

107TH CONGRESS
2^D SESSION

H. R. 4988

To amend title XVIII of the Social Security Act to establish the Medicare Benefits Administration within the Department of Health and Human Services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2002

Mr. TAUZIN introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act to establish the Medicare Benefits Administration within the Department of Health and Human Services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE VII—MEDICARE BENEFITS**
2 **ADMINISTRATION**

3 **SEC. 701. ESTABLISHMENT OF MEDICARE BENEFITS AD-**
4 **MINISTRATION.**

5 (a) IN GENERAL.—Title XVIII (42 U.S.C. 1395 et
6 seq.), as amended by section 105, is amended by inserting
7 after 1806 the following new section:

8 “MEDICARE BENEFITS ADMINISTRATION

9 “SEC. 1808. (a) ESTABLISHMENT.—There is estab-
10 lished within the Department of Health and Human Serv-
11 ices an agency to be known as the Medicare Benefits Ad-
12 ministration.

13 “(b) ADMINISTRATOR; DEPUTY ADMINISTRATOR;
14 CHIEF ACTUARY.—

15 “(1) ADMINISTRATOR.—

16 “(A) IN GENERAL.—The Medicare Bene-
17 fits Administration shall be headed by an ad-
18 ministrator to be known as the ‘Medicare Bene-
19 fits Administrator’ (in this section referred to
20 as the ‘Administrator’) who shall be appointed
21 by the President, by and with the advice and
22 consent of the Senate. The Administrator shall
23 be in direct line of authority to the Secretary.

24 “(B) COMPENSATION.—The Administrator
25 shall be paid at the rate of basic pay payable

1 for level III of the Executive Schedule under
2 section 5314 of title 5, United States Code.

3 “(C) TERM OF OFFICE.—The Adminis-
4 trator shall be appointed for a term of 5 years.
5 In any case in which a successor does not take
6 office at the end of an Administrator’s term of
7 office, that Administrator may continue in of-
8 fice until the entry upon office of such a suc-
9 cessor. An Administrator appointed to a term of
10 office after the commencement of such term
11 may serve under such appointment only for the
12 remainder of such term.

13 “(D) GENERAL AUTHORITY.—The Admin-
14 istrator shall be responsible for the exercise of
15 all powers and the discharge of all duties of the
16 Administration, and shall have authority and
17 control over all personnel and activities thereof.

18 “(E) RULEMAKING AUTHORITY.—The Ad-
19 ministrator may prescribe such rules and regu-
20 lations as the Administrator determines nec-
21 essary or appropriate to carry out the functions
22 of the Administration. The regulations pre-
23 scribed by the Administrator shall be subject to
24 the rulemaking procedures established under
25 section 553 of title 5, United States Code.

1 “(F) AUTHORITY TO ESTABLISH ORGANI-
2 ZATIONAL UNITS.—The Administrator may es-
3 tablish, alter, consolidate, or discontinue such
4 organizational units or components within the
5 Administration as the Administrator considers
6 necessary or appropriate, except as specified in
7 this section.

8 “(G) AUTHORITY TO DELEGATE.—The Ad-
9 ministrator may assign duties, and delegate, or
10 authorize successive redelegations of, authority
11 to act and to render decisions, to such officers
12 and employees of the Administration as the Ad-
13 ministrator may find necessary. Within the lim-
14 itations of such delegations, redelegations, or
15 assignments, all official acts and decisions of
16 such officers and employees shall have the same
17 force and effect as though performed or ren-
18 dered by the Administrator.

19 “(2) DEPUTY ADMINISTRATOR.—

20 “(A) IN GENERAL.—There shall be a Dep-
21 uty Administrator of the Medicare Benefits Ad-
22 ministration who shall be appointed by the
23 President, by and with the advice and consent
24 of the Senate.

1 “(B) COMPENSATION.—The Deputy Ad-
2 ministrators shall be paid at the rate of basic
3 pay payable for level IV of the Executive Sched-
4 ule under section 5315 of title 5, United States
5 Code.

6 “(C) TERM OF OFFICE.—The Deputy Ad-
7 ministrators shall be appointed for a term of 5
8 years. In any case in which a successor does not
9 take office at the end of a Deputy Administra-
10 tor’s term of office, such Deputy Administrator
11 may continue in office until the entry upon of-
12 fice of such a successor. A Deputy Adminis-
13 trator appointed to a term of office after the
14 commencement of such term may serve under
15 such appointment only for the remainder of
16 such term.

17 “(D) DUTIES.—The Deputy Administrator
18 shall perform such duties and exercise such
19 powers as the Administrator shall from time to
20 time assign or delegate. The Deputy Adminis-
21 trator shall be Acting Administrator of the Ad-
22 ministration during the absence or disability of
23 the Administrator and, unless the President
24 designates another officer of the Government as

1 Acting Administrator, in the event of a vacancy
2 in the office of the Administrator.

3 “(3) CHIEF ACTUARY.—

4 “(A) IN GENERAL.—There is established in
5 the Administration the position of Chief Actu-
6 ary. The Chief Actuary shall be appointed by,
7 and in direct line of authority to, the Adminis-
8 trator of such Administration. The Chief Actu-
9 ary shall be appointed from among individuals
10 who have demonstrated, by their education and
11 experience, superior expertise in the actuarial
12 sciences. The Chief Actuary may be removed
13 only for cause.

14 “(B) COMPENSATION.—The Chief Actuary
15 shall be compensated at the highest rate of
16 basic pay for the Senior Executive Service
17 under section 5382(b) of title 5, United States
18 Code.

19 “(C) DUTIES.—The Chief Actuary shall
20 exercise such duties as are appropriate for the
21 office of the Chief Actuary and in accordance
22 with professional standards of actuarial inde-
23 pendence.

24 “(4) SECRETARIAL COORDINATION OF PROGRAM
25 ADMINISTRATION.—The Secretary shall ensure ap-

1 appropriate coordination between the Administrator
2 and the Administrator of the Centers for Medicare
3 & Medicaid Services in carrying out the programs
4 under this title.

5 “(c) DUTIES; ADMINISTRATIVE PROVISIONS.—

6 “(1) DUTIES.—

7 “(A) GENERAL DUTIES.—The Adminis-
8 trator shall carry out parts C and D,
9 including—

10 “(i) negotiating, entering into, and en-
11 forcing, contracts with plans for the offer-
12 ing of Medicare+Choice plans under part
13 C, including the offering of qualified pre-
14 scription drug coverage under such plans;
15 and

16 “(ii) negotiating, entering into, and
17 enforcing, contracts with PDP sponsors for
18 the offering of prescription drug plans
19 under part D.

20 “(B) OTHER DUTIES.—The Administrator
21 shall carry out any duty provided for under
22 part C or part D, including demonstration
23 projects carried out in part or in whole under
24 such parts, the programs of all-inclusive care
25 for the elderly (PACE program) under section

1 1894, the social health maintenance organiza-
2 tion (SHMO) demonstration projects (referred
3 to in section 4104(c) of the Balanced Budget
4 Act of 1997), and through a Medicare+Choice
5 project that demonstrates the application of
6 capitation payment rates for frail elderly medi-
7 care beneficiaries through the use of a inter-
8 disciplinary team and through the provision of
9 primary care services to such beneficiaries by
10 means of such a team at the nursing facility in-
11 volved).

12 “(C) PRESCRIPTION DRUG CARD.—The
13 Administrator shall carry out section 1807 (re-
14 lating to the medicare prescription drug dis-
15 count card endorsement program).

16 “(D) NONINTERFERENCE.—In carrying
17 out its duties with respect to the provision of
18 qualified prescription drug coverage to bene-
19 ficiaries under this title, the Administrator may
20 not—

21 “(i) require a particular formulary or
22 institute a price structure for the reim-
23 bursement of covered outpatient drugs;

24 “(ii) interfere in any way with nego-
25 tiations between PDP sponsors and

1 Medicare+Choice organizations and drug
2 manufacturers, wholesalers, or other sup-
3 pliers of covered outpatient drugs; and

4 “(iii) otherwise interfere with the
5 competitive nature of providing such cov-
6 erage through such sponsors and organiza-
7 tions.

8 “(E) ANNUAL REPORTS.—Not later March
9 31 of each year, the Administrator shall submit
10 to Congress and the President a report on the
11 administration of parts C and D during the
12 previous fiscal year.

13 “(2) STAFF.—

14 “(A) IN GENERAL.—The Administrator,
15 with the approval of the Secretary, may employ,
16 without regard to chapter 31 of title 5, United
17 States Code, other than sections 3110 and
18 3112, such officers and employees as are nec-
19 essary to administer the activities to be carried
20 out through the Medicare Benefits Administra-
21 tion. The Administrator shall employ staff with
22 appropriate and necessary expertise in negoti-
23 ating contracts in the private sector.

24 “(B) FLEXIBILITY WITH RESPECT TO COM-
25 PENSATION.—

1 “(i) IN GENERAL.—The staff of the
2 Medicare Benefits Administration shall,
3 subject to clause (ii), be paid without re-
4 gard to the provisions of chapter 51 (other
5 than section 5101) and chapter 53 (other
6 than section 5301) of such title (relating to
7 classification and schedule pay rates).

8 “(ii) MAXIMUM RATE.—In no case
9 may the rate of compensation determined
10 under clause (i) exceed the rate of basic
11 pay payable for level IV of the Executive
12 Schedule under section 5315 of title 5,
13 United States Code.

14 “(C) LIMITATION ON FULL-TIME EQUIVA-
15 LENT STAFFING FOR CURRENT CMS FUNCTIONS
16 BEING TRANSFERRED.—The Administrator may
17 not employ under this paragraph a number of
18 full-time equivalent employees, to carry out
19 functions that were previously conducted by the
20 Centers for Medicare & Medicaid Services and
21 that are conducted by the Administrator by rea-
22 son of this section, that exceeds the number of
23 such full-time equivalent employees authorized
24 to be employed by the Centers for Medicare &

1 Medicaid Services to conduct such functions as
2 of the date of the enactment of this Act.

3 “(3) REDELEGATION OF CERTAIN FUNCTIONS
4 OF THE CENTERS FOR MEDICARE & MEDICAID SERV-
5 ICES.—

6 “(A) IN GENERAL.—The Secretary, the
7 Administrator, and the Administrator of the
8 Centers for Medicare & Medicaid Services shall
9 establish an appropriate transition of responsi-
10 bility in order to redelegate the administration
11 of part C from the Secretary and the Adminis-
12 trator of the Centers for Medicare & Medicaid
13 Services to the Administrator as is appropriate
14 to carry out the purposes of this section.

15 “(B) TRANSFER OF DATA AND INFORMA-
16 TION.—The Secretary shall ensure that the Ad-
17 ministrator of the Centers for Medicare & Med-
18 icaid Services transfers to the Administrator of
19 the Medicare Benefits Administration such in-
20 formation and data in the possession of the Ad-
21 ministrator of the Centers for Medicare & Med-
22 icaid Services as the Administrator of the Medi-
23 care Benefits Administration requires to carry
24 out the duties described in paragraph (1).

1 “(C) CONSTRUCTION.—Insofar as a re-
2 responsibility of the Secretary or the Adminis-
3 trator of the Centers for Medicare & Medicaid
4 Services is redelegated to the Administrator
5 under this section, any reference to the Sec-
6 retary or the Administrator of the Centers for
7 Medicare & Medicaid Services in this title or
8 title XI with respect to such responsibility is
9 deemed to be a reference to the Administrator.

10 “(d) OFFICE OF BENEFICIARY ASSISTANCE.—

11 “(1) ESTABLISHMENT.—The Secretary shall es-
12 tablish within the Medicare Benefits Administration
13 an Office of Beneficiary Assistance to coordinate
14 functions relating to outreach and education of
15 medicare beneficiaries under this title, including the
16 functions described in paragraph (2). The Office
17 shall be separate operating division within the Ad-
18 ministration.

19 “(2) DISSEMINATION OF INFORMATION ON
20 BENEFITS AND APPEALS RIGHTS.—

21 “(A) DISSEMINATION OF BENEFITS INFOR-
22 MATION.—The Office of Beneficiary Assistance
23 shall disseminate, directly or through contract,
24 to medicare beneficiaries, by mail, by posting on
25 the Internet site of the Medicare Benefits Ad-

1 ministration and through a toll-free telephone
2 number, information with respect to the fol-
3 lowing:

4 “(i) Benefits, and limitations on pay-
5 ment (including cost-sharing, stop-loss pro-
6 visions, and formulary restrictions) under
7 parts C and D.

8 “(ii) Benefits, and limitations on pay-
9 ment under parts A and B, including in-
10 formation on medicare supplemental poli-
11 cies under section 1882.

12 Such information shall be presented in a man-
13 ner so that medicare beneficiaries may compare
14 benefits under parts A, B, D, and medicare
15 supplemental policies with benefits under
16 Medicare+Choice plans under part C.

17 “(B) DISSEMINATION OF APPEALS RIGHTS
18 INFORMATION.—The Office of Beneficiary As-
19 sistance shall disseminate to medicare bene-
20 ficiaries in the manner provided under subpara-
21 graph (A) a description of procedural rights (in-
22 cluding grievance and appeals procedures) of
23 beneficiaries under the original medicare fee-
24 for-service program under parts A and B, the
25 Medicare+Choice program under part C, and

1 the Voluntary Prescription Drug Benefit Pro-
2 gram under part D.

3 “(e) MEDICARE POLICY ADVISORY BOARD.—

4 “(1) ESTABLISHMENT.—There is established
5 within the Medicare Benefits Administration the
6 Medicare Policy Advisory Board (in this section re-
7 ferred to the ‘Board’). The Board shall advise, con-
8 sult with, and make recommendations to the Admin-
9 istrator of the Medicare Benefits Administration
10 with respect to the administration of parts C and D,
11 including the review of payment policies under such
12 parts.

13 “(2) REPORTS.—

14 “(A) IN GENERAL.—With respect to mat-
15 ters of the administration of parts C and D, the
16 Board shall submit to Congress and to the Ad-
17 ministrator of the Medicare Benefits Adminis-
18 tration such reports as the Board determines
19 appropriate. Each such report may contain such
20 recommendations as the Board determines ap-
21 propriate for legislative or administrative
22 changes to improve the administration of such
23 parts, including the topics described in subpara-
24 graph (B). Each such report shall be published
25 in the Federal Register.

1 “(B) TOPICS DESCRIBED.—Reports re-
2 quired under subparagraph (A) may include the
3 following topics:

4 “(i) FOSTERING COMPETITION.—Rec-
5 ommendations or proposals to increase
6 competition under parts C and D for serv-
7 ices furnished to medicare beneficiaries.

8 “(ii) EDUCATION AND ENROLL-
9 MENT.—Recommendations for the im-
10 provement to efforts to provide medicare
11 beneficiaries information and education on
12 the program under this title, and specifi-
13 cally parts C and D, and the program for
14 enrollment under the title.

15 “(iii) IMPLEMENTATION OF RISK-AD-
16 JUSTMENT.—Evaluation of the implemen-
17 tation under section 1853(a)(3)(C) of the
18 risk adjustment methodology to payment
19 rates under that section to
20 Medicare+Choice organizations offering
21 Medicare+Choice plans that accounts for
22 variations in per capita costs based on
23 health status and other demographic fac-
24 tors.

1 “(iv) DISEASE MANAGEMENT PRO-
2 GRAMS.—Recommendations on the incor-
3 poration of disease management programs
4 under parts C and D.

5 “(v) RURAL ACCESS.—Recommendations to improve competition and access to
6 plans under parts C and D in rural areas.

8 “(C) MAINTAINING INDEPENDENCE OF
9 BOARD.—The Board shall directly submit to
10 Congress reports required under subparagraph
11 (A). No officer or agency of the United States
12 may require the Board to submit to any officer
13 or agency of the United States for approval,
14 comments, or review, prior to the submission to
15 Congress of such reports.

16 “(3) DUTY OF ADMINISTRATOR OF MEDICARE
17 BENEFITS ADMINISTRATION.—With respect to any
18 report submitted by the Board under paragraph
19 (2)(A), not later than 90 days after the report is
20 submitted, the Administrator of the Medicare Bene-
21 fits Administration shall submit to Congress and the
22 President an analysis of recommendations made by
23 the Board in such report. Each such analysis shall
24 be published in the Federal Register.

25 “(4) MEMBERSHIP.—

1 “(A) APPOINTMENT.—Subject to the suc-
2 ceeding provisions of this paragraph, the Board
3 shall consist of seven members to be appointed
4 as follows:

5 “(i) Three members shall be ap-
6 pointed by the President.

7 “(ii) Two members shall be appointed
8 by the Speaker of the House of Represent-
9 atives, with the advice of the chairmen and
10 the ranking minority members of the Com-
11 mittees on Ways and Means and on En-
12 ergy and Commerce of the House of Rep-
13 resentatives.

14 “(iii) Two members shall be appointed
15 by the President pro tempore of the Senate
16 with the advice of the chairman and the
17 ranking minority member of the Senate
18 Committee on Finance.

19 “(B) QUALIFICATIONS.—The members
20 shall be chosen on the basis of their integrity,
21 impartiality, and good judgment, and shall be
22 individuals who are, by reason of their edu-
23 cation and experience in health care benefits
24 management, exceptionally qualified to perform
25 the duties of members of the Board.

1 “(C) PROHIBITION ON INCLUSION OF FED-
2 ERAL EMPLOYEES.—No officer or employee of
3 the United States may serve as a member of
4 the Board.

5 “(5) COMPENSATION.—Members of the Board
6 shall receive, for each day (including travel time)
7 they are engaged in the performance of the functions
8 of the board, compensation at rates not to exceed
9 the daily equivalent to the annual rate in effect for
10 level IV of the Executive Schedule under section
11 5315 of title 5, United States Code.

12 “(6) TERMS OF OFFICE.—

13 “(A) IN GENERAL.—The term of office of
14 members of the Board shall be 3 years.

15 “(B) TERMS OF INITIAL APPOINTEES.—As
16 designated by the President at the time of ap-
17 pointment, of the members first appointed—

18 “(i) one shall be appointed for a term
19 of 1 year;

20 “(ii) three shall be appointed for
21 terms of 2 years; and

22 “(iii) three shall be appointed for
23 terms of 3 years.

1 “(C) REAPPOINTMENTS.—Any person ap-
2 pointed as a member of the Board may not
3 serve for more than 8 years.

4 “(D) VACANCY.—Any member appointed
5 to fill a vacancy occurring before the expiration
6 of the term for which the member’s predecessor
7 was appointed shall be appointed only for the
8 remainder of that term. A member may serve
9 after the expiration of that member’s term until
10 a successor has taken office. A vacancy in the
11 Board shall be filled in the manner in which the
12 original appointment was made.

13 “(7) CHAIR.—The Chair of the Board shall be
14 elected by the members. The term of office of the
15 Chair shall be 3 years.

16 “(8) MEETINGS.—The Board shall meet at the
17 call of the Chair, but in no event less than three
18 times during each fiscal year.

19 “(9) DIRECTOR AND STAFF.—

20 “(A) APPOINTMENT OF DIRECTOR.—The
21 Board shall have a Director who shall be ap-
22 pointed by the Chair.

23 “(B) IN GENERAL.—With the approval of
24 the Board, the Director may appoint, without
25 regard to chapter 31 of title 5, United States

1 Code, such additional personnel as the Director
2 considers appropriate.

3 “(C) FLEXIBILITY WITH RESPECT TO COM-
4 PENSATION.—

5 “(i) IN GENERAL.—The Director and
6 staff of the Board shall, subject to clause
7 (ii), be paid without regard to the provi-
8 sions of chapter 51 and chapter 53 of such
9 title (relating to classification and schedule
10 pay rates).

11 “(ii) MAXIMUM RATE.—In no case
12 may the rate of compensation determined
13 under clause (i) exceed the rate of basic
14 pay payable for level IV of the Executive
15 Schedule under section 5315 of title 5,
16 United States Code.

17 “(D) ASSISTANCE FROM THE ADMINIS-
18 TRATOR OF THE MEDICARE BENEFITS ADMINIS-
19 TRATION.—The Administrator of the Medicare
20 Benefits Administration shall make available to
21 the Board such information and other assist-
22 ance as it may require to carry out its func-
23 tions.

24 “(10) CONTRACT AUTHORITY.—The Board may
25 contract with and compensate government and pri-

1 vate agencies or persons to carry out its duties
2 under this subsection, without regard to section
3 3709 of the Revised Statutes (41 U.S.C. 5).

4 “(f) FUNDING.—There is authorized to be appro-
5 priated, in appropriate part from the Federal Hospital In-
6 surance Trust Fund and from the Federal Supplementary
7 Medical Insurance Trust Fund (including the Medicare
8 Prescription Drug Account), such sums as are necessary
9 to carry out this section.”.

10 (b) EFFECTIVE DATE.—

11 (1) IN GENERAL.—The amendment made by
12 subsection (a) shall take effect on the date of the en-
13 actment of this Act.

14 (2) TIMING OF INITIAL APPOINTMENTS.—The
15 Administrator and Deputy Administrator of the
16 Medicare Benefits Administration may not be ap-
17 pointed before March 1, 2003.

18 (3) DUTIES WITH RESPECT TO ELIGIBILITY DE-
19 TERMINATIONS AND ENROLLMENT.—The Adminis-
20 trator of the Medicare Benefits Administration shall
21 carry out enrollment under title XVIII of the Social
22 Security Act, make eligibility determinations under
23 such title, and carry out part C of such title for
24 years beginning or after January 1, 2005.

1 (4) TRANSITION.—Before the date the Adminis-
2 trator of the Medicare Benefits Administration is
3 appointed and assumes responsibilities under this
4 section and section 1807 of the Social Security Act,
5 the Secretary of Health and Human Services shall
6 provide for the conduct of any responsibilities of
7 such Administrator that are otherwise provided
8 under law.

9 (c) MISCELLANEOUS ADMINISTRATIVE PROVI-
10 SIONS.—

11 (1) ADMINISTRATOR AS MEMBER OF THE
12 BOARD OF TRUSTEES OF THE MEDICARE TRUST
13 FUNDS.—Section 1817(b) and section 1841(b) (42
14 U.S.C. 1395i(b), 1395t(b)) are each amended by
15 striking “and the Secretary of Health and Human
16 Services, all ex officio,” and inserting “the Secretary
17 of Health and Human Services, and the Adminis-
18 trator of the Medicare Benefits Administration, all
19 ex officio,”.

20 (2) INCREASE IN GRADE TO EXECUTIVE LEVEL
21 III FOR THE ADMINISTRATOR OF THE CENTERS FOR
22 MEDICARE & MEDICAID SERVICES; LEVEL FOR MEDI-
23 CARE BENEFITS ADMINISTRATOR.—

1 (A) IN GENERAL.—Section 5314 of title 5,
2 United States Code, by adding at the end the
3 following:

4 “Administrator of the Centers for Medi-
5 care & Medicaid Services.

6 “Administrator of the Medicare Benefits
7 Administration.”.

8 (B) CONFORMING AMENDMENT.—Section
9 5315 of such title is amended by striking “Ad-
10 ministrator of the Health Care Financing Ad-
11 ministration.”.

12 (C) EFFECTIVE DATE.—The amendments
13 made by this paragraph take effect on January
14 1, 2003.

15 **SEC. 702. PHARMACY GRANT PROGRAM.**

16 (a) IN GENERAL.—The Administrator of the Medi-
17 care Benefits Administration shall establish a grant pro-
18 gram to assist pharmacies in implementing the new pre-
19 scription drug benefit under part D of title XVIII of the
20 Social Security Act.

21 (b) USE OF FUNDS.—Grants may be provided under
22 the program to assist pharmacies—

23 (1) in complying with requirements relating to
24 electronic prescribing;

25 (2) in prospective drug utilization review; and

1 (3) in developing innovative medication therapy
2 management programs using information tech-
3 nology.

4 (c) CONDITION FOR RECEIPT.—A pharmacy shall not
5 be awarded a grant under the program unless the phar-
6 macy demonstrates how it will operate a program that will
7 work effectively with patients to reduce adverse drug reac-
8 tions and medical errors.

9 (d) PRIORITIES.—In awarding grants under the pro-
10 gram, the Administrator shall take into account and give
11 priority to the needs of small and rural pharmacies and
12 to pharmacies which service underserved areas.

13 (e) APPROPRIATION.—For the purpose of making
14 grants under this section, there is appropriated, out of any
15 money in the Treasury not otherwise appropriated,
16 \$150,000,000 for each of the fiscal years 2004 through
17 2007. The appropriation under the preceding sentence for
18 a fiscal year is made on October 1 of the fiscal year. No
19 grant shall be awarded under this section before January
20 1, 2004.

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