCLA: *Provided*
 13 *further*, That none of the funds appropriated under this
 14 heading shall be available for ATSDR to issue in excess
 15 of 40 toxicological profiles pursuant to section 104(i) of
 16 CERCLA during fiscal year 2004, and existing profiles
 17 may be updated as necessary.

18 ENVIRONMENTAL PROTECTION AGENCY

19 SCIENCE AND TECHNOLOGY

20 For science and technology, including research and
 21 development activities, which shall include research and
 22 development activities under the Comprehensive Environ-
 23 mental Response, Compensation, and Liability Act of
 24 1980, as amended; necessary expenses for personnel and
 25 related costs and travel expenses, including uniforms, or

1 allowances therefor, as authorized by 5 U.S.C. 5901–
2 5902; services as authorized by 5 U.S.C. 3109, but at
3 rates for individuals not to exceed the per diem rate equiv-
4 alent to the maximum rate payable for senior level posi-
5 tions under 5 U.S.C. 5376; procurement of laboratory
6 equipment and supplies; other operating expenses in sup-
7 port of research and development; construction, alteration,
8 repair, rehabilitation, and renovation of facilities, not to
9 exceed \$75,000 per project, \$715,579,000, which shall re-
10 main available until September 30, 2005.

11 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

12 For environmental programs and management, in-
13 cluding necessary expenses, not otherwise provided for, for
14 personnel and related costs and travel expenses, including
15 uniforms, or allowances therefor, as authorized by 5
16 U.S.C. 5901–5902; services as authorized by 5 U.S.C.
17 3109, but at rates for individuals not to exceed the per
18 diem rate equivalent to the maximum rate payable for sen-
19 ior level positions under 5 U.S.C. 5376; hire of passenger
20 motor vehicles; hire, maintenance, and operation of air-
21 craft; purchase of reprints; library memberships in soci-
22 eties or associations which issue publications to members
23 only or at a price to members lower than to subscribers
24 who are not members; construction, alteration, repair, re-
25 habilitation, and renovation of facilities, not to exceed
26 \$75,000 per project; and not to exceed \$9,000 for official

1 reception and representation expenses, \$2,219,659,000,
2 which shall remain available until September 30, 2005, in-
3 cluding administrative costs of the brownfields program
4 under the Small Business Liability Relief and Brownfields
5 Revitalization Act of 2002.

6 OFFICE OF INSPECTOR GENERAL

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

13 BUILDINGS AND FACILITIES

14 For construction, repair, improvement, extension, al-
15 teration, and purchase of fixed equipment or facilities of,
16 or for use by, the Environmental Protection Agency,
17 \$42,918,000, to remain available until expended.

18 HAZARDOUS SUBSTANCE SUPERFUND

19 (INCLUDING TRANSFERS OF FUNDS)

20 For necessary expenses to carry out the Comprehen-
21 sive Environmental Response, Compensation, and Liabil-
22 ity Act of 1980 (CERCLA), as amended, including sec-
23 tions 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C.
24 9611), and for construction, alteration, repair, rehabilita-
25 tion, and renovation of facilities, not to exceed \$75,000
26 per project; \$1,265,000,000 (of which \$100,000,000 shall

1 not become available until September 1, 2003), to remain
2 available until expended, consisting of such sums as are
3 available in the Trust Fund as authorized by section
4 517(a) of the Superfund Amendments and Reauthoriza-
5 tion Act of 1986 (SARA) and up to \$1,265,000,000 as
6 a payment from general revenues to the Hazardous Sub-
7 stance Superfund for purposes as authorized by section
8 517(b) of SARA, as amended: *Provided*, That funds ap-
9 propriated under this heading may be allocated to other
10 Federal agencies in accordance with section 111(a) of
11 CERCLA: *Provided further*, That of the funds appro-
12 priated under this heading, \$13,214,000 shall be trans-
13 ferred to the “Office of Inspector General” appropriation
14 to remain available until September 30, 2005, and
15 \$45,000,000 shall be transferred to the “Science and tech-
16 nology” appropriation to remain available until September
17 30, 2005.

18 LEAKING UNDERGROUND STORAGE TANK PROGRAM

19 For necessary expenses to carry out leaking under-
20 ground storage tank cleanup activities authorized by sec-
21 tion 205 of the Superfund Amendments and Reauthoriza-
22 tion Act of 1986, and for construction, alteration, repair,
23 rehabilitation, and renovation of facilities, not to exceed
24 \$75,000 per project, \$72,545,000, to remain available
25 until expended.

1 OIL SPILL RESPONSE

2 For expenses necessary to carry out the Environ-
3 mental Protection Agency's responsibilities under the Oil
4 Pollution Act of 1990, \$16,209,000, to be derived from
5 the Oil Spill Liability trust fund, to remain available until
6 expended.

7 STATE AND TRIBAL ASSISTANCE GRANTS

8 For environmental programs and infrastructure as-
9 sistance, including capitalization grants for State revolv-
10 ing funds and performance partnership grants,
11 \$3,814,000,000, to remain available until expended, of
12 which \$1,350,000,000 shall be for making capitalization
13 grants for the Clean Water State Revolving Funds under
14 title VI of the Federal Water Pollution Control Act, as
15 amended (the "Act"); \$850,000,000 shall be for capital-
16 ization grants for the Drinking Water State Revolving
17 Funds under section 1452 of the Safe Drinking Water
18 Act, as amended, except that, notwithstanding section
19 1452(n) of the Safe Drinking Water Act, as amended,
20 none of the funds made available under this heading in
21 this Act, or in previous appropriations Acts, shall be re-
22 served by the Administrator for health effects studies on
23 drinking water contaminants; \$50,000,000 shall be for ar-
24 chitectural, engineering, planning, design, construction
25 and related activities in connection with the construction
26 of high priority water and wastewater facilities in the area

1 of the United States-Mexico Border, after consultation
2 with the appropriate border commission; \$45,000,000
3 shall be for grants to the State of Alaska to address drink-
4 ing water and wastewater infrastructure needs of rural
5 and Alaska Native Villages: *Provided*, That, of these funds
6 (1) 25 percent will be set aside for regional hub commu-
7 nities of populations over 1,000 but under 5,000, (2) the
8 State of Alaska shall provide a match of 25 percent, (3)
9 no more than 5 percent of the fund may be used for ad-
10 ministrative and overhead expenses, and (4) a statewide
11 priority list shall be established which shall remain in ef-
12 fect for at least three years; \$3,500,000 shall be for reme-
13 diation of above ground leaking fuel tanks pursuant to
14 Public Law 106–554; \$130,000,000 shall be for making
15 grants for the construction of drinking water, wastewater
16 and storm water infrastructure and for water quality pro-
17 tection in accordance with the terms and conditions speci-
18 fied for such grants in the committee report accompanying
19 this Act, and, notwithstanding any other provision of law,
20 heretofore and hereafter, projects awarded such grants
21 under this heading that also receive loans from a State
22 water pollution control or drinking water revolving fund
23 may be administered in accordance with applicable State
24 water pollution control or drinking water revolving fund
25 administrative and procedural requirements, and, for pur-

1 poses of these grants, each grantee shall contribute not
2 less than 45 percent of the cost of the project unless the
3 grantee is approved for a waiver by the Administrator of
4 the Environmental Protection Agency; \$100,500,000 shall
5 be to carry out section 104(k) of the Comprehensive Envi-
6 ronmental Response, Compensation, and Liability Act of
7 1980 (CERCLA), as amended, including grants, inter-
8 agency agreements, and associated program support costs;
9 and \$1,130,000,000 shall be for grants, including associ-
10 ated program support costs, to States, federally recognized
11 tribes, interstate agencies, tribal consortia, and air pollu-
12 tion control agencies for multi-media or single media pol-
13 lution prevention, control and abatement and related ac-
14 tivities, including activities pursuant to the provisions set
15 forth under this heading in Public Law 104–134, and for
16 making grants under section 103 of the Clean Air Act for
17 particulate matter monitoring and data collection activi-
18 ties of which and subject to terms and conditions specified
19 by the Administrator, of which \$60,000,000 shall be for
20 carrying out section 128 of CERCLA, as amended, and
21 \$20,000,000 shall be for Environmental Information Ex-
22 change Network grants, including associated program
23 support costs: *Provided*, That for fiscal year 2004, State
24 authority under section 302(a) of Public Law 104–182
25 shall remain in effect: *Provided further*, That notwith-

1 standing section 603(d)(7) of the Act, the limitation on
2 the amounts in a State water pollution control revolving
3 fund that may be used by a State to administer the fund
4 shall not apply to amounts included as principal in loans
5 made by such fund in fiscal year 2004 and prior years
6 where such amounts represent costs of administering the
7 fund to the extent that such amounts are or were deemed
8 reasonable by the Administrator, accounted for separately
9 from other assets in the fund, and used for eligible pur-
10 poses of the fund, including administration: *Provided fur-*
11 *ther*, That for fiscal year 2004, and notwithstanding sec-
12 tion 518(f) of the Act, the Administrator is authorized to
13 use the amounts appropriated for any fiscal year under
14 section 319 of that Act to make grants to Indian tribes
15 pursuant to sections 319(h) and 518(e) of that Act: *Pro-*
16 *vided further*, That for fiscal year 2004, notwithstanding
17 the limitation on amounts in section 518(c) of the Act,
18 up to a total of 1½ percent of the funds appropriated
19 for State Revolving Funds under title VI of that Act may
20 be reserved by the Administrator for grants under section
21 518(c) of such Act: *Provided further*, That no funds pro-
22 vided by this legislation to address the water, wastewater
23 and other critical infrastructure needs of the colonias in
24 the United States along the United States-Mexico border
25 shall be made available to a county or municipal govern-

1 ment unless that government has established an enforce-
 2 able local ordinance, or other zoning rule, which prevents
 3 in that jurisdiction the development or construction of any
 4 additional colonia areas, or the development within an ex-
 5 isting colonia the construction of any new home, business,
 6 or other structure which lacks water, wastewater, or other
 7 necessary infrastructure: *Provided further*, That the ref-
 8 erenced statement of the managers under this heading in
 9 Public Law 106–377 is deemed to be amended by striking
 10 “wastewater” in reference to item number 219 and insert-
 11 ing “water”: *Provided further*, That the referenced state-
 12 ment of the managers under this heading in Public Law
 13 108–7 is deemed to be amended by striking “wastewater”
 14 in reference to item number 409 and inserting “water”.

15 ADMINISTRATIVE PROVISIONS

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

1 ed from funds designated for State financial assistance
2 agreements.

3 None of the funds appropriated or otherwise made
4 available by this Act shall be used to promulgate a final
5 regulation to implement changes in the payment of pes-
6 ticide tolerance processing fees as proposed at 64 Fed.
7 Reg. 31040, or any similar proposals. The Environmental
8 Protection Agency may proceed with the development of
9 such a rule.

10 The Environmental Protection Agency may not use
11 any of the funds appropriated or otherwise made available
12 by this Act to implement the Registration Fee system
13 codified at 40 Code of Federal Regulations Subpart U
14 (sections 152.400 et seq.) if its authority to collect mainte-
15 nance fees pursuant to FIFRA section 4(i)(5) is extended
16 for at least 1 year beyond September 30, 2003.

17 Section 136a–1 of title 7, U.S.C. is amended—

18 (1) in subsection (i)(5)(C)(i) by striking
19 “2003” and inserting “2004”;

20 (2) in subsection (i)(5)(H) by striking “2003”
21 and inserting “2004”;

22 (3) in subsection (i)(6) by striking “2003” and
23 inserting “2004”; and

24 (4) in subsection (k)(3)(A) by striking “2003”
25 and inserting “2004”.

1 Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), ap-
2 propriated funds may hereafter be used to award grants
3 or loans under section 104(k) of CERCLA to eligible enti-
4 ties that satisfy all of the elements set forth in CERCLA
5 section 101(40) to qualify as a bona fide prospective pur-
6 chaser except that the date of acquisition of the property
7 was prior to the date of enactment of the Small Business
8 Liability Relief and Brownfield Revitalization Act of 2001.

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

16 Section 209(e)(1)(A) of the Clean Air Act (42 U.S.C.
17 7543(e)(1)(A)) is amended by striking out “New engines
18 which are” and inserting in lieu thereof the following:
19 “Any engine covered by a certificate of conformity that
20 also covers any engine”.

21 EXECUTIVE OFFICE OF THE PRESIDENT

22 OFFICE OF SCIENCE AND TECHNOLOGY POLICY

23 For necessary expenses of the Office of Science and
24 Technology Policy, in carrying out the purposes of the Na-
25 tional Science and Technology Policy, Organization, and

1 Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire
 2 of passenger motor vehicles, and services as authorized by
 3 5 U.S.C. 3109, not to exceed \$2,500 for official reception
 4 and representation expenses, and rental of conference
 5 rooms in the District of Columbia, \$7,027,000.

6 COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF
 7 ENVIRONMENTAL QUALITY

8 For necessary expenses to continue functions as-
 9 signed to the Council on Environmental Quality and Office
 10 of Environmental Quality pursuant to the National Envi-
 11 ronmental Policy Act of 1969, the Environmental Quality
 12 Improvement Act of 1970, and Reorganization Plan No.
 13 1 of 1977, and not to exceed \$750 for official reception
 14 and representation expenses, \$3,238,000: *Provided*, That,
 15 notwithstanding section 202 of the National Environ-
 16 mental Policy Act of 1970, the Council shall consist of
 17 one member, appointed by the President, by and with the
 18 advice and consent of the Senate, serving as chairman and
 19 exercising all powers, functions, and duties of the Council.

20 FEDERAL DEPOSIT INSURANCE CORPORATION

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
 23 General in carrying out the provisions of the Inspector
 24 General Act of 1978, as amended, \$30,848,000, to be de-
 25 rived from the Bank Insurance Fund, the Savings Asso-
 26 ciation Insurance Fund, and the FSLIC Resolution Fund.

1 GENERAL SERVICES ADMINISTRATION

2 FEDERAL CITIZEN INFORMATION CENTER FUND

3 For necessary expenses of the Federal Citizen Infor-
4 mation Center, including services authorized by 5 U.S.C.
5 3109, \$14,000,000, to be deposited into the Federal Cit-
6 izen Information Center Fund: *Provided*, That the appro-
7 priations, revenues, and collections deposited into the
8 Fund shall be available for necessary expenses of Federal
9 Citizen Information Center activities in the aggregate
10 amount not to exceed \$21,000,000. Appropriations, reve-
11 nues, and collections accruing to this Fund during fiscal
12 year 2004 in excess of \$21,000,000 shall remain in the
13 Fund and shall not be available for expenditure except as
14 authorized in appropriations Acts.

15 UNITED STATES INTERAGENCY COUNCIL ON

16 HOMELESSNESS

17 OPERATING EXPENSES

18 For necessary expenses (including payment of sala-
19 ries, authorized travel, hire of passenger motor vehicles,
20 the rental of conference rooms in the District of Columbia,
21 and the employment of experts and consultants under sec-
22 tion 3109 of title 5, United States Code) of the Inter-
23 agency Council on the Homeless in carrying out the func-
24 tions pursuant to title II of the McKinney-Vento Homeless
25 Assistance Act, as amended, \$1,500,000.

1 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
2 SPACE FLIGHT CAPABILITIES

3 For necessary expenses, not otherwise provided for,
4 in the conduct and support of space flight capabilities re-
5 search and development activities, including research, de-
6 velopment, operations, support and services; maintenance;
7 construction of facilities including repair, rehabilitation,
8 revitalization and modification of facilities, construction of
9 new facilities and additions to existing facilities, facility
10 planning and design, and acquisition or condemnation of
11 real property, as authorized by law; environmental compli-
12 ance and restoration; space flight, spacecraft control and
13 communications activities including operations, produc-
14 tion, and services; program management; personnel and
15 related costs, including uniforms or allowances therefor,
16 as authorized by 5 U.S.C. 5901–5902; travel expenses;
17 purchase and hire of passenger motor vehicles; not to ex-
18 ceed \$35,000 for official reception and representation ex-
19 penses; and purchase, lease, charter, maintenance and op-
20 eration of mission and administrative aircraft,
21 \$7,582,100,000, to remain available until September 30,
22 2005, of which no less than \$3,968,000,000 shall be avail-
23 able for activities related to the Space Shuttle and shall
24 not be available for transfer to any other program or ac-

1 count, and no more than \$1,507,000,000 shall be available
2 for activities related to the International Space Station.

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 restoration, and
13 acquisition or condemnation of real property, as author-
14 ized by law; environmental compliance and restoration;
15 space flight, spacecraft control and communications activi-
16 ties including operations, production, and services; pro-
17 gram management; personnel and related costs, including
18 uniforms or allowances therefor, as authorized by 5 U.S.C.
19 5901–5902; travel expenses; purchase and hire of pas-
20 senger motor vehicles; not to exceed \$35,000 for official
21 reception and representation expenses; and purchase,
22 lease, charter, maintenance and operation of mission and
23 administrative aircraft, \$7,730,507,000, to remain avail-
24 able until September 30, 2005, of which amounts as deter-
25 mined by the Administrator for salaries and benefits;
26 training, travel and awards; facility and related costs; in-

1 formation technology services; science, engineering, fabri-
2 cating and testing services; and other administrative serv-
3 ices may be transferred to “Space flight capabilities” in
4 accordance with section 312(b) of the National Aero-
5 nautics and Space Act of 1958, as amended by Public Law
6 106–377.

7 OFFICE OF INSPECTOR GENERAL

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

11 ADMINISTRATIVE PROVISIONS

12 Notwithstanding the limitation on the availability of
13 funds appropriated for “Science, aeronautics and explo-
14 ration”, or “Space flight capabilities” by this appropria-
15 tions Act, when any activity has been initiated by the in-
16 currence of obligations for construction of facilities 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 from the “Science, aeronautics and ex-
4 ploration” account to the “Space flight capabilities” ac-
5 count, provided NASA meets all reprogramming require-
6 ments.

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

10 NASA shall maintain a working capital fund in the
11 United States Treasury and report to the Congress on the
12 status of this fund by January 31, 2004. Amounts in the
13 fund are available for financing activities, services, equip-
14 ment, information, and facilities as authorized by law to
15 be provided within the Administration; to other agencies
16 or instrumentalities of the United States; to any State,
17 Territory, or possession or political subdivision thereof; to
18 other public or private agencies; or to any person, firm,
19 association, corporation, or educational institution on a re-
20 imburseable basis. The fund shall also be available for the
21 purpose of funding capital repairs, renovations, rehabilita-
22 tion, sustainment, demolition, or replacement of NASA
23 real property, on a reimbursable basis within the Adminis-
24 tration. Amounts in the fund are available without regard
25 to fiscal year limitation. The capital of the fund consists

1 of amounts appropriated to the fund; the reasonable value
2 of stocks of supplies, equipment, and other assets and in-
3 ventories on order that the Administrator transfers to the
4 fund, less the related liabilities and unpaid obligations;
5 and payments received for loss or damage to property of
6 the fund. The fund shall be reimbursed, in advance, for
7 supplies and services at rates that will approximate the
8 expenses of operation, such as the accrual of annual leave,
9 depreciation of plant, property and equipment, and over-
10 head.

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

19 Notwithstanding any other provision of law, no funds
20 under this Act or any other Act may be used to com-
21 pensate any person who contracts with NASA who has
22 otherwise chosen to retire early or has taken a buy-out.

1 NATIONAL CREDIT UNION ADMINISTRATION

2 CENTRAL LIQUIDITY FACILITY

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

9 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

10 For the Community Development Revolving Loan
11 Fund program as authorized by 42 U.S.C. 9812, 9822
12 and 9910, \$1,500,000 shall be available: *Provided*, That
13 of this amount \$700,000, together with amounts of prin-
14 cipal and interest on loans repaid, is available until ex-
15 pended for loans to community development credit unions,
16 and \$800,000 is available until September 30, 2005 for
17 technical assistance to low-income and community devel-
18 opment credit unions.

19 NATIONAL SCIENCE FOUNDATION

20 RESEARCH AND RELATED ACTIVITIES

21 For necessary expenses in carrying out the National
22 Science Foundation Act of 1950, as amended (42 U.S.C.
23 1861–1875), and the Act to establish a National Medal
24 of Science (42 U.S.C. 1880–1881); services as authorized
25 by 5 U.S.C. 3109; maintenance and operation of aircraft
26 and purchase of flight services for research support; acqui-

1 sition of aircraft; and authorized travel; \$4,220,610,000,
2 of which not to exceed \$341,730,000 shall remain avail-
3 able until expended for Polar research and operations sup-
4 port, and for reimbursement to other Federal agencies for
5 operational and science support and logistical and other
6 related activities for the United States Antarctic program;
7 the balance to remain available until September 30, 2005:
8 *Provided*, That receipts for scientific support services and
9 materials furnished by the National Research Centers and
10 other National Science Foundation supported research fa-
11 cilities may be credited to this appropriation: *Provided fur-*
12 *ther*, That to the extent that the amount appropriated is
13 less than the total amount authorized to be appropriated
14 for included program activities, all amounts, including
15 floors and ceilings, specified in the authorizing Act for
16 those program activities or their subactivities shall be re-
17 duced proportionally: *Provided further*, That \$90,000,000
18 of the funds available under this heading shall be made
19 available for a comprehensive research initiative on plant
20 genomes for economically significant crops.

21 MAJOR RESEARCH EQUIPMENT AND FACILITIES

22 CONSTRUCTION

23 For necessary expenses for the acquisition, construc-
24 tion, commissioning, and upgrading of major research
25 equipment, facilities, and other such capital assets pursu-
26 ant to the National Science Foundation Act of 1950, as

1 amended, including authorized travel, \$149,680,000, to
2 remain available until expended.

3 EDUCATION AND HUMAN RESOURCES

4 For necessary expenses in carrying out science and
5 engineering education and human resources programs and
6 activities pursuant to the National Science Foundation
7 Act of 1950, as amended (42 U.S.C. 1861–1875), includ-
8 ing services as authorized by 5 U.S.C. 3109, authorized
9 travel, and rental of conference rooms in the District of
10 Columbia, \$975,870,000, to remain available until Sep-
11 tember 30, 2005: *Provided*, That to the extent that the
12 amount of this appropriation is less than the total amount
13 authorized to be appropriated for included program activi-
14 ties, all amounts, including floors and ceilings, specified
15 in the authorizing Act for those program activities or their
16 subactivities shall be reduced proportionally.

17 SALARIES AND EXPENSES

18 For salaries and expenses necessary in carrying out
19 the National Science Foundation Act of 1950, as amended
20 (42 U.S.C. 1861–1875); services authorized by 5 U.S.C.
21 3109; hire of passenger motor vehicles; not to exceed
22 \$9,000 for official reception and representation expenses;
23 uniforms or allowances therefor, as authorized by 5 U.S.C.
24 5901–5902; rental of conference rooms in the District of
25 Columbia; and reimbursement of the General Services Ad-
26 ministration for security guard services; \$225,700,000:

1 *Provided*, That contracts may be entered into under “Sala-
 2 ries and expenses” in fiscal year 2004 for maintenance
 3 and operation of facilities, and for other services, to be
 4 provided during the next fiscal year.

5 OFFICE OF THE NATIONAL SCIENCE BOARD

6 For necessary expenses (including payment of sala-
 7 ries, authorized travel, hire of passenger motor vehicles,
 8 the rental of conference rooms in the District of Columbia,
 9 and the employment of experts and consultants under sec-
 10 tion 3109 of title 5, United States Code) involved in car-
 11 rying out section 4 of the National Science Foundation
 12 Act of 1950 (42 U.S.C. 1863) and Public Law 86–209
 13 (42 U.S.C. 1880 et seq.), \$3,900,000: *Provided*, That not
 14 more than \$9,000 shall be available for official reception
 15 and representation expenses.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
 18 General as authorized by the Inspector General Act of
 19 1978, as amended, \$10,000,000, to remain available until
 20 September 30, 2005.

21 NEIGHBORHOOD REINVESTMENT CORPORATION

22 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT

23 CORPORATION

24 For payment to the Neighborhood Reinvestment Cor-
 25 poration for use in neighborhood reinvestment activities,
 26 as authorized by the Neighborhood Reinvestment Corpora-

tion Act (42 U.S.C. 8101–8107), \$115,000,000, of which \$5,000,000 shall be for a multi-family rental housing program.

ADMINISTRATIVE PROVISION

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

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

(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

1 U.S.C. 3109; and not to exceed \$750 for official reception
 2 and representation expenses; \$26,308,000: *Provided*, That
 3 during the current fiscal year, the President may exempt
 4 this appropriation from the provisions of 31 U.S.C. 1341,
 5 whenever the President deems such action to be necessary
 6 in the interest of national defense: *Provided further*, That
 7 none of the funds appropriated by this Act may be ex-
 8 pended for or in connection with the induction of any per-
 9 son into the Armed Forces of the United States: *Provided*
 10 *further*, That none of the funds appropriated under this
 11 heading may be used in direct support of the Corporation
 12 for National and Community Service.

13 TITLE IV—GENERAL PROVISIONS

14 SEC. 401. No part of any appropriation contained in
 15 this Act shall remain available for obligation beyond the
 16 current fiscal year unless expressly so provided herein.

17 SEC. 402. No funds appropriated by this Act may be
 18 expended—

19 (1) pursuant to a certification of an officer or
 20 employee of the United States unless—

21 (A) such certification is accompanied by,
 22 or is part of, a voucher or abstract which de-
 23 scribes the payee or payees and the items or
 24 services for which such expenditure is being
 25 made; or

1 (B) the expenditure of funds pursuant to
2 such certification, and without such a voucher
3 or abstract, is specifically authorized by law;
4 and

5 (2) unless such expenditure is subject to audit
6 by the General Accounting Office or is specifically
7 exempt by law from such audit.

8 SEC. 403. None of the funds provided in this Act to
9 any department or agency may be obligated or expended
10 for: (1) the transportation of any officer or employee of
11 such department or agency between the domicile and the
12 place of employment of the officer or employee, with the
13 exception of an officer or employee authorized such trans-
14 portation under 31 U.S.C. 1344 or 5 U.S.C. 7905; or (2)
15 to provide a cook, chauffeur, or other personal servants
16 to any officer or employee of such department or agency.

17 SEC. 404. None of the funds provided in this Act may
18 be used for payment, through grants or contracts, to re-
19 cipients that do not share in the cost of conducting re-
20 search resulting from proposals not specifically solicited
21 by the Government: *Provided*, That the extent of cost
22 sharing by the recipient shall reflect the mutuality of in-
23 terest of the grantee or contractor and the Government
24 in the research.

1 SEC. 405. None of the funds provided in this Act may
2 be used, directly or through grants, to pay or to provide
3 reimbursement for payment of the salary of a consultant
4 (whether retained by the Federal Government or a grant-
5 ee) at more than the daily equivalent of the rate paid for
6 level IV of the Executive Schedule, unless specifically au-
7 thorized by law.

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

15 SEC. 407. Except as otherwise provided under exist-
16 ing law, or under an existing Executive order issued pur-
17 suant to an existing law, the obligation or expenditure of
18 any appropriation under this Act for contracts for any
19 consulting service shall be limited to contracts which are:
20 (1) a matter of public record and available for public in-
21 spection; and (2) thereafter included in a publicly available
22 list of all contracts entered into within 24 months prior
23 to the date on which the list is made available to the public
24 and of all contracts on which performance has not been
25 completed by such date. The list required by the preceding

1 sentence shall be updated quarterly and shall include a
2 narrative description of the work to be performed under
3 each such contract.

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

20 SEC. 409. (a) It is the sense of the Congress that,
21 to the greatest extent practicable, all equipment and prod-
22 ucts purchased with funds made available in this Act
23 should be American-made.

24 (b) In providing financial assistance to, or entering
25 into any contract with, any entity using funds made avail-

1 able in this Act, the head of each Federal agency, to the
2 greatest extent practicable, shall provide to such entity a
3 notice describing the statement made in subsection (a) by
4 the Congress.

5 SEC. 410. None of the funds appropriated in this Act
6 may be used to implement any cap on reimbursements to
7 grantees for indirect costs, except as published in Office
8 of Management and Budget Circular A-21.

9 SEC. 411. Such sums as may be necessary for fiscal
10 year 2004 pay raises for programs funded by this Act shall
11 be absorbed within the levels appropriated in this Act.

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

19 SEC. 413. Except in the case of entities that are
20 funded solely with Federal funds or any natural persons
21 that are funded under this Act, none of the funds in this
22 Act shall be used for the planning or execution of any pro-
23 gram to pay the expenses of, or otherwise compensate,
24 non-Federal parties to lobby or litigate in respect to adju-
25 dicatory proceedings funded in this Act. A chief executive

1 officer of any entity receiving funds under this Act shall
2 certify that none of these funds have been used to engage
3 in the lobbying of the Federal Government or in litigation
4 against the United States unless authorized under existing
5 law.

6 SEC. 414. No part of any funds appropriated in this
7 Act shall be used by an agency of the executive branch,
8 other than for normal and recognized executive-legislative
9 relationships, for publicity or propaganda purposes, and
10 for the preparation, distribution or use of any kit, pam-
11 phlet, booklet, publication, radio, television or film presen-
12 tation designed to support or defeat legislation pending
13 before the Congress, except in presentation to the Con-
14 gress itself.

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

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

1 cept pursuant to a transfer made by, or transfer authority
2 provided 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 This Act may be cited as the “Departments of Vet-
9 erans Affairs and Housing and Urban Development, and
10 Independent Agencies Appropriations Act, 2004”.

Calendar No. 273

108TH CONGRESS
1ST Session

S. 1584

[Report No. 108-143]

A BILL

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.

SEPTEMBER 5, 2003

Read twice and placed on the calendar