

Consolidated Appropriations Act, 2004  
P.L. 108-199

H. R. 2673

Excerpts for  
Employment and Training Administration

One Hundred Eighth Congress  
of the  
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,  
the seventh day of January, two thousand and three*

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2004”.

**SEC. 2. TABLE OF CONTENTS.**

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**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**DIVISION A—AGRICULTURE, RURAL DEVELOPMENT,  
AGENCIES APPROPRIATIONS ACT, 2004**

**An Act**

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes, namely:

(2) NOTIFICATION.—The Corporation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph

(1).

This division may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004”.

DIVISION E  
Title I  
ETA

**DIVISION E—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, 2004**

*An Act*

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; \$2,697,654,000 plus reimbursements, of which \$1,666,473,000 is available for obligation for the period July 1, 2004 through June 30, 2005; except that amounts determined by the Secretary of Labor to be necessary pursuant to sections 173(a)(4)(A) and 174(c) of such Act shall be available from October 1, 2003 until expended; of which \$1,000,965,000 is available for obligation for the period April 1, 2004 through June 30, 2005, to carry out chapter 4 of the Workforce Investment Act of 1998; and of which \$30,216,000 is available for the period July 1, 2004 through June 30, 2007 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided*, That notwithstanding any other provision of law, of the funds provided herein under section 137(c) of the Workforce Investment Act of 1998, \$276,608,000 shall be for activities described in section 132(a)(2)(A) of such Act and \$1,180,152,000 shall be for activities described in section 132(a)(2)(B) of such Act: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the Workforce Investment Act may be used to provide assistance to a State for state-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with

emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That \$9,039,000 shall be for carrying out section 172 of the Workforce Investment Act of 1998: *Provided further*, That, notwithstanding any other provision of law or related regulation, \$77,330,000 shall be for carrying out section 167 of the Workforce Investment Act of 1998, including \$72,213,000 for formula grants, \$4,610,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and \$507,000 for other discretionary purposes: *Provided further*, That notwithstanding the transfer limitation under section 133(b)(4) of such Act, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That funds provided to carry out section 171(d) of the Workforce Investment Act of 1998 may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of such Act: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act of 1998, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act of 1998; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2004 through June 30, 2005, and of which \$100,000,000 is available for the period October 1, 2004 through June 30, 2007, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

#### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, \$441,253,000.

#### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I and section 246; and for training, allowances for job search and relocation, and related State administrative expenses under part II of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107-210), \$1,338,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE  
OPERATIONS

For authorized administrative expenses, \$142,520,000, together with not to exceed \$3,466,861,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2004, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2006; of which \$142,520,000, together with not to exceed \$768,257,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2004 through June 30, 2005, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2004 is projected by the Department of Labor to exceed 3,227,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

## ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the “Federal unemployment benefits and allowances” account, to remain available until September 30, 2005, \$467,000,000.

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In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2004, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$115,824,000, including \$2,393,000 to administer welfare-to-work grants, together with not to exceed \$57,820,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$124,962,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2004 for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of \$228,772,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$392,872,000, together with \$2,036,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That \$1,250,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to

(OFFICE OF INSPECTOR GENERAL)

(For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$60,094,000, together with not to exceed \$5,730,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.)

(WORKING CAPITAL FUND)

(For the acquisition of a new core accounting system for the Department of Labor, including hardware and software infrastructure and the costs associated with implementation thereof, \$13,850,000.)

**DIVISION E**  
**Title I**  
**General**  
**Provisions**

GENERAL PROVISIONS

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

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

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

SEC. 105. Of the funds appropriated for fiscal year 1999 under section 403(a)(5)(H)(i)(II) of the Social Security Act (42 U.S.C. 603(a)(5)(H)(i)(II)) that were allotted as welfare to work formula grants to the States under section 403(a)(5)(A) of such Act (42 U.S.C. 603(a)(5)(A)), there is hereby rescinded any funds that are unexpended by the States as of the date of enactment of this section, except for such funds as the Secretary of Labor determines are necessary for States to carry out administrative activities relating to the close out of such grants. Notwithstanding section 403(a)(5) of the Social Security Act (42 U.S.C. 603(a)(5)), the Secretary of Labor may take such actions as the Secretary determines are appropriate to facilitate the orderly and equitable close out of such grants, consistent with the requirements of this section.

SEC. 106. (a) FINDINGS.—Congress finds that—

(1) it is projected that the Department of Labor, in conjunction with labor, industry, and the National Institute for Occupational Safety and Health, will be undertaking several months of testing on Personal Dust Monitor production prototypes; and

(2) the testing of Personal Dust Monitor prototypes is set to begin (by late May or early June of 2004) following the scheduled delivery of the Personal Dust Monitors in May 2004.

(b) RE-PROPOSAL OF RULE.—Following the successful demonstration of Personal Dust Monitor technology, and if the Secretary of Labor makes a determination that Personal Dust Monitors can be effectively applied in a regulatory scheme, the Secretary of Labor shall re-propose a rule on respirable coal dust which incorporates the use of Personal Dust Monitors, and, if such rule is re-proposed, the Secretary shall comply with the regular procedures applicable to Federal rulemaking.

SEC. 107. The Secretary of Labor shall transfer, without charge or consideration, to Hamilton County, Ohio all rights, title, and interest (including all Federal equity) the United States holds in the real property located at 1916 Central Parkway, Cincinnati, Ohio to the extent such rights, title, or interest were acquired through grants to the State of Ohio under title III of the Social Security Act or the Wagner-Peyser Act or acquired through funds distributed to the State of Ohio under section 903 of the Social Security Act.

SEC. 108. FAIR LABOR STANDARDS ACT WOODWORKING EXEMPTION. Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

“(7)(A)(i) Subject to subparagraph (B), in the administration and enforcement of the child labor provisions of this Act, it shall not be considered oppressive child labor for a new entrant into the workforce to be employed inside or outside places of business where machinery is used to process wood products.

“(ii) In this paragraph, the term ‘new entrant into the workforce’ means an individual who—

“(I) is under the age of 18 and at least the age of 14, and

“(II) by statute or judicial order is exempt from compulsory school attendance beyond the eighth grade.

“(B) The employment of a new entrant into the workforce under subparagraph (A) shall be permitted—

“(i) if the entrant is supervised by an adult relative of the entrant or is supervised by an adult member of the same religious sect or division as the entrant;

“(ii) if the entrant does not operate or assist in the operation of power-driven woodworking machines;

“(iii) if the entrant is protected from wood particles or other flying debris within the workplace by a barrier appropriate to the potential hazard of such wood particles or flying debris or by maintaining a sufficient distance from machinery in operation; and

“(iv) if the entrant is required to use personal protective equipment to prevent exposure to excessive levels of noise and saw dust.”.

This title may be cited as the “Department of Labor Appropriations Act, 2004”.

Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, \$120,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2004 exceed \$120,000,000, the amounts shall be available in fiscal year 2005 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2003 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

(OFFICE OF INSPECTOR GENERAL)

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$24,500,000, together with not to exceed \$63,700,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

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

(UNITED STATES INSTITUTE OF PEACE)

(OPERATING EXPENSES)

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

TITLE V—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

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

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

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

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

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

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

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

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

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

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

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

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

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

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

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

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

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

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

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

SEC. 515. (a) IN GENERAL.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by \$50,000,000: *Provided*, That not later than 15 days after the enactment of this Act, the Director of the Office of Management and Budget shall report to the House and Senate Committees on Appropriations the accounts subject to the pro rata reductions and the amount to be reduced in each account.

(b) LIMITATION.—The reduction required by subsection (a) shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 516. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 517. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

This division may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2004”.

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- “(m) Termination of effectiveness.
  - “(1) In general.
  - “(2) Phase out.
- “Sec. 34. Severability.”
- “Sec. 35. Authorization for appropriations.”.
- “(h) EFFECTIVE DATE.—Except as otherwise provided in this section and the amendments made by this section, this section and the amendments made by this section take effect on the date that is 60 days after the date of enactment of this Act.
- “This division may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2004”.”

**DIVISION H**

**DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS**

(INCLUDING RESCISSIONS OF FUNDS)

(INCLUDING TRANSFERS OF FUNDS)

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, and for other purposes, namely:

SEC. 101. Section 1241(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(3)) is amended by striking “, using” and all that follows through “2013”.

SEC. 102. (a) Of the funds appropriated under the heading “Emergency Preparedness and Response, Disaster Relief” in chapter 2 of title I of Public Law 108–106, \$225,000,000 are rescinded.

(b) In addition to amounts appropriated in Public Law 108–108 for “Forest Service, Wildland Fire Management” for hazardous fuels reduction, hazard mitigation, and rehabilitation activities of the Forest Service in southern California, \$25,000,000, to remain available until expended.

(c) In addition to amounts appropriated in Public Law 108–108 for “Forest Service, State and Private Forestry” for hazard mitigation, fuels reduction, and forest health protection and mitigation activities on State and private lands in southern California, \$25,000,000, to remain available until expended.

(d) In addition to amounts made available elsewhere in this Act for the “Department of Agriculture, Emergency Watershed Protection Program” to carry out additional activities in response to the recent wildfires in southern California, including the provision of technical and financial assistance to respond to the tree mortality emergency in Los Angeles, Riverside, San Diego and San Bernardino Counties, California, \$150,000,000, to remain available until expended.

(e) For an additional amount for the tree assistance program in southern California under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), \$12,500,000.

(f) For an additional amount for the emergency conservation program in southern California under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), \$12,000,000.

(g) For an additional amount for the livestock indemnity program in southern California under the heading “COMMODITY CREDIT CORPORATION FUND” in chapter 1 of title I of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 59), \$500,000.

(h) The amounts provided or made available by this section are designated by the Congress as an emergency requirement pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

SEC. 103. In addition to amounts otherwise made available in this Act, for “Office of Justice Programs—State and Local Law Enforcement Assistance” for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs for reimbursement to State and local law enforcement entities for security and related costs, including overtime, associated with the 2004 Presidential Candidate Nominating Conventions, \$50,000,000, to remain available until September 30, 2005.

SEC. 104. (a) COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM.—There are appropriated, out of any money in the Treasury not otherwise appropriated, \$500,000 to establish and fund a bipartisan Commission on the Abraham Lincoln Study Abroad Fellowship Program (in this section referred to as the “Commission”).

(b) RECOMMENDATIONS AND DEVELOPMENT OF PROGRAM.—

(1) RECOMMENDATIONS.—The Commission shall recommend a program to greatly expand the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(2) DEVELOPMENT OF PROGRAM.—The Secretary of State, the Secretary of Education, the Secretary of Commerce, and the Secretary of Defense, in consultation with the Commission, shall develop a program, described in paragraph (1), that assists a diverse group of students and meets the growing need of the United States to become more sensitive to the cultures of other countries.

(c) COMPOSITION.—

(1) IN GENERAL.—The Commission shall consist of 17 members to be appointed as follows:

(A) Three members shall be appointed by the Majority Leader of the Senate.

(B) Three members shall be appointed by the Minority Leader of the Senate.

(C) Three members shall be appointed by the Speaker of the House of Representatives.

(D) Three members shall be appointed by the Minority Leader of the House of Representatives.

(E) One member shall be appointed by the President from a list of candidates submitted by the Secretary of State.

(F) One member shall be appointed by the President from a list of candidates submitted by the Secretary of Defense.

(G) One member shall be appointed by the President from a list of candidates submitted by the Secretary of Education.

(H) One member shall be appointed by the President from a list of candidates submitted by the Secretary of Commerce.

(I) One member shall be appointed jointly by the individuals described in subparagraphs (A) through (D), and such member shall serve as Chair of the Commission.

(2) TYPES OF INDIVIDUALS.—The Commission may consist of members who are leaders in university exchange programs, leaders in foreign policy, and business leaders with experience in international trade.

(d) EXECUTIVE DIRECTOR AND STAFF.—

(1) APPOINTMENT OF EXECUTIVE DIRECTOR.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director of the Commission. The employment of an executive director shall be subject to confirmation by the Commission. The Chair of the Commission may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(2) STAFF.—The executive director may appoint not more than 3 individuals to assist the executive director in carrying out the duties of the executive director. The Chair of the Commission may fix the compensation of the individuals appointed by the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such individuals may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(e) COMPENSATION.—Members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) REPORT.—Not later than December 1, 2004, the Commission shall submit a report to the appropriate committee of Congress

and the President on recommendations for a program to greatly expand the opportunity for students at institutions of higher education in the United States to study abroad.

(g) TERMINATION.—The Commission shall terminate not later than December 31, 2004.

SEC. 105. (a) None of the funds made available under this Act may be obligated or expended to implement any measures to reduce overfishing and promote rebuilding of fish stocks managed under the Management Plan other than such measures set out in the final rule.

(b) In this section:

(1) The term “final rule” means the final rule of the National Oceanic and Atmospheric Administration relating to the Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery that was published on June 27, 2003 (68 Fed. Reg. 38234).

(2) The term “Management Plan” means the Northeast Multispecies Fishery Management Plan prepared pursuant to section 303 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853).

SEC. 106. In addition to amounts otherwise made available in this Act, for “Supreme Court of the United States, Care of the Building and Grounds”, \$16,000,000, to remain available until expended.

SEC. 107. For an additional amount under the heading “State and Local Law Enforcement Assistance, Office of Justice Programs”, \$2,250,000, of which \$750,000 shall only be available for the University of Southern Mississippi Rural Law Enforcement Training Initiative, \$750,000 shall only be available for the Mississippi University for Women Institutional Security Program, and \$750,000 shall only be available for the City of Jackson, Mississippi, Public Safety Automated Technologies Program.

SEC. 108. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, “Shipbuilding and Conversion, Navy, 1998/2007”:

CVN Refuelings, \$29,000,000;

Under the heading, “Shipbuilding and Conversion, Navy, 2003/2007”:

Outfitting, post delivery, conversions, and first destination transportation, \$8,000,000;

Under the heading, “Shipbuilding and Conversion, Navy, 2004/2008”:

Outfitting, post delivery, conversions, and first destination transportation, \$11,800,000;

CVN Refuelings (AP), \$16,600,000;

Under the heading, “Research, Development, Test and Evaluation, Navy, 2004/2005”, \$9,200,000;

To:

Under the heading, “Shipbuilding and Conversion, Navy, 2004/2008”:

NSSN (AP), \$37,200,000;  
NSSN, \$11,800,000;

Under the heading, “Shipbuilding and Conversion, Navy, 2002/2006”:

SSN Submarine Refuelings, \$19,600,000; and

Under the heading, “Defense Health Program”, \$6,000,000.

SEC. 109. Effective immediately after the enactment of the National Defense Authorization Act for Fiscal Year 2004, section 724(d)(2) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(1) in subparagraph (A)—

(A) by redesignating clauses (i) and (ii) as clauses (ii) and (iii), respectively; and

(B) by inserting after “who—” the following new clause

(i):

“(i) do not have other primary health insurance coverage (other than Medicare coverage) covering basic primary care and inpatient and outpatient services;” and

(2) by striking subparagraph (B) and inserting the following:

“(B) For each fiscal year beginning after September 30, 2003, the number of covered beneficiaries newly enrolled by designated providers pursuant to clause (ii) of subparagraph (A) during such fiscal year may not exceed 10 percent of the total number of the covered beneficiaries who are newly enrolled under such subparagraph during such fiscal year.”.

SEC. 110. Section 853 of the National Defense Authorization Act for Fiscal Year 2004 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) CREDIT TOWARD CERTAIN SMALL BUSINESS CONTRACTING GOALS.—Department of Defense contracts entered into with eligible contractors under the demonstration project under this section, and subcontracts entered into with eligible contractors under such contracts, shall be credited toward the attainment of goals established under section 2323 of title 10, United States Code, and section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) regarding the extent of the participation of disadvantaged small business concerns in contracts of the Department of Defense and subcontracts under such contracts.”.

SEC. 111. Section 8022 of the Department of Defense Appropriations Act, 2004, Public Law 108–87, shall not apply to a cost study of a multi-function activity for which the Department of Defense had solicited proposals as of the date of the enactment of that Act.

SEC. 112. Of the amounts made available to the Department of Defense under the heading “Defense Health Program” for “Procurement”, \$3,100,000 shall be made available to acquire Linear Accelerator Radiation Therapy equipment and associated operating software for Walter Reed Army Medical Center: *Provided*, That of the amounts available to the Department of Defense under the heading “Defense Health Program” for “Operation and Maintenance, In-House Care”, \$2,900,000 shall be made available for the Defense

and Veterans Head Injury Program: *Provided further*, That these funds are in addition to funds provided in previous Acts.

SEC. 113. (a) The Secretary of Defense shall study issues related to the consolidation of the storage of mercury contained in the National Defense Stockpile under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) and report to Congress on June 1, 2004, on the results of the study.

(b) A decision to consolidate the storage of mercury to a site that currently does not store mercury contained in the National Defense Stockpile under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) shall occur no earlier than 180 days after the date of the report required in subsection (a).

SEC. 114. Notwithstanding any other provision of law, the Secretary of Defense may transfer up to \$120,000,000 of funds available in the Iraq Freedom Fund to carry out the classified project described in the classified annex accompanying Public Law 107–206, and acquire such interests in real property as he deems necessary to carry out such project: *Provided*, That the Secretary may transfer such funds to other appropriation accounts of the Department, and the amounts so transferred shall be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

SEC. 115. Of the amounts provided in Public Laws 107–117, 107–248, and 108–87 under the heading “National Defense Sealift Fund” for construction of additional sealift capacity, \$40,000,000 shall be made available for the construction of a Port of Philadelphia marine cargo terminal for high-speed military sealift and other military purposes.

SEC. 116. The Department of Veterans Affairs medical center in St. Petersburg, Florida, shall, after the end of the service of C. W. Bill Young as a Member of Congress, be known and designated as the “C. W. Bill Young Department of Veterans Affairs Medical Center”. Any reference in any law, regulation, map, document, record, or other paper of the United States to such medical center shall be considered to be a reference to the “C. W. Bill Young Department of Veterans Affairs Medical Center”.

SEC. 117. Of the funds provided in Public Law 108–7, under the heading of “Department of Defense—Civil”, “Department of the Army”, “Corps of Engineers—Civil”, “Construction, General”, the Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the False Pass, Alaska, project, in accordance with the Report of the Chief of Engineers, dated December 29, 2000.

SEC. 118. The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized and directed to design the Central Riverfront Park project on the Ohio Riverfront in Cincinnati, Ohio, as described in the Central Riverfront Park Master Plan performed by the City of Cincinnati, dated December 1999, and the section 905(b) analysis, performed by the Louisville District of the Corps of Engineers, dated August 2002. The cost of project work undertaken by the non-Federal interests, including but not limited to prior and current planning and design, shall be credited toward the non-Federal share of design costs.

SEC. 119. The Secretary of the Army, acting through the Chief of Engineers, is directed to use any remaining available funds

from funds appropriated in Public Law 101–101 for the Hamlet City Lake, North Carolina, project to provide assistance in carrying out any authorized water-related infrastructure projects in Richmond County, North Carolina.

SEC. 120. The Secretary of the Army, acting through the Chief of Engineers, is directed to snag and clear existing debris including trees in Deep River, near Lake Station, Indiana, under section 208 of the Flood Control Act of 1954, as amended.

SEC. 121. Section 117, subsection (4), of the Energy and Water Development Appropriations Act, 2004, is amended to read as follows:

“(4) in subsection (h), by striking ‘2001—’ and all that follows and inserting ‘2001—\$100,000,000 for Rural Nevada, and \$25,000,000 for each of Idaho, Montana, New Mexico, and rural Utah, to remain available until expended.’”

SEC. 122. The Secretary of the Army, acting through the Chief of Engineers, is directed to use any remaining available funds from funds appropriated and made available in Public Law 103–316 for construction of the Savannah Harbor Deepening Project, Savannah, Georgia, for the Savannah Harbor Expansion Project, Savannah, Georgia.

SEC. 123. The Secretary of the Army, acting through the Chief of Engineers, is directed to proceed with the construction of the Columbia River Channel Improvements, Oregon and Washington, project in accordance with the Report of the Chief of Engineers, dated December 23, 1999, and the economic justification and environmental features stated therein, as amended by the Final Supplemental Environmental Impact Statement dated January 28, 2003.

SEC. 124. The Secretary of the Army, acting through the Chief of Engineers, is directed to use previously appropriated funds to proceed with design and initiate construction to complete the Stillwater, Minnesota, Levee and Flood Control project.

SEC. 125. Of the funds made available in the Energy and Water Development Appropriations Act, 2004, to the Western Area Power Administration, up to \$166,100,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to the “Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration” account as offsetting collections.

SEC. 126. Of the funds provided for the development of the new molecular imaging probes in the statement of managers to accompany H.R. 2754, \$5,000,000 shall be provided to the University of California, Los Angeles for the continued efforts for PET imaging, systems biology and nanotechnology.

SEC. 127. Funds appropriated in this, or any other Act hereafter, may not be obligated to pay, on behalf of the United States or a contractor or subcontractor of the United States, to post a bond or fulfill any other financial responsibility requirement relating to closure or post-closure care and monitoring of Sandia National Laboratories and properties held or managed by Sandia National Laboratories prior to implementation of closure or post-closure monitoring. The State of New Mexico or any other entity may not enforce against the United States or a contractor or subcontractor of the United States, in this year or any other fiscal year, a requirement to post bond or any other financial responsibility

requirement relating to closure or post-closure care and monitoring of Sandia National Laboratories in New Mexico and properties held or managed by Sandia National Laboratories in New Mexico.

SEC. 128. TREATMENT OF CERTAIN WASTE MATERIALS. (a) IN GENERAL.—Notwithstanding any other provision of law, the Federal commission with the authority to regulate the material designated as “11e.(2) by-product material” by section 312 of the Energy and Water Development Appropriations Act, 2004, or by section 634 of the Energy Policy Act of 2003, shall not allow or otherwise permit any facility to receive or dispose of such material if the facility is located in a State that has an application pending under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021) to regulate the 11e.(2) material covered under this section.

(b) SUNSET.—Subsection (a) ceases to be effective January 1, 2005.

SEC. 129. In the conference report accompanying H.R. 6, the Energy Policy Act, in section 1512, subsection (b) strike “University of Mississippi and the University of Oklahoma” and insert “Mississippi State University and Oklahoma State University”.

SEC. 130. DEPARTMENT OF ENERGY, ENERGY PROGRAMS, SCIENCE. For an additional amount for “Science”, \$50,000,000, to remain available until expended, is provided for the Coralville, Iowa, project, which is to utilize alternative renewable energy sources.

SEC. 131. For an additional amount for the “Science” account of the Department of Energy in the Energy and Water Development Appropriations Act, 2004, there is appropriated \$250,000, to remain available until expended, for Biological Sciences at DePaul University; \$500,000, to remain available until expended; for the Cedars-Sinai Gene Therapy Research Program; and \$500,000, to remain available until expended, for the Hartford Hospital Interventional Electrophysiology Project.

SEC. 132. For an additional amount for the “Energy Supply” account of the Department of Energy in the Energy and Water Development Appropriations Act, 2004, there is appropriated \$750,000, to remain available until expended, for the Energy Center of Wisconsin Renewable Fuels Project; \$500,000, to remain available until expended, for the Wind Energy Transmission Study; \$250,000, to remain available until expended, for the White Pine County, Nevada, Public School System biomass conversion heating project; \$250,000, to remain available until expended, for the Lead Animal Shelter Animal Campus renewable energy demonstration project; \$3,000,000, to remain available until expended, for the establishment of a Hawaii Hydrogen Center for Development and Deployment of Distributed Energy Systems; and \$250,000, to remain available until expended, for the Eastern Nevada Landscape Coalition for biomass restoration and science-based restoration.

SEC. 133. For an additional amount for the “Construction, General” account of the Energy and Water Development Appropriations Act, 2004, there is appropriated \$13,750,000, to remain available until expended.

SEC. 134. For an additional amount for “Millennium Challenge Corporation”, \$350,000,000, to remain available until expended.

SEC. 135. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking “December 31, 2003” and inserting “December 31, 2004”.

SEC. 136. (a) The National Flood Insurance Act of 1968 is amended—

(1) in section 1319 (42 U.S.C. 4026), by striking “December 31, 2003” and inserting “June 30, 2004.”;

(2) in the first sentence of section 1309(a) (42 U.S.C. 4016(a)), by striking “December 31, 2003” and inserting “the date specified in section 1319”;

(3) in section 1336(a) (42 U.S.C. 4056(a)), by striking “December 31, 2003” and inserting “on the date specified in section 1319”; and

(4) in section 1376(c) (42 U.S.C. 4127(c)), by striking “December 31, 2003” and inserting “the date specified in section 1319”.

(b) The amendments made by this section shall be considered to have taken effect on December 31, 2003.

SEC. 137. (a) Section 441(c) of the Maritime Transportation Security Act of 2002 (Public Law 107–295) is amended—

(1) by striking “and that is not the subject of an action prior to June 20, 2002, alleging a breach of subsections (a) and (b) of section 10601 as in effect on such date.”; and

(2) by striking “such subsections” and inserting “subsections (a) and (b) of section 10601 of title 46, United States Code, as in effect prior to November 25, 2002”.

(b) The amendments made by subsection (a) apply to all proceedings pending on or commenced after the date of enactment of this Act.

SEC. 138. Public Law 108–108 is amended under the heading “Bureau of Indian Affairs, Construction” by striking “25 U.S.C. 2005(a)” and inserting “25 U.S.C. 2005(b)” and by striking “25 U.S.C. 2505(f)” and inserting “25 U.S.C. 2504(f)”.

SEC. 139. CONGAREE NATIONAL PARK BOUNDARY REVISION. (a) IN GENERAL.—Subsection (c) of the first section of Public Law 94–545 (90 Stat. 2517; 102 Stat. 2607) is amended by striking paragraph (6) and inserting the following:

“(6) EFFECT.—Nothing in this section—

“(A) affects the use of private land adjacent to the park;

“(B) preempts the authority of the State with respect to the regulation of hunting, fishing, boating, and wildlife management on private land or water outside the boundaries of the park;

“(C) shall negatively affect the economic development of the areas surrounding the park; or

“(D) affects the classification of the park under section 162 of the Clean Air Act (42 U.S.C. 7472).”.

(b) DESIGNATION OF CONGAREE NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—The wilderness established by section 2(a) of the Congaree Swamp National Monument Expansion and Wilderness Act (102 Stat. 2606) and known as the “Congaree Swamp National Monument Wilderness” shall be known and designated as the “Congaree National Park Wilderness”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the wilderness referred to in paragraph (1) shall be deemed to be a reference to the “Congaree National Park Wilderness”.

SEC. 140. Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108),

is amended by striking “any other governmental land management entity” and inserting “any other land management entity”.

SEC. 141. Effective as of November 18, 2003, section 9 of Public Law 100–692 (102 Stat. 4556; 16 U.S.C. 461 note.) is amended to read as follows:

**“SEC. 9. TERMINATION OF COMMISSION.**

“The Commission shall terminate on November 18, 2007.”.

SEC. 142. Title IV of Public Law 108–108 is amended in section 403(b)(4) by striking “75–5–703(10)(b)” and inserting “75–5–703(10)(c)”.

SEC. 143. Public Law 108–108 is amended under the heading “Indian Health Service, Indian Health Services” by striking “(d) \$2,000,000 for the Alaska Federation of Natives sobriety and wellness program for competitive merit-based grants:” and inserting “(d) \$2,000,000 for RuralCap for alcohol treatment and related transitional housing for homeless chronic inebriates in Anchorage, Alaska:”.

SEC. 144. Public Law 108–108 is hereby amended by adding at the end of section 344 the following:

“(c) EXEMPTIONS.—The requirements of this section shall not apply to amounts in this Act designated as emergency requirements pursuant to section 502 of H. Con. Res. 95 (108th Congress), the concurrent resolution on the budget for fiscal year 2004.

“(d) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading ‘Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians’, the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2004, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.”.

SEC. 145. THEODORE ROOSEVELT NATIONAL WILDLIFE REFUGE.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “county” means each of the counties of Leflore, Holmes, Humphreys, Sharkey, Warren, and Washington in the State.

(2) REFUGE.—The term “Refuge” means the Theodore Roosevelt National Wildlife Refuge established under subsection (b).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Mississippi.

(b) ESTABLISHMENT.—The Secretary shall establish the Theodore Roosevelt National Wildlife Refuge, consisting of approximately 6,600 acres of land that—

(1) as of the date of enactment of this Act, is owned by the United States;

(2) was formerly in the inventory of the United States Department of Agriculture; and

(3) is located in the counties.

(c) MAP.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a map depicting the boundaries of the Refuge.

(d) BOUNDARY REVISION.—The Secretary may revise the boundaries of the Refuge in the counties to—

- (1) carry out the purposes of the Refuge; or
- (2) facilitate the acquisition or donation of land.

(e) ACQUISITION OF LAND.—Notwithstanding any other provision of law, the Secretary may, for management purposes, exchange Refuge land for land acquired or donated for fee title that is located in the counties.

(f) EDUCATION CENTER.—The Secretary of the Army, acting through the Chief of Engineers, in consultation with the Secretary, shall design and construct a multiagency wildlife and environmental interpretive and education center at a location in the South Delta area of the State to be determined by a site selection and feasibility study conducted by the Secretary of the Army.

(g) DESIGNATION OF REFUGE COMPLEXES.—

(1) HOLT COLLIER NATIONAL WILDLIFE REFUGE.—

(A) DESIGNATION.—The refuge in the State known as the “Bogue Phalia Unit of the Yazoo National Wildlife Refuge” shall be known as the “Holt Collier National Wildlife Refuge”.

(B) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the refuge referred to in subparagraph (A) shall be deemed to be a reference to the “Holt Collier National Wildlife Refuge”.

(2) THEODORE ROOSEVELT NATIONAL WILDLIFE REFUGE COMPLEX.—

(A) DESIGNATION.—The refuge complex in the State known as the “Central Mississippi National Wildlife Refuge Complex” shall be known as the “Theodore Roosevelt National Wildlife Refuge Complex”.

(B) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the refuge complex referred to in subparagraph (A) shall be deemed to be a reference to the “Theodore Roosevelt National Wildlife Refuge Complex”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(2) EDUCATION CENTER.—There are authorized to be appropriated to carry out subsection (f) \$6,000,000.

SEC. 146. For the purposes described in section 386 of the Energy Policy Act of 2003 there is authorized to be appropriated \$1,000,000, except that upon that Act becoming law, section 386 is amended through this Act:

(1) in subsection (a) by inserting before the term “to issue” the phrase “or with an entity the Secretary determines is qualified to construct and operate a liquefied natural gas project to transport liquefied natural gas from Southcentral Alaska to West Coast States,”;

(2) at the end of paragraph 386(b)(1) by striking the period and inserting “, or after the Secretary certifies there exists a qualified entity to construct and operate a liquefied natural gas project to transport liquefied natural gas from Southcentral Alaska to West Coast States. In no case shall loan guarantees be issued for more than one qualified project.”;

(3) at the end of paragraph 386(c)(2) by striking the period and inserting “, except that the total amount of principal that may be guaranteed for a qualified liquefied natural gas project may not exceed a principal amount in which the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), exceeds \$2,000,000,000.”; and

(4) at paragraph 386(g)(4):

(A) by inserting before the term “consisting” the new term “or system”; and

(B) by inserting between the term “plants” and the “)” the phrase “liquefaction plants and liquefied natural gas tankers for transportation of liquefied natural gas from Southcentral Alaska to the West Coast”.

SEC. 147. PAYMENT OF EXPENSES AFTER THE DEATH OF CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA. Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) PAYMENT OF EXPENSES AFTER DEATH OF AN EMPLOYEE.—

“(1) DEFINITION OF IMMEDIATE FAMILY MEMBER.—In this subsection, the term “immediate family member” means a person related to a deceased employee that was a member of the household of the deceased employee at the time of death.

“(2) PAYMENTS.—If an employee appointed under the program established by subsection (a) dies in the performance of any assigned duties on or after October 1, 2002, the Secretary may—

“(A) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for the preparation and transportation of the remains of the deceased employee to a location in the State of Alaska which is selected by the surviving head of household of the deceased employee;

“(B) pay or reimburse reasonable expenses, regardless of when those expenses are incurred, for transporting immediate family members and the baggage and household goods of the deceased employee and immediate family members to a community in the State of Alaska which is selected by the surviving head of household of the deceased employee.”.

SEC. 148. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS. (a) ESTABLISHMENT.—The sum of \$100,000 is appropriated, to remain available until expended, for the establishment of the Office of Native Hawaiian Relations within the Office of the Secretary of the Interior.

(b) DUTIES.—The Office shall—

(1) effectuate and implement the special legal relationship between the Native Hawaiian people and the United States;

(2) continue the process of reconciliation with the Native Hawaiian people; and

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by assuring timely notification of and prior consultation with the Native Hawaiian people before any Federal agency

takes any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands.

SEC. 149. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION. The first section of the Act of August 9, 1955 (25 U.S.C. 415), is amended by adding at the end the following:

“(g) LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.—

“(1) IN GENERAL.—Notwithstanding subsection (a) and any regulations under part 162 of title 25, Code of Federal Regulations (or any successor regulation), subject to paragraph (2), the Assiniboine and Sioux Tribes of the Fort Peck Reservation may lease to the Northern Border Pipeline Company tribally-owned land on the Fort Peck Indian Reservation for 1 or more interstate gas pipelines.

“(2) CONDITIONS.—A lease entered into under paragraph (1)—

“(A) shall commence during fiscal year 2011 for an initial term of 25 years;

“(B) may be renewed for an additional term of 25 years; and

“(C) shall specify in the terms of the lease an annual rental rate—

“(i) which rate shall be increased by 3 percent per year on a cumulative basis for each 5-year period; and

“(ii) the adjustment of which in accordance with clause (i) shall be considered to satisfy any review requirement under part 162 of title 25, Code of Federal Regulations (or any successor regulation).”.

SEC. 150. (a) SHORT TITLE. This Act may be cited as the “Fern Lake Conservation and Recreation Act”.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds the following:

(A) Fern Lake and its surrounding watershed in Bell County, Kentucky, and Claiborne County, Tennessee, is within the potential boundaries of Cumberland Gap National Historical Park as originally authorized by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(B) The acquisition of Fern Lake and its surrounding watershed and its inclusion in Cumberland Gap National Historical Park would protect the vista from Pinnacle Overlook, which is one of the park’s most valuable scenic resources and most popular attractions, and enhance recreational opportunities at the park.

(C) Fern Lake is the water supply source for the city of Middlesboro, Kentucky, and environs.

(D) The 4,500-acre Fern Lake watershed is privately owned, and the 150-acre lake and part of the watershed are currently for sale, but the Secretary of the Interior is precluded by the first section of the Act of June 11, 1940 (16 U.S.C. 261), from using appropriated funds to acquire the lands.

(2) PURPOSES.—The purposes of the Act are—

(A) to authorize the Secretary of the Interior to use appropriated funds if necessary, in addition to other

acquisition methods, to acquire from willing sellers Fern Lake and its surrounding watershed, in order to protect scenic and natural resources and enhance recreational opportunities at Cumberland Gap National Historical Park; and

(B) to allow the continued supply of water from Fern Lake to the city of Middlesboro, Kentucky, and environs.

(c) LAND ACQUISITION AND CONVEYANCE AUTHORITY, FERN LAKE, CUMBERLAND GAP NATIONAL HISTORICAL PARK.—

(1) DEFINITIONS.—In this section:

(A) FERN LAKE.—The term “Fern Lake” means Fern Lake located in Bell County, Kentucky, and Claiborne County, Tennessee.

(B) LAND.—The term “land” means land, water, interests in land, and any improvements on the land.

(C) PARK.—The term “park” means Cumberland Gap National Historical Park, as authorized and established by the Act of June 11, 1940 (54 Stat. 262; 16 U.S.C. 261 et seq.).

(D) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

(2) ACQUISITION AUTHORIZED.—The Secretary may acquire for addition to the park lands consisting of approximately 4,500 acres and containing Fern Lake and its surrounding watershed, as generally depicted on the map entitled “Cumberland Gap National Historical Park, Fern Lake Watershed”, numbered 380/80,004, and dated May 2001. The map shall be on file in the appropriate offices of the National Park Service.

(3) BOUNDARY ADJUSTMENT AND ADMINISTRATION.—Subject to paragraph (4), the Secretary shall revise the boundaries of the park to include the land acquired under paragraph (2). The Secretary shall administer the acquired lands as part of the park in accordance with the laws and regulations applicable to the park.

(4) CONVEYANCE OF FERN LAKE.—

(A) CONVEYANCE REQUIRED.—If the Secretary acquires Fern Lake, the Secretary shall convey, notwithstanding any other law and without consideration, to the city of Middlesboro, Kentucky, all right, title, and interest of the United States in and to Fern Lake, up to the normal operating elevation of 1,200.4 feet above sea level, along with the dam and all appurtenances associated with the withdrawal and delivery of water from Fern Lake.

(B) TERMS OF CONVEYANCE.—In executing the conveyance under subparagraph (4)(A), the Secretary may retain an easement for scenic and recreational purposes.

(C) REVERSIONARY INTEREST.—In the event Fern Lake is no longer used as a source of municipal water supply for the city of Middlesboro, Kentucky, and its environs, ownership of Fern Lake shall revert to the United States and it shall be managed by the Secretary as part of the park.

(5) CONSULTATION REQUIREMENTS.—In order to better manage lands acquired under this section in a manner that will facilitate the provision of water for municipal needs, as well

as the establishment and promotion of new recreational opportunities at the park, the Secretary shall consult with—

(A) appropriate officials in the States of Kentucky, Tennessee, and Virginia, and political subdivisions of these States;

(B) organizations involved in promoting tourism in these States; and

(C) other interested parties.

SEC. 151. (a) The Attending Physician to Congress shall have the authority and responsibility for overseeing and coordinating the use of medical assets in response to a bioterrorism event and other medical contingencies or public health emergencies occurring within the Capitol Buildings or the United States Capitol Grounds. This shall include the authority to enact quarantine and to declare death. These actions will be carried out in close cooperation and communication with the Commissioner of Public Health, Chief Medical Examiner, and other Public Health Officials of the District of Columbia government.

(b) In this section—

(1) the term “Capitol Buildings” has the meaning given such term in section 5101 of title 40, United States Code; and

(2) the term “United States Capitol Grounds” has the meaning given such term in section 5102(a) of title 40, United States Code.

(c) Subsection (a) shall take effect on the date of the enactment of this Act and shall apply during any fiscal year occurring on or after such date.

SEC. 152. (a) Notwithstanding section 907(a) of Public Law 107–206 (116 Stat. 977) or section 1102 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1822(b)), the Architect of the Capitol, at any time after the date of the enactment of this Act and subject to the availability of appropriations, may enter into an agreement to acquire by lease any portion of the real property located at 499 South Capitol Street Southwest in the District of Columbia for the use of the United States Capitol Police.

(b) Any real property acquired by the Architect of the Capitol pursuant to subsection (a) shall be subject to the provisions of the Act entitled “An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes”, approved July 31, 1946.

SEC. 153. THE UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP. (a) ESTABLISHMENT AND MEETINGS.—Not to exceed 12 Senators shall be appointed to meet annually with representatives of the National People’s Congress of the People’s Republic of China for discussion of common problems in the interest of relations between the United States and China. The Senators so appointed shall be referred to as the “United States group” of the United States Senate-China Interparliamentary Group.

(b) APPOINTMENT OF MEMBERS.—The President pro tempore of the Senate shall appoint Senators under this section upon the recommendations of the majority and minority leaders of the Senate. The President pro tempore of the Senate shall designate 1 Senator as the Chair of the United States group.

(c) FUNDING.—There is authorized to be appropriated \$100,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is

made. Appropriations shall be disbursed on vouchers to be approved by the Chair of the United States group.

(d) CERTIFICATION OF EXPENDITURES.—The certificate of the Chair of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

(e) FISCAL YEAR 2004 FUNDING.—There is authorized within the contingent fund of the Senate under the appropriation account “MISCELLANEOUS ITEMS” \$75,000 for fiscal year 2004 to assist in meeting the official expenses of the United States Senate-China Interparliamentary Group including conference room expenses, hospitality expenses, and food and food-related expenses. Expenses shall be paid on vouchers to be approved by the Chair of the United States group. The Secretary of the Senate is authorized to advance such sums as necessary to carry out this subsection.

(f) APPROPRIATIONS.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2004, \$100,000 for the United States Senate-China Interparliamentary Group.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) through (d) shall apply to fiscal year 2004, and each fiscal year thereafter.

(2) FISCAL YEAR 2004.—Subsections (e) and (f) shall apply to fiscal year 2004.

SEC. 154. THE UNITED STATES SENATE-RUSSIA INTERPARLIAMENTARY GROUP. (a) ESTABLISHMENT AND MEETINGS.—Not to exceed 12 Senators shall be appointed to meet annually with representatives of the Federation Council of Russia for discussion of common problems in the interest of relations between the United States and Russia. The Senators so appointed shall be referred to as the “United States group” of the United States Senate-Russia Interparliamentary Group.

(b) APPOINTMENT OF MEMBERS.—The majority and minority leaders of the Senate shall appoint the Senators of the United States group. The majority leader of the Senate shall designate 1 Senator as the Chair of the United States group.

(c) FUNDING.—There is authorized to be appropriated \$100,000 for each fiscal year to assist in meeting the expenses of the United States group for each fiscal year for which an appropriation is made. Appropriations shall be disbursed on vouchers to be approved by the Chair of the United States group.

(d) CERTIFICATION OF EXPENDITURES.—The certificate of the Chair of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

(e) FISCAL YEAR 2004 FUNDING.—There is authorized within the contingent fund of the Senate under the appropriation account “MISCELLANEOUS ITEMS” \$75,000 for fiscal year 2004 to assist in meeting the official expenses of the United States Senate-Russia Interparliamentary Group including conference room expenses, hospitality expenses, and food and food-related expenses. Expenses shall be paid on vouchers to be approved by the Chair of the United States group. The Secretary of the Senate is authorized to advance such sums as necessary to carry out this subsection.

(f) APPROPRIATIONS.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year

ending September 30, 2004, \$100,000 for the United States Senate-Russia Interparliamentary Group.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) through (d) shall apply to fiscal year 2004, and each fiscal year thereafter.

(2) FISCAL YEAR 2004.—Subsections (e) and (f) shall apply to fiscal year 2004.

SEC. 155. PAYMENT OF EXPENSES OF THE CHAPLAIN OF THE SENATE FROM THE CONTINGENT FUND OF THE SENATE. (a) IN GENERAL.—For each fiscal year there is authorized to be expended from the contingent fund of the Senate an amount, not in excess of \$50,000 for the Chaplain of the Senate. Payments under this section shall be made only for expenses actually incurred by the Chaplain of the Senate in carrying out his functions, and shall be made upon certification and documentation of the expenses involved, by the Chaplain claiming payment under this section and upon vouchers approved by the Chaplain and by the Committee on Rules and Administration. Funds authorized for expenditure under this section may be used to purchase food or food related items.

(b) REPEAL OF REVOLVING FUND.—

(1) REPEAL.—Section 2 of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 61d–3) is repealed.

(2) REMAINING FUNDS.—Any funds in the Chaplain Expense Revolving Fund on the date of the repeal under this section shall be remitted to the general fund of the United States Treasury.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

SEC. 156. (a) There is established in the House of Representatives a fund to be known as the “House of Representatives Revolving Fund”, consisting of the following amounts:

(1) Amounts appropriated to the Fund.

(2) Amounts donated to the Fund.

(3) Interest on the balance of the Fund.

(b) Amounts in the Fund shall be expended at the direction of the Chief Administrative Officer of the House of Representatives, upon notification provided by the Chief Administrative Officer to the Committee on Appropriations of the House of Representatives, and shall remain available until expended.

(c) This section shall apply with respect to fiscal year 2004 and each succeeding fiscal year.

SEC. 157. RECOMPUTATION OF BENEFITS GUARANTEED IN CONNECTION WITH THE TERMINATION OF THE REPUBLIC STEEL RETIREMENT PLAN. (a) IN GENERAL.—The Pension Benefit Guaranty Corporation shall recompute the liability for monthly benefits guaranteed under section 4022 of the Employee Retirement Income Security Act of 1974 which are payable (without regard to this section) with respect to each participant and beneficiary under the Republic Steel Retirement Plan in connection with its termination on September 30, 1986.

(b) ADJUSTMENT OF GUARANTEED BENEFIT AMOUNTS.—In recomputing the liability for monthly guaranteed benefits pursuant to subsection (a) with respect to each participant or beneficiary, the Corporation shall increase the amount of such liability (as determined without regard to this section) by—

(1) the amount of the liability for nonguaranteed benefits under the LTV Steel Supplemental Pension Plan, as in effect with respect to such participant or beneficiary on January 1, 2001, and

(2) the amount of the liability for nonguaranteed benefits payable through the trust established in connection with the Republic Steel Plan under section 4049 of the Employee Retirement Income Security Act of 1974, as in effect with respect to such participant or beneficiary on January 1, 2001.

(c) CERTAIN BENEFITS DISREGARDED.—In making the recalculation under this section, the Corporation shall disregard—

(1) the amount of any benefits which were not paid during the period beginning with January 1, 2001, and ending with December 31, 2003, under the LTV Steel Supplemental Pension Plan or through the section 4049 trust referred to in subsection (b)(2),

(2) any liability for benefits under the LTV Steel Supplemental Pension Plan or through the section 4049 trust referred to in subsection (b)(2) that were included in the LTV Steel Salaried Defined Benefit Retirement Plan, as in effect on January 1, 1999,

(3) any liability for additional benefits that were included in the LTV Steel Supplemental Pension Plan to compensate for any liability of participants and beneficiaries under chapter 21 of the Internal Revenue Code of 1986 in connection with benefits payable under such Plan, and

(4) any liability under the LTV Steel Supplemental Pension Plan for temporary supplements.

(d) TIMING AND APPLICATION OF DETERMINATIONS.—Determinations of the increase in liability pursuant to subsection (b) shall be made as of December 31, 2003, using the mortality and interest assumptions otherwise applicable to plan terminations under title IV of the Employee Retirement Income Security Act of 1974 on such date. The recomputation under this section shall apply only with respect to benefits payable after such date.

SEC. 158. In addition to amounts appropriated or otherwise made available in other Acts, \$9,692,000 is hereby appropriated to the Department of Defense Family Housing Improvement Fund, to remain available until expended, for family housing initiatives undertaken pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code: *Provided*, That such funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of such subchapter: *Provided further*, That of the funds available in the “Foreign Currency Fluctuations, Construction, Defense” account, \$9,692,000 are rescinded.

SEC. 159. For an additional amount to carry out section 257 of the Help America Vote Act of 2002, \$1,000,000,000, to remain available until expended: *Provided*, That no more than  $\frac{1}{10}$  of 1 percent of funds available for requirements payments under section 257 of the Help America Vote Act of 2002 shall be allocated to any territory.

SEC. 160. (a) DESIGNATION.—The United States courthouse located at 333 Lomas Blvd. N.W. in Albuquerque, New Mexico, shall be known and designated as the “Pete V. Domenici United States Courthouse”.

(b) REFERENCES.—Any reference in law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “Pete V. Domenici United States Courthouse”.

SEC. 161. The Director of the Office of Management and Budget shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.

SEC. 162. Notwithstanding any other provision of law, in addition to amounts provided in this or any other Act for fiscal year 2004, \$50,000,000, to be derived from the Highway Trust Fund and to remain available until expended, of which \$44,000,000 shall be for reconstruction of the Treasure Island Bridge in Treasure Island, Florida and of which \$6,000,000 shall be for necessary road improvements and design of a plaza at the John F. Kennedy Center for the Performing Arts in Washington, D.C.

SEC. 163. Section 802(b)(1) of the Japanese Imperial Government Disclosure Act of 2000 (Public Law 106–567; 114 Stat. 2865) is amended by striking “3 years” and inserting “4 years”.

SEC. 164. The funds made available for Alaska Natives under the heading “Native American Housing Block Grants” in title II of division G of this Act shall be allocated to the same Native Alaskan Indian housing block grant recipients that received the funds in fiscal year 2003.

SEC. 165. In addition to the amounts otherwise provided in this or any other Act for fiscal year 2004, for “Department of Housing and Urban Development, Community Development Fund”, \$10,000,000 to remain available until expended for a grant to the Anchorage Museum in Anchorage, Alaska for facilities construction.

SEC. 166. The Secretary of a military department may use the authority provided in section 2667(a) of title 10, United States Code, to lease military family housing in the National Capital Region (as defined in section 2674 of such title) to key and essential personnel for continuity of government purposes.

SEC. 167. Notwithstanding any other provision of law, in addition to amounts otherwise provided in this or any other Act for fiscal year 2004, \$55,000,000 is appropriated, to be available until expended, to be distributed as follows: for Department of Energy, Energy Programs, “Energy Supply”, \$12,400,000 for expenses related to the purchase, construction, operation of facilities, and acquisition of plant and capital equipment for facilities that produce fuels from agricultural and animal wastes, to the Society for Energy and Environmental Research, a not-for-profit energy research and development institution, to administer the program; for Department of Transportation, Federal Aviation Administration, “Grants-in-aid for airports”, \$2,000,000 for the extension of a runway at Fort Worth Alliance Airport, Fort Worth, Texas; for Department of Transportation, Federal Highway Administration, \$1,000,000, for Rock County Road, Janesville, Wisconsin; for Department of Transportation, Federal Highway Administration, \$2,500,000, for improvements to I–75 in Lee County, Florida; for Department of Veterans Affairs, Departmental Administration, “Construction; major projects”, \$500,000 for the preliminary planning of a new ambulatory clinic at the Defense Supply Center, Columbus in Columbus, Ohio; for “Small Business Administration, Salaries and Expenses”, \$500,000, to be available for a grant to the University of Wisconsin-Green Bay to establish a paper science technology

transfer center; for “Funds Appropriated to the President, Bilateral Economic Assistance, Independent States of the Former Soviet Union”, \$1,000,000, for the National Program of Action for the Protection of the Arctic Marine Environment; for “Army Corps of Engineers, Construction, General”, \$1,000,000 for the Stockton Metropolitan Flood Control Reimbursement, California, project; for “Army Corps of Engineers, Construction, General”, \$1,000,000 for the San Timoteo Creek element of the Santa Ana River Mainstem, California, project; for “Army Corps of Engineers, Construction, General”, \$2,000,000; for the Florida Keys Water Quality Improvements, Florida, project; for “Army Corps of Engineers, Construction, General”, \$1,500,000, for the Southern West Virginia Environmental Infrastructure, West Virginia, project; for “Department of Energy, Science”, \$2,000,000 for the Western Michigan University Nanotechnology Research and Computation Center; for Department of Energy, Energy Programs, “Energy Supply”, \$2,500,000 for the Enterprise Center in Chattanooga, Tennessee, for the Chattanooga Fuel Cell Demonstration Project; for “Environmental Protection Agency, State and tribal assistance grants”, for grants to address drinking water and waste water infrastructure, \$2,000,000 for the Wyoming Valley Sanitation Authority, Pennsylvania, for combined sewer overflow infrastructure improvements; for “Environmental Protection Agency, State and tribal assistance grants”, for grants to address drinking water and waste water infrastructure, \$1,000,000 to the Saratoga Water Committee in Saratoga County, New York, for construction of a drinking water transport pipeline; for “Centers for Disease Control and Prevention, Disease Control, Research, and Training”, \$1,000,000, for a grant to the Center for Emerging Biological Threats at Emory University, Atlanta, Georgia; for “Department of Education, Higher Education”, \$500,000, for a grant to Santa Clara University in Santa Clara, California, for technology infrastructure upgrades, campus-wide network infrastructure enhancements and equipment; for “Department of Housing and Urban Development, Community Development Fund”, \$600,000, for a grant to Shelter from the Storm, Incorporated in Palm Desert, California, for facilities renovations and improvements; for Department of Labor, Employment and Training Administration, \$500,000, for the Labor Institute for Training, Inc., Indianapolis, Indiana; Department of Labor, Employment and Training Administration, \$250,000, for the Institute for Labor Studies and Research, Cranston, Rhode Island, for Learning on the Roll; for Department of Health and Human Services, Health Resources and Services Administration, \$200,000, for St. Luke’s Episcopal Hospital, Houston, Texas, facilities and equipment; for Department of Health and Human Services, Centers for Disease Control and Prevention, \$200,000, for the University of Texas M.D. Anderson Cancer Center, Houston, Texas, for a comprehensive cancer control program to address the needs of minority and medically underserved populations; for Department of Health and Human Services, Health Resources and Services Administration, \$300,000, for the Long Island Cancer Center, State University of New York at Stony Brook, for facilities and equipment; for Department of Health and Human Services, Health Resources and Services Administration, \$500,000 for the Iowa Health Foundation in Des Moines, Iowa, for a demonstration project to improve dental care in underserved rural areas; for Department of Health and Human Services, Health Resources and Services Administration,

\$500,000, for the Cumberland Medical Center in Crossville, Tennessee, for facilities and equipment; for Department of Health and Human Services, Centers for Disease Control and Prevention, \$250,000 for the New Haven Public Schools in New Haven, Connecticut, for the PE4LIFE program to promote and improve physical education, in cooperation with Yale University; for Department of Health and Human Services, Health Resources and Services Administration, \$250,000, for Quinnipiac University in Hamden, Connecticut, for health-related academic facilities and equipment; for Department of Health and Human Services, Health Resources and Services Administration, \$365,000, for the University of Michigan Health Systems in Ann Arbor, Michigan, for facilities and equipment; for Department of Health and Human Services, Administration on Aging, \$500,000, for the Jewish Family & Children's Center of Greater Boston for Naturally Occurring Retirement Communities project; for Department of Health and Human Services, Centers for Disease Control and Prevention, \$100,000, for the Marion County Health Department in Salem, Oregon, for a project to improve collection, analysis and dissemination of data on infectious diseases; for Department of Health and Human Services, Health Resources and Services Administration, \$400,000, for the Tillamook Lightwave in Tillamook, Oregon, for a fiber optic link between Tillamook County Hospital and the Oregon Health Sciences University; for Department of Health and Human Services, Centers for Disease Control and Prevention, \$300,000, for the Access Community Health Network in Chicago, Illinois, for programs related to prevention and control of chronic diseases; for Department of Health and Human Services, Health Resources and Services Administration, \$200,000, for the Northwestern Memorial Hospital in Chicago, Illinois, for facilities and equipment; for Department of Health and Human Services, Health Resources and Services Administration, \$200,000, for the Illinois Primary Health Care Association, for implementation of the Shared Integrated Management Information System; for Department of Health and Human Services, Health Resources and Services Administration, \$250,000, for Family Resources Community Action in Woonsocket, Rhode Island, for outreach and supportive services for persons with HIV/AIDS; for Department of Health and Human Services, Health Resources and Services Administration, \$250,000, for St. Joseph Hospital/PeaceHealth in Bellingham, Washington, on behalf of the Whatcom Community Health Improvement Consortium, to implement a model for improving care for patients with chronic diseases and increasing access and efficiency of services; for Department of Health and Human Services, Health Resources and Services Administration, \$150,000, for the Children's Rehabilitation Center in White Plains, New York, for facilities and equipment; for Department of Health and Human Services, Health Resources and Services Administration, \$60,000, for the Telfair Regional Hospital in McRae, Georgia, for facilities and equipment; for Department of Health and Human Services, Health Resources and Services Administration, \$65,000, for the Candler County Hospital in Metter, Georgia, for facilities and equipment; for Department of Health and Human Services, Administration for Children and Families, \$500,000 for The Boys & Girls Club of Greater Kansas City, Kansas City, Missouri, for the Heathwood Youth and Families Community Center; for Department of Health and Human Services, Health Resources and Services Administration, \$200,000, for the Boston Medical

Center in Boston, Massachusetts, for facilities and equipment; for Department of Health and Human Services, Health Resources and Services Administration, \$500,000, for the University of North Dakota School of Medicine and Health Sciences, for its rural health program in preventive medicine and behavioral sciences; for Department of Health and Human Services, Health Resources and Services Administration, \$900,000, for the California Hospital Medical Center in Los Angeles, California, for facilities and equipment; for Department of Health and Human Services, Health Resources and Services Administration, \$500,000, for the City of Abilene, Texas, Abilene-Taylor County Public Health District, for facilities and equipment; for Department of Health and Human Services, Health Resources and Services Administration, \$400,000, for the Houston County Hospital, Crockett, Texas, for facilities and equipment; for Department of Education, \$200,000, for the University of Hawaii, West Oahu campus, Hawaii, to produce the “Primal Quest” film documentary; for Department of Education, \$500,000, for the Union Parish School District, Farmerville, Louisiana, to implement an online assessment and interactive instructional program; for Department of Education, \$200,000, for the Middle Country School District, New York, to establish a math, science and technology lab at Oxhead Road Elementary School in Centereach, New York; for Department of Education, \$500,000, for the Florida Campus Compact, Tallahassee, Florida, to enhance service-learning on college campuses throughout Florida; for Department of Education, \$340,000, for Southern Connecticut State University, New Haven, Connecticut, to expand nursing education recruitment, diversity and training programs, in collaboration with Gateway Community College; for Department of Education, \$60,000, for Gateway Community College, New Haven, Connecticut, to enhance educational media and technology; for Department of Education, \$100,000, for Project Georgetown, Georgetown, Texas, for an after-school program; for Department of Education, \$200,000, for Communities in Schools-Bell-Coryell Counties, Inc., Killeen, Texas, for educational services for at-risk youth; for Department of Education, \$200,000, for Communities in Schools-Central Texas, Inc., Austin, Texas, for educational services for at-risk youth; for Department of Education, \$325,000; for Harrisburg Polytechnic Institute, Harrisburg, Pennsylvania, for a K–16 curriculum, equipment, internships and enrichment activities for high school students; for Department of Education, \$175,000, for Lehigh Carbon Community College, Tamaqua, Pennsylvania, for equipment and technology upgrades, and for curricula; for Department of Education, \$200,000, for Chicago State University, Chicago Illinois, to establish a school of pharmacy, including equipment; for Department of Education, \$500,000, for Marywood University, Scranton, Pennsylvania, to establish a Center for Assistive Technology; for Department of Education, \$400,000, for the Boys & Girls Club of Pawtucket, Rhode Island, for academic and literacy, character education, career preparation, and enrichment activities for youth; for Department of Education, \$250,000, for Whatcom Community College, Bellingham, Washington, to establish a center for training in border security; for Department of Education, \$400,000, for Westchester Community College, New York, for personnel, equipment and other programmatic expenses for The New Center; for Department of Education, \$50,000, for the Marymount Institute for the Education of Women and Girls of Marymount College of Fordham

University, Tarrytown, New York, for a mentoring project to enhance the academic and social development of Latina girls at Sleepy Hollow Middle School; for Department of Education, \$500,000, for Northern Kentucky University, Highland Heights, Kentucky, for the Urban Learning Center to expand access to postsecondary education; for Department of Education, \$500,000, for Iron County School District, Cedar City, Utah, for a student achievement management information system; for Department of Education, \$200,000, for Western Maine Technical College, South Paris, Maine, for education programs and marketing activities; for Department of Education, \$275,000, for the YMCA of the Triangle Area, Raleigh, North Carolina, for youth mentoring, character education and leadership activities; for Department of Education, \$325,000, for Communities in Schools of Northeast Texas, Inc., Pflugerville, Texas, for educational services for at-risk students; for the Institute of Museum and Library Services, \$300,000, for The Hudson River Museum, Yonkers, New York, for the “Hudson River Access” science education project; for the Institute of Museum and Library Services, \$375,000, for the Tubman African American Museum, Macon, Georgia, for exhibits, education programs and outreach activities; for the Institute of Museum and Library Services, \$300,000, for the Maine Discovery Museum, Bangor, Maine, for exhibits and education programs; for the Institute of Museum and Library Services, \$225,000, for the North Carolina State Museum of Natural Sciences, Raleigh, North Carolina, to develop exhibits and education programs; for the Department of Housing and Urban Development, “Community Development Fund”, Economic Development Initiative program, for carrying out targeted economic investments, \$3,010,000, to be allocated in the amounts and under the terms and conditions specified on pages 33 through 60 of House Report No. 108–235 for projects numbered 35, 52, 60, 61, 174, 175, 177, 181, 195, 223, 250, 265, 297, 333, 408, 409, 410, 421, 438, 439, 441, 496, 509, 574, and 583; and for the Environmental Protection Agency, “State and Tribal Assistance Grants” to local communities for repair, replacement or upgrading of their drinking water, wastewater or storm water infrastructure or for water quality protection activities, \$600,000, to be allocated under the terms and conditions specified on pages 111 through 127 of House Report No. 108–235 for projects numbered 121 and 226.

SEC. 168 (a) RESCISSIONS.—From unobligated balances of amounts made available in Public Law 107–38, and in Public Law 107–117, and in appropriations Acts for the Department of Defense, \$1,800,000,000 is hereby rescinded: *Provided*, That the Director of the Office of Management and Budget, after consultation with the Committees on Appropriations of the House and Senate and the Secretary of Defense, shall determine the amounts to be rescinded from each account that is to be so reduced: *Provided further*, That the rescissions shall take effect no later than September 30, 2004: *Provided further*, That the Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House and Senate 30 days prior to rescinding such amounts: *Provided further*, That such notification shall include the accounts, programs, projects and activities from which the funds will be rescinded: *Provided further*, That this section shall not apply to any amounts appropriated or otherwise made available

by the seventh proviso under the heading “Emergency Response Fund” in Public Law 107–38.

(b) **ACROSS-THE-BOARD RESCISSIONS.**—There is hereby rescinded an amount equal to 0.59 percent of—

(1) the budget authority provided (or obligation limitation imposed) for fiscal year 2004 for any discretionary account in divisions A through H of this Act and in any other fiscal year 2004 appropriation Act (except any fiscal year 2004 supplemental appropriation Act, the Department of Defense Appropriations Act, 2004, or the Military Construction Appropriations Act, 2004);

(2) the budget authority provided in any advance appropriation for fiscal year 2004 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2004 for any program subject to limitation contained in any division or appropriation Act subject to paragraph (1).

(c) **PROPORTIONATE APPLICATION.**—Any rescission made by subsection (b) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President’s budget).

(d) **OMB REPORT.**—Within 30 days after the date of the enactment of this section the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to subsection (b).

This division may be cited as the “Miscellaneous Appropriations and Offsets Act, 2004”.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*