
**MISCELLANEOUS APPROPRIATIONS
AND OFFSETS ACT, 2004
DIVISION H**

PUBLIC LAW 108-199

MISCELLANEOUS APPROPRIATIONS AND OFFSETS, 2004

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Miscellaneous
Appropriations
and Offsets Act,
2004.**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“Emergency Preparedness and Response, Disaster Relief” in chapter 2 of title I of Public Law 108–106, \$225,000,000 are rescinded.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”). Establishment.

(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

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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.

Deadline.

(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;

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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—

Effective date.

(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;”;

(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.”.

Effective date.

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.”.

10 USC 2302 note.

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

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

Reports.
Deadlines.

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.

Federal buildings
and facilities.

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”.

Alaska.

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.

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SEC. 121. Section 117, subsection (4), of the Energy and Water Development Appropriations Act, 2004, is amended to read as follows: 117 Stat. 1836.

“(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.

50 USC 2601
note.

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”.

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

Applicability.
42 USC 10601
note.

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)”.

16 USC 410jjj.

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.—

16 USC 1132
note.

(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”.

117 Stat. 1268.

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:

Effective date.

“SEC. 9. TERMINATION OF COMMISSION.

16 USC 461 note.

“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)”.

117 Stat. 1319.

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:”.

117 Stat. 1294.

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

117 Stat. 1318.

“(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

Applicability.
Reports.

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the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.”

Mississippi.
16 USC 668dd
note.

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.

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(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 “liquification 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

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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.

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Congress.
2 USC 121g.

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.

Effective date.
Applicability.

(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.

2 USC 1820 note.

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.

22 USC 276n.

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.

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(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.—

Applicability.

(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.

22 USC 276o.

(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.—

Applicability.

(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.

2 USC 61d-4.

(b) REPEAL OF REVOLVING FUND.—

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

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(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.

Applicability.

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

2 USC 95e.

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.

Applicability.

(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

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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. Applicability.

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”. Federal buildings and facilities.

(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. 25 USC 450 note.

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”. 5 USC 552 note.

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. Alaska. Grants.

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.

Effective date.

Notification.

(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

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(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).

Deadline.

(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”.

Approved January 23, 2004.

LEGISLATIVE HISTORY—H.R. 2673 (S. 1427):

HOUSE REPORTS: Nos. 108–193 (Comm. on Appropriations) and 108–401 (Comm. of Conference).

SENATE REPORTS: No. 108–107 accompanying S. 1427 (Comm. on Appropriations).

CONGRESSIONAL RECORD:

Vol. 149 (2003): July 14, considered and passed House.

Nov. 5, 6, considered and passed Senate, amended.

Dec. 8, House agreed to conference report.

Vol. 150 (2004): Jan. 22, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 40 (2004):

Jan. 23, Presidential statement.

[In thousands of dollars]

Net grand total, Miscellaneous Appropriations and Offsets, Division H	–\$2,956,950
Appropriations	(1,842,742)
Rescissions (0.65%)	(–4,799,692)
Consisting of:	
Department of Agriculture	225,000
Department of Defense-Military	9,692
Rescission	–9,692
Department of Defense-Civil	19,250
Department of Education	6,900
Department of Energy	73,150
Environmental Protection Agency	3,600
Foreign Assistance	351,000
General Government—Independent Agencies ...	1,000,500
Department of Health and Human Services	10,240
Department of Homeland Security (rescission)...	–225,000
Department of Housing and Urban Development.	13,610
Department of Justice	52,250
The Judiciary	16,000
Department of Labor	4,750
Department of the Interior	100
Legislative Branch	200
Small Business Administration	500
Department of Transportation	55,500
Department of Veterans Affairs	500
Undistributed (rescissions)	–4,565,000