

Union Calendar No. 83

109TH CONGRESS
1ST SESSION

H. R. 2985

[Report No. 109-139]

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2005

Mr. LEWIS, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Legislative Branch for the fiscal year ending September
6 30, 2006, and for other purposes, namely:

1 HOUSE OF REPRESENTATIVES

2 SALARIES AND EXPENSES

3 For salaries and expenses of the House of Represent-
4 atives, \$1,092,407,000, as follows:

5 HOUSE LEADERSHIP OFFICES

6 For salaries and expenses, as authorized by law,
7 \$19,844,000, including: Office of the Speaker,
8 \$2,788,000, including \$25,000 for official expenses of the
9 Speaker; Office of the Majority Floor Leader, \$2,089,000,
10 including \$10,000 for official expenses of the Majority
11 Leader; Office of the Minority Floor Leader, \$2,928,000,
12 including \$10,000 for official expenses of the Minority
13 Leader; Office of the Majority Whip, including the Chief
14 Deputy Majority Whip, \$1,797,000, including \$5,000 for
15 official expenses of the Majority Whip; Office of the Mi-
16 nority Whip, including the Chief Deputy Minority Whip,
17 \$1,345,000, including \$5,000 for official expenses of the
18 Minority Whip; Speaker's Office for Legislative Floor Ac-
19 tivities, \$482,000; Republican Steering Committee,
20 \$906,000; Republican Conference, \$1,548,000; Repub-
21 lican Policy Committee, \$307,000; Democratic Steering
22 and Policy Committee, \$1,945,000; Democratic Caucus,
23 \$816,000; nine minority employees, \$1,445,000; training
24 and program development—majority, \$290,000; training
25 and program development—minority, \$290,000; Cloak-

1 room Personnel—majority, \$434,000; and Cloakroom
2 Personnel—minority, \$434,000.

3 MEMBERS' REPRESENTATIONAL ALLOWANCES
4 INCLUDING MEMBERS' CLERK HIRE, OFFICIAL
5 EXPENSES OF MEMBERS, AND OFFICIAL MAIL

6 For Members' representational allowances, including
7 Members' clerk hire, official expenses, and official mail,
8 \$538,109,000.

9 COMMITTEE EMPLOYEES

10 STANDING COMMITTEES, SPECIAL AND SELECT

11 For salaries and expenses of standing committees,
12 special and select, authorized by House resolutions,
13 \$117,913,000: *Provided*, That such amount shall remain
14 available for such salaries and expenses until December
15 31, 2006.

16 COMMITTEE ON APPROPRIATIONS

17 For salaries and expenses of the Committee on Ap-
18 propriations, \$25,668,000, including studies and examina-
19 tions of executive agencies and temporary personal serv-
20 ices for such committee, to be expended in accordance with
21 section 202(b) of the Legislative Reorganization Act of
22 1946 and to be available for reimbursement to agencies
23 for services performed: *Provided*, That such amount shall
24 remain available for such salaries and expenses until De-
25 cember 31, 2006.

1 SALARIES, OFFICERS AND EMPLOYEES

2 For compensation and expenses of officers and em-
3 ployees, as authorized by law, \$167,749,000, including:
4 for salaries and expenses of the Office of the Clerk, includ-
5 ing not more than \$13,000, of which not more than
6 \$10,000 is for the Family Room, for official representa-
7 tion and reception expenses, \$21,911,000; for salaries and
8 expenses of the Office of the Sergeant at Arms, including
9 the position of Superintendent of Garages, and including
10 not more than \$3,000 for official representation and re-
11 ception expenses, \$6,284,000; for salaries and expenses of
12 the Office of the Chief Administrative Officer,
13 \$116,971,000, of which \$3,306,000 shall remain available
14 until expended; for salaries and expenses of the Office of
15 the Inspector General, \$3,991,000; for salaries and ex-
16 penses of the Office of Emergency Planning, Preparedness
17 and Operations, \$5,000,000, to remain available until ex-
18 pended; for salaries and expenses of the Office of General
19 Counsel, \$962,000; for the Office of the Chaplain,
20 \$161,000; for salaries and expenses of the Office of the
21 Parliamentarian, including the Parliamentarian and
22 \$2,000 for preparing the Digest of Rules, \$1,767,000; for
23 salaries and expenses of the Office of the Law Revision
24 Counsel of the House, \$2,453,000; for salaries and ex-
25 penses of the Office of the Legislative Counsel of the

1 as submitted to the Committee on Appropriations of the
2 House of Representatives.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN
5 MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE
6 USED FOR DEFICIT REDUCTION OR TO REDUCE THE
7 FEDERAL DEBT.—Notwithstanding any other provision of
8 law, any amounts appropriated under this Act for
9 “HOUSE OF REPRESENTATIVES—SALARIES AND
10 EXPENSES—MEMBERS' REPRESENTATIONAL ALLOW-
11 ANCES” shall be available only for fiscal year 2006. Any
12 amount remaining after all payments are made under such
13 allowances for fiscal year 2006 shall be deposited in the
14 Treasury and used for deficit reduction (or, if there is no
15 Federal budget deficit after all such payments have been
16 made, for reducing the Federal debt, in such manner as
17 the Secretary of the Treasury considers appropriate).

18 (b) REGULATIONS.—The Committee on House Ad-
19 ministration of the House of Representatives shall have
20 authority to prescribe regulations to carry out this section.

21 (c) DEFINITION.—As used in this section, the term
22 “Member of the House of Representatives” means a Rep-
23 resentative in, or a Delegate or Resident Commissioner
24 to, the Congress.

1 JOINT ITEMS

2 For Joint Committees, as follows:

3 JOINT ECONOMIC COMMITTEE

4 For salaries and expenses of the Joint Economic
5 Committee, \$4,276,000, to be disbursed by the Secretary
6 of the Senate.

7 JOINT COMMITTEE ON TAXATION

8 For salaries and expenses of the Joint Committee on
9 Taxation, \$8,781,000, to be disbursed by the Chief Ad-
10 ministrative Officer of the House of Representatives.

11 For other joint items, as follows:

12 OFFICE OF THE ATTENDING PHYSICIAN

13 For medical supplies, equipment, and contingent ex-
14 penses of the emergency rooms, and for the Attending
15 Physician and his assistants, including: (1) an allowance
16 of \$2,175 per month to the Attending Physician; (2) an
17 allowance of \$725 per month each to four medical officers
18 while on duty in the Office of the Attending Physician;
19 (3) an allowance of \$725 per month to two assistants and
20 \$580 per month each not to exceed 11 assistants on the
21 basis heretofore provided for such assistants; and (4)
22 \$1,834,000 for reimbursement to the Department of the
23 Navy for expenses incurred for staff and equipment as-
24 signed to the Office of the Attending Physician, which
25 shall be advanced and credited to the applicable appropria-

1 designated by the chairmen of such committees to super-
2 vise the work.

3 CAPITOL POLICE

4 SALARIES

5 For salaries of employees of the Capitol Police, in-
6 cluding overtime, hazardous duty pay differential, and
7 Government contributions for health, retirement, social se-
8 curity, professional liability insurance, and other applica-
9 ble employee benefits, \$210,350,000, to be disbursed by
10 the Chief of the Capitol Police or his designee.

11 GENERAL EXPENSES

12 For necessary expenses of the Capitol Police, includ-
13 ing motor vehicles, communications and other equipment,
14 security equipment and installation, uniforms, weapons,
15 supplies, materials, training, medical services, forensic
16 services, stenographic services, personal and professional
17 services, the employee assistance program, the awards pro-
18 gram, postage, communication services, travel advances,
19 relocation of instructor and liaison personnel for the Fed-
20 eral Law Enforcement Training Center, and not more
21 than \$5,000 to be expended on the certification of the
22 Chief of the Capitol Police in connection with official rep-
23 resentation and reception expenses, \$29,345,000, to be
24 disbursed by the Chief of the Capitol Police or his des-
25 ignee: *Provided*, That, notwithstanding any other provision
26 of law, the cost of basic training for the Capitol Police

1 at the Federal Law Enforcement Training Center for fis-
2 cal year 2006 shall be paid by the Secretary of Homeland
3 Security from funds available to the Department of Home-
4 land Security.

5 ADMINISTRATIVE PROVISIONS

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 1001. TRANSFER AUTHORITY.—Amounts ap-
8 propriated for fiscal year 2006 for the Capitol Police may
9 be transferred between the headings “SALARIES” and
10 “GENERAL EXPENSES” upon the approval of the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives.

13 SEC. 1002. (a) The United States Capitol Police may
14 not operate a mounted horse unit during fiscal year 2006
15 or any succeeding fiscal year.

16 (b) Not later than 60 days after the date of the enact-
17 ment of this Act, the Chief of the Capitol Police shall
18 transfer to the Chief of the United States Park Police the
19 horses, equipment, and supplies of the Capitol Police
20 mounted horse unit which remain in the possession of the
21 Capitol Police as of such date.

22 SEC. 1003. (a) Section 103(h)(1)(A)(i)(I) of the Eth-
23 ics in Government Act of 1978 (5 U.S.C. App.
24 103(h)(1)(A)(i)(I)) is amended by inserting “United
25 States Capitol Police,” after “Architect of the Capitol,”.

1 (b) The amendment made by subsection (a) shall
2 apply with respect to reports filed under the Ethics in
3 Government Act of 1978 for calendar year 2005 and each
4 succeeding calendar year.

5 SEC. 1004. Section 1003 of the Legislative Branch
6 Appropriations Act, 2004 (Public Law 108–83; 117 Stat.
7 1021), is hereby repealed, and each provision of law
8 amended by such section is hereby restored as if such sec-
9 tion had not been enacted into law.

10 SEC. 1005. (a) During fiscal year 2006 and each suc-
11 ceeding fiscal year, the United States Capitol Police may
12 not carry out any reprogramming, transfer, or use of
13 funds described in subsection (b) unless—

14 (1) the Chief of the Capitol Police submits a re-
15 quest for the reprogramming, transfer, or use of
16 funds to the Committees on Appropriations of the
17 House of Representatives and Senate on or before
18 August 1 of the respective year, unless both such
19 Committees agree to accept the request at a later
20 date because of extraordinary and emergency cir-
21 cumstances cited by the Chief;

22 (2) the request contains clearly stated and de-
23 tailed documentation presenting justification for the
24 reprogramming, transfer, or use of funds;

1 (3) the request contains a declaration that, as
2 of the date of the request, none of the funds in-
3 cluded in the request have been obligated, and none
4 will be obligated, until both Committees have ap-
5 proved the request; and

6 (4) both Committees approve the request.

7 (b) A reprogramming, transfer, or use of funds de-
8 scribed in this subsection is any reprogramming or trans-
9 fer of funds, or use of unobligated balances, under
10 which—

11 (1) the amount to be shifted to or from any ob-
12 ject class, approved budget, or program involved
13 under the request, or the aggregate amount to be
14 shifted to or from any object class, approved budget,
15 or program involved during the fiscal year taking
16 into account the amount contained in the request, is
17 in excess of \$250,000 or 10 percent, whichever is
18 less, of the object class, approved budget, or pro-
19 gram;

20 (2) the reprogramming, transfer, or use of
21 funds would result in a major change to the pro-
22 gram or item which is different than that presented
23 to and approved by the Committees on Appropria-
24 tions of the House of Representatives and Senate; or

1 (3) the funds involved were earmarked by either
2 of the Committees for a specific activity which is dif-
3 ferent than the activity proposed under the request,
4 without regard to whether the amount provided in
5 the earmark is less than, equal to, or greater than
6 the amount required to carry out the activity.

7 SEC. 1006. (a) ESTABLISHMENT OF OFFICE.—There
8 is established in the United States Capitol Police the Of-
9 fice of the Inspector General (hereafter in this section re-
10 ferred to as the “Office”), headed by the Inspector Gen-
11 eral of the United States Capitol Police (hereafter in this
12 section referred to as the “Inspector General”).

13 (b) INSPECTOR GENERAL.—

14 (1) APPOINTMENT.—The Inspector General
15 shall be appointed by the Capitol Police Board, in
16 consultation with and subject to the approval of the
17 Speaker of the House of Representatives and the
18 President pro tempore of the Senate, acting jointly,
19 and shall be appointed without regard to political af-
20 filiation and solely on the basis of integrity and dem-
21 onstrated ability in accounting, auditing, financial
22 analysis, law, management analysis, public adminis-
23 tration, or investigations.

24 (2) TERM OF SERVICE.—The Inspector General
25 shall serve for a term of 5 years, and an individual

1 serving as Inspector General may be reappointed for
2 not more than 2 additional terms.

3 (3) REMOVAL.—The Inspector General may be
4 removed from office prior to the expiration of his
5 term only by the unanimous vote of all of the mem-
6 bers of the Capitol Police Board, and the Board
7 shall communicate the reasons for any such removal
8 to the Speaker of the House of Representatives and
9 President pro tempore of the Senate.

10 (4) SALARY.—The Inspector General shall be
11 paid at an annual rate equal to \$1,000 less than the
12 annual rate of pay in effect for the Chief of the Cap-
13 itol Police.

14 (5) DEADLINE.—The Capitol Police Board shall
15 appoint the first Inspector General under this sec-
16 tion not later than 180 days after the date of the
17 enactment of this Act.

18 (c) DUTIES.—

19 (1) APPLICABILITY OF DUTIES OF INSPECTOR
20 GENERAL OF EXECUTIVE BRANCH ESTABLISH-
21 MENT.—The Inspector General shall carry out the
22 same duties and responsibilities with respect to the
23 United States Capitol Police as an Inspector General
24 of an establishment carries out with respect to an
25 establishment under section 4 of the Inspector Gen-

1 eral Act of 1978 (5 U.S.C. App. 4), under the same
2 terms and conditions which apply under such sec-
3 tion.

4 (2) SEMIANNUAL REPORTS.—The Inspector
5 General shall prepare and submit semiannual re-
6 ports summarizing the activities of the Office in the
7 same manner, and in accordance with the same
8 deadlines, terms, and conditions, as an Inspector
9 General of an establishment under section 5 of the
10 Inspector General Act of 1978 (5 U.S.C. App. 5).
11 For purposes of applying section 5 of such Act to
12 the Inspector General, the Capitol Police Board shall
13 be considered the head of the establishment, except
14 that the Inspector General shall transmit to the
15 Chief of the Capitol Police a copy of any report sub-
16 mitted to the Board pursuant to this paragraph.

17 (3) INVESTIGATIONS OF COMPLAINTS OF EM-
18 PLOYEES AND MEMBERS.—

19 (A) AUTHORITY.—The Inspector General
20 may receive and investigate complaints or infor-
21 mation from an employee or member of the
22 Capitol Police concerning the possible existence
23 of an activity constituting a violation of law,
24 rules, or regulations, or mismanagement, gross
25 waste of funds, abuse of authority, or a sub-

1 stantial and specific danger to the public health
2 and safety, including complaints or information
3 the investigation of which is under the jurisdic-
4 tion of the Internal Affairs Division of the Cap-
5 itol Police as of the date of the enactment of
6 this Act.

7 (B) NONDISCLOSURE.—The Inspector
8 General shall not, after receipt of a complaint
9 or information from an employee or member,
10 disclose the identity of the employee or member
11 without the consent of the employee or member,
12 unless the Inspector General determines such
13 disclosure is unavoidable during the course of
14 the investigation.

15 (C) PROHIBITING RETALIATION.—An em-
16 ployee or member of the Capitol Police who has
17 authority to take, direct others to take, rec-
18 ommend, or approve any personnel action, shall
19 not, with respect to such authority, take or
20 threaten to take any action against any em-
21 ployee or member as a reprisal for making a
22 complaint or disclosing information to the In-
23 spector General, unless the complaint was made
24 or the information disclosed with the knowledge

1 that it was false or with willful disregard for its
2 truth or falsity.

3 (4) INDEPENDENCE IN CARRYING OUT DU-
4 TIES.—Neither the Capitol Police Board, the Chief
5 of the Capitol Police, nor any other member or em-
6 ployee of the Capitol Police may prevent or prohibit
7 the Inspector General from carrying out any of the
8 duties or responsibilities assigned to the Inspector
9 General under this section.

10 (d) POWERS.—

11 (1) IN GENERAL.—The Inspector General may
12 exercise the same authorities with respect to the
13 United States Capitol Police as an Inspector General
14 of an establishment may exercise with respect to an
15 establishment under section 6(a) of the Inspector
16 General Act of 1978 (5 U.S.C. App. 6(a)), other
17 than paragraphs (7) and (8) of such section.

18 (2) STAFF.—

19 (A) IN GENERAL.—The Inspector General
20 may appoint and fix the pay of such personnel
21 as the Inspector General considers appropriate.
22 Such personnel may be appointed without re-
23 gard to the provisions of title 5, United States
24 Code, regarding appointments in the competi-
25 tive service, and may be paid without regard to

1 the provisions of chapter 51 and subchapter III
2 of chapter 53 of such title relating to classifica-
3 tion and General Schedule pay rates, except
4 that no personnel of the Office (other than the
5 Inspector General) may be paid at an annual
6 rate greater than \$500 less than the annual
7 rate of pay of the Inspector General under sub-
8 section (b)(4).

9 (B) EXPERTS AND CONSULTANTS.—The
10 Inspector General may procure temporary and
11 intermittent services under section 3109 of title
12 5, United States Code, at rates not to exceed
13 the daily equivalent of the annual rate of basic
14 pay for level IV of the Executive Schedule
15 under section 5315 of such title.

16 (C) INDEPENDENCE IN APPOINTING
17 STAFF.—No individual may carry out any of
18 the duties or responsibilities of the Office unless
19 the individual is appointed by the Inspector
20 General, or provides services procured by the
21 Inspector General, pursuant to this paragraph.
22 Nothing in this subparagraph may be construed
23 to prohibit the Inspector General from entering
24 into a contract or other arrangement for the
25 provision of services under this section.

1 (D) APPLICABILITY OF CAPITOL POLICE
2 PERSONNEL RULES.—None of the regulations
3 governing the appointment and pay of employ-
4 ees of the Capitol Police shall apply with re-
5 spect to the appointment and compensation of
6 the personnel of the Office, except to the extent
7 agreed to by the Inspector General. Nothing in
8 the previous sentence may be construed to af-
9 fect subparagraphs (A) through (C).

10 (3) EQUIPMENT AND SUPPLIES.—The Chief of
11 the Capitol Police shall provide the Office with ap-
12 propriate and adequate office space, together with
13 such equipment, supplies, and communications facili-
14 ties and services as may be necessary for the oper-
15 ation of the Office, and shall provide necessary
16 maintenance services for such office space and the
17 equipment and facilities located therein.

18 (e) TRANSFER OF FUNCTIONS.—

19 (1) TRANSFER.—To the extent that any office
20 or entity in the Capitol Police prior to the appoint-
21 ment of the first Inspector General under this sec-
22 tion carried out any of the duties and responsibilities
23 assigned to the Inspector General under this section,
24 the functions of such office or entity shall be trans-

1 ferred to the Office upon the appointment of the
2 first Inspector General under this section.

3 (2) NO REDUCTION IN PAY OR BENEFITS.—The
4 transfer of the functions of an office or entity to the
5 Office under paragraph (1) may not result in a re-
6 duction in the pay or benefits of any employee of the
7 office or entity, except to the extent required under
8 subsection (d)(2)(A).

9 SEC. 1007. (a) IN GENERAL.—Not later than 60
10 days after the last day of each semiannual period, the
11 Chief of the Capitol Police shall submit to Congress, with
12 respect to that period, a detailed, itemized report of the
13 disbursements for the operations of the United States
14 Capitol Police.

15 (b) CONTENTS.—The report required by subsection
16 (a) shall include—

17 (1) the name of each person or entity who re-
18 ceives a payment from the Capitol Police;

19 (2) the cost of any item furnished to the Cap-
20 itol Police;

21 (3) a description of any service rendered to the
22 Capitol Police, together with service dates;

23 (4) a statement of all amounts appropriated to,
24 or received or expended by, the Capitol Police and

1 any unexpended balances of such amounts for any
2 open fiscal year; and

3 (5) such additional information as may be re-
4 quired by regulation of the Committee on House Ad-
5 ministration of the House of Representatives or the
6 Committee on Rules and Administration of the Sen-
7 ate.

8 (c) PRINTING.—Each report under this section shall
9 be printed as a House document.

10 (d) EFFECTIVE DATE.—This section shall apply with
11 respect to the semiannual periods of October 1 through
12 March 31 and April 1 through September 30 of each year,
13 beginning with the semiannual period in which this section
14 is enacted.

15 OFFICE OF COMPLIANCE

16 SALARIES AND EXPENSES

17 For salaries and expenses of the Office of Compli-
18 ance, as authorized by section 305 of the Congressional
19 Accountability Act of 1995 (2 U.S.C. 1385), \$3,112,000,
20 of which \$780,000 shall remain available until September
21 30, 2007: *Provided*, That the Executive Director of the
22 Office of Compliance may, within the limits of available
23 appropriations, dispose of surplus or obsolete personal
24 property by interagency transfer, donation, or discarding:
25 *Provided further*, That not more than \$500 may be ex-

1 pended on the certification of the Executive Director of
2 the Office of Compliance in connection with official rep-
3 resentation and reception expenses.

4 CONGRESSIONAL BUDGET OFFICE

5 SALARIES AND EXPENSES

6 For salaries and expenses necessary for operation of
7 the Congressional Budget Office, including not more than
8 \$3,000 to be expended on the certification of the Director
9 of the Congressional Budget Office in connection with offi-
10 cial representation and reception expenses, \$35,450,000.

11 ADMINISTRATIVE PROVISION

12 SEC. 1100. (a) PERMITTING WAIVER OF CLAIMS FOR
13 OVERPAYMENT OF PAY AND ALLOWANCES.—Section
14 5584(g) of title 5, United States Code, is amended—

15 (1) by striking “and” at the end of paragraph

16 (5);

17 (2) by striking the period at the end of para-
18 graph (6) and inserting “; and”; and

19 (3) by inserting immediately after paragraph
20 (6) the following new paragraph:

21 “(7) the Congressional Budget Office.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to fiscal year 2006
24 and each succeeding fiscal year.

1 ARCHITECT OF THE CAPITOL

2 GENERAL ADMINISTRATION

3 For salaries for the Architect of the Capitol, and
4 other personal services, at rates of pay provided by law;
5 for surveys and studies in connection with activities under
6 the care of the Architect of the Capitol; for all necessary
7 expenses for the general and administrative support of the
8 operations under the Architect of the Capitol including the
9 Botanic Garden; electrical substations of the Capitol, Sen-
10 ate and House office buildings, and other facilities under
11 the jurisdiction of the Architect of the Capitol; including
12 furnishings and office equipment; including not more than
13 \$5,000 for official reception and representation expenses,
14 to be expended as the Architect of the Capitol may ap-
15 prove; for purchase or exchange, maintenance, and oper-
16 ation of a passenger motor vehicle, \$77,002,000, of which
17 \$350,000 shall remain available until September 30, 2008.

18 CAPITOL BUILDING

19 For all necessary expenses for maintenance, care, and
20 operation of the Capitol, \$22,097,000, of which
21 \$6,580,000 shall remain available until September 30,
22 2008.

23 CAPITOL GROUNDS

24 For all necessary expenses for care and improvement
25 of grounds surrounding the Capitol, the Senate and House

1 office buildings, and the Capitol Power Plant, \$7,723,000,
2 of which \$740,000 shall remain available until September
3 30, 2008.

4 HOUSE OFFICE BUILDINGS

5 For all necessary expenses for the maintenance, care
6 and operation of the House office buildings, \$59,616,000,
7 of which \$20,922,000 shall remain available until Sep-
8 tember 30, 2008.

9 CAPITOL POWER PLANT

10 For all necessary expenses for the maintenance, care
11 and operation of the Capitol Power Plant; lighting, heat-
12 ing, power (including the purchase of electrical energy)
13 and water and sewer services for the Capitol, Senate and
14 House office buildings, Library of Congress buildings, and
15 the grounds about the same, Botanic Garden, Senate ga-
16 rage, and air conditioning refrigeration not supplied from
17 plants in any of such buildings; heating the Government
18 Printing Office and Washington City Post Office, and
19 heating and chilled water for air conditioning for the Su-
20 preme Court Building, the Union Station complex, the
21 Thurgood Marshall Federal Judiciary Building and the
22 Folger Shakespeare Library, expenses for which shall be
23 advanced or reimbursed upon request of the Architect of
24 the Capitol and amounts so received shall be deposited
25 into the Treasury to the credit of this appropriation,

1 \$58,585,000, of which \$1,592,000 shall remain available
2 until September 30, 2008: *Provided*, That not more than
3 \$6,600,000 of the funds credited or to be reimbursed to
4 this appropriation as herein provided shall be available for
5 obligation during fiscal year 2006.

6 LIBRARY BUILDINGS AND GROUNDS

7 For all necessary expenses for the mechanical and
8 structural maintenance, care and operation of the Library
9 buildings and grounds, \$31,318,000, of which \$6,325,000
10 shall remain available until September 30, 2008.

11 CAPITOL POLICE BUILDINGS AND GROUNDS

12 For all necessary expenses for the maintenance, care
13 and operation of buildings and grounds of the United
14 States Capitol Police, \$16,830,000, of which \$5,500,000
15 shall remain available until September 30, 2008.

16 BOTANIC GARDEN

17 For all necessary expenses for the maintenance, care
18 and operation of the Botanic Garden and the nurseries,
19 buildings, grounds, and collections; and purchase and ex-
20 change, maintenance, repair, and operation of a passenger
21 motor vehicle; all under the direction of the Joint Com-
22 mittee on the Library, \$7,211,000: *Provided*, That this ap-
23 propriation shall not be available for construction of the
24 National Garden: *Provided further*, That of the amount
25 made available under this heading, the Architect may obli-

1 gate and expend such sums as may be necessary for the
2 maintenance, care, and operation of the National Garden
3 established under section 307E of the Legislative Branch
4 Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers
5 approved by the Architect or a duly authorized designee.

6 CAPITOL VISITOR CENTER

7 For an additional amount for the Capitol Visitor Cen-
8 ter project, \$36,900,000, to remain available until ex-
9 pended: *Provided*, That the Architect of the Capitol may
10 not obligate any of the funds which are made available
11 for the Capitol Visitor Center project without an obliga-
12 tion plan approved by the Committees on Appropriations
13 of the Senate and House of Representatives.

14 ADMINISTRATIVE PROVISIONS

15 SEC. 1201. (a) Section 108 of the Legislative Branch
16 Appropriations Act, 1991 (2 U.S.C. 1849), is amended—

17 (1) in subsection (b), by striking “8 positions”
18 and inserting “10 positions”; and

19 (2) in subsection (c), by striking “4 positions”
20 and inserting “2 positions”.

21 (b) The amendments made by subsection (a) shall
22 apply with respect to pay periods beginning on or after
23 the date of the enactment of this Act.

24 SEC. 1202. (a) Section 905 of the 2002 Supplemental
25 Appropriations Act for Further Recovery From and Re-

1 sponse To Terrorist Attacks on the United States (2
2 U.S.C. 1819) is amended—

3 (1) by redesignating subsection (d) as sub-
4 section (e); and

5 (2) by inserting after subsection (c) the fol-
6 lowing new subsection:

7 “(d) In the case of a building or facility acquired
8 through purchase pursuant to subsection (a), the Archi-
9 tect of the Capitol may enter into or assume a lease with
10 another person for the use of any portion of the building
11 or facility that the Architect of the Capitol determines is
12 not required to be used to carry out the purposes of this
13 section, subject to the approval of the entity which ap-
14 proved the acquisition of such building or facility under
15 subsection (b).”.

16 (b) The amendments made by subsection (a) shall
17 apply with respect to leases entered into on or after the
18 date of the enactment of this Act.

19 SEC. 1203. (a) There is hereby established the Cap-
20 itol Visitor Center Governing Board (hereafter in this sec-
21 tion referred to as the “Governing Board”), consisting of
22 each of the following individuals:

23 (1) The Speaker of the House of Representa-
24 tives, or the Speaker’s designee.

1 (2) The minority leader of the House of Rep-
2 resentatives, or the minority leader's designee.

3 (3) The majority leader of the Senate, or the
4 majority leader's designee.

5 (4) The minority leader of the Senate, or the
6 minority leader's designee.

7 (5) The chairman of the Committee on House
8 Administration of the House of Representatives, who
9 shall serve as co-chairman of the Governing Board.

10 (6) The ranking minority member of the Com-
11 mittee on House Administration of the House of
12 Representatives.

13 (7) The chairman of the Committee on Rules
14 and Administration of the Senate, who shall serve as
15 co-chairman of the Governing Board.

16 (8) The ranking minority member of the Com-
17 mittee on Rules and Administration of the Senate.

18 (b) The Governing Board shall be responsible for es-
19 tablishing the policies which govern the operations of the
20 Capitol Visitor Center, consistent with applicable law.

21 (c) This section shall apply with respect to fiscal year
22 2006 and each succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

1 For necessary expenses of the Library of Congress
2 not otherwise provided for, including development and
3 maintenance of the Library's catalogs; custody and custo-
4 dial care of the Library buildings; special clothing; clean-
5 ing, laundering and repair of uniforms; preservation of
6 motion pictures in the custody of the Library; operation
7 and maintenance of the American Folklife Center in the
8 Library; preparation and distribution of catalog records
9 and other publications of the Library; hire or purchase
10 of one passenger motor vehicle; and expenses of the Li-
11 brary of Congress Trust Fund Board not properly charge-
12 able to the income of any trust fund held by the Board,
13 \$388,144,000, of which not more than \$6,000,000 shall
14 be derived from collections credited to this appropriation
15 during fiscal year 2006, and shall remain available until
16 expended, under the Act of June 28, 1902 (chapter 1301;
17 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000
18 shall be derived from collections during fiscal year 2006
19 and shall remain available until expended for the develop-
20 ment and maintenance of an international legal informa-
21 tion database and activities related thereto: *Provided,*
22 That the Library of Congress may not obligate or expend
23 any funds derived from collections under the Act of June

1 28, 1902, in excess of the amount authorized for obliga-
2 tion or expenditure in appropriations Acts: *Provided fur-*
3 *ther*, That the total amount available for obligation shall
4 be reduced by the amount by which collections are less
5 than \$6,350,000: *Provided further*, That of the total
6 amount appropriated, \$13,972,000 shall remain available
7 until expended for the partial acquisition of books, periodi-
8 cals, newspapers, and all other materials including sub-
9 scriptions for bibliographic services for the Library, in-
10 cluding \$40,000 to be available solely for the purchase,
11 when specifically approved by the Librarian, of special and
12 unique materials for additions to the collections: *Provided*
13 *further*, That of the total amount appropriated, not more
14 than \$12,000 may be expended, on the certification of the
15 Librarian of Congress, in connection with official rep-
16 resentation and reception expenses for the Overseas Field
17 Offices: *Provided further*, That of the total amount appro-
18 priated, \$500,000 shall remain available until expended,
19 and shall be transferred to the Abraham Lincoln Bicen-
20 nial Commission for carrying out the purposes of Public
21 Law 106–173, of which \$10,000 may be used for official
22 representation and reception expenses of the Abraham
23 Lincoln Bicentennial Commission: *Provided further*, That
24 of the total amount appropriated, \$11,078,000 shall re-
25 main available until expended for partial support of the

1 National Audio-Visual Conservation Center: *Provided fur-*
2 *ther*, That of the amounts made available under this head-
3 ing in chapter 9 of division A of the Miscellaneous Appro-
4 priations Act, 2001 (Public Law 106–554; 114 Stat.
5 2763A–194), \$15,500,000 is rescinded.

6 COPYRIGTH OFFICE

7 SALARIES AND EXPENSES

8 For necessary expenses of the Copyright Office,
9 \$58,601,000, of which not more than \$30,481,000, to re-
10 main available until expended, shall be derived from collec-
11 tions credited to this appropriation during fiscal year 2006
12 under section 708(d) of title 17, United States Code: *Pro-*
13 *vided*, That the Copyright Office may not obligate or ex-
14 pend any funds derived from collections under such sec-
15 tion, in excess of the amount authorized for obligation or
16 expenditure in appropriations Acts: *Provided further*, That
17 not more than \$5,465,000 shall be derived from collections
18 during fiscal year 2006 under sections 111(d)(2),
19 119(b)(2), 802(h), 1005, and 1316 of such title: *Provided*
20 *further*, That the total amount available for obligation
21 shall be reduced by the amount by which collections are
22 less than \$35,946,000: *Provided further*, That not more
23 than \$100,000 of the amount appropriated is available for
24 the maintenance of an “International Copyright Institute”
25 in the Copyright Office of the Library of Congress for the

1 purpose of training nationals of developing countries in
2 intellectual property laws and policies: *Provided further,*
3 That not more than \$4,250 may be expended, on the cer-
4 tification of the Librarian of Congress, in connection with
5 official representation and reception expenses for activities
6 of the International Copyright Institute and for copyright
7 delegations, visitors, and seminars: *Provided further,* That
8 notwithstanding any provision of chapter 8 of title 17,
9 United States Code, any amounts made available under
10 this heading which are attributable to royalty fees and
11 payments received by the Copyright Office pursuant to
12 sections 111, 119, and chapter 10 of such title may be
13 used for the costs incurred in the administration of the
14 Copyright Royalty Judges program.

15 CONGRESSIONAL RESEARCH SERVICE

16 SALARIES AND EXPENSES

17 For necessary expenses to carry out the provisions
18 of section 203 of the Legislative Reorganization Act of
19 1946 (2 U.S.C. 166) and to revise and extend the Anno-
20 tated Constitution of the United States of America,
21 \$99,952,000: *Provided,* That no part of such amount may
22 be used to pay any salary or expense in connection with
23 any publication, or preparation of material therefor (ex-
24 cept the Digest of Public General Bills), to be issued by
25 the Library of Congress unless such publication has ob-

1 tained prior approval of either the Committee on House
2 Administration of the House of Representatives or the
3 Committee on Rules and Administration of the Senate.

4 BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED
5 SALARIES AND EXPENSES

6 For salaries and expenses to carry out the Act
7 of March 3, 1931 (chapter 400; 46 Stat. 1487; 2
8 U.S.C. 135a), \$54,049,000, of which \$15,831,000 shall
9 remain available until expended.

10 ADMINISTRATIVE PROVISIONS

11 SEC. 1301. INCENTIVE AWARDS PROGRAM.—Of the
12 amounts appropriated to the Library of Congress in this
13 Act, not more than \$5,000 may be expended, on the cer-
14 tification of the Librarian of Congress, in connection with
15 official representation and reception expenses for the in-
16 centive awards program.

17 SEC. 1302. REIMBURSABLE AND REVOLVING FUND
18 ACTIVITIES. (a) IN GENERAL.—For fiscal year 2006, the
19 obligational authority of the Library of Congress for the
20 activities described in subsection (b) may not exceed
21 \$109,943,000.

22 (b) ACTIVITIES.—The activities referred to in sub-
23 section (a) are reimbursable and revolving fund activities
24 that are funded from sources other than appropriations

1 to the Library in appropriations Acts for the legislative
2 branch.

3 (c) TRANSFER OF FUNDS.—During fiscal year 2006,
4 the Librarian of Congress may temporarily transfer funds
5 appropriated in this Act, under the heading “LIBRARY
6 OF CONGRESS” under the subheading “SALARIES AND
7 EXPENSES” to the revolving fund for the FEDLINK Pro-
8 gram and the Federal Research Program established
9 under section 103 of the Library of Congress Fiscal Oper-
10 ations Improvement Act of 2000 (Public Law 106–481;
11 2 U.S.C. 182c): *Provided*, That the total amount of such
12 transfers may not exceed \$1,900,000: *Provided further*,
13 That the appropriate revolving fund account shall reim-
14 burse the Library for any amounts transferred to it before
15 the period of availability of the Library appropriation ex-
16 pires.

17 SEC. 1303. UNITED STATES DIPLOMATIC FACILI-
18 TIES.—Funds made available for the Library of Congress
19 under this Act are available for transfer to the Depart-
20 ment of State as remittance for a fee charged by the De-
21 partment for fiscal year 2006 for the maintenance, up-
22 grade, or construction of United States diplomatic facili-
23 ties only to the extent that the amount of the fee so
24 charged is equal to or less than the unreimbursed value
25 of the services provided during fiscal year 2006 to the Li-

1 brary of Congress on State Department diplomatic facili-
2 ties.

3 SEC. 1304. (a) Section 208 of the Legislative Branch
4 Appropriations Act, 1996 (Public Law 104–53; 109 Stat.
5 532), is hereby repealed.

6 (b) The amendment made by this section shall take
7 effect on the date of the enactment of this Act or October
8 1, 2005, whichever occurs earlier.

9 GOVERNMENT PRINTING OFFICE

10 CONGRESSIONAL PRINTING AND BINDING

11 (INCLUDING TRANSFER OF FUNDS)

12 For authorized printing and binding for the Congress
13 and the distribution of Congressional information in any
14 format; printing and binding for the Architect of the Cap-
15 itol; expenses necessary for preparing the semimonthly
16 and session index to the Congressional Record, as author-
17 ized by law (section 902 of title 44, United States Code);
18 printing and binding of Government publications author-
19 ized by law to be distributed to Members of Congress; and
20 printing, binding, and distribution of Government publica-
21 tions authorized by law to be distributed without charge
22 to the recipient, \$88,090,000: *Provided*, That this appro-
23 priation shall not be available for paper copies of the per-
24 manent edition of the Congressional Record for individual
25 Representatives, Resident Commissioners or Delegates au-

1 thORIZED under section 906 of title 44, United States Code:
2 *Provided further*, That this appropriation shall be available
3 for the payment of obligations incurred under the appro-
4 priations for similar purposes for preceding fiscal years:
5 *Provided further*, That notwithstanding the 2-year limita-
6 tion under section 718 of title 44, United States Code,
7 none of the funds appropriated or made available under
8 this Act or any other Act for printing and binding and
9 related services provided to Congress under chapter 7 of
10 title 44, United States Code, may be expended to print
11 a document, report, or publication after the 27-month pe-
12 riod beginning on the date that such document, report,
13 or publication is authorized by Congress to be printed, un-
14 less Congress reauthorizes such printing in accordance
15 with section 718 of title 44, United States Code: *Provided*
16 *further*, That any unobligated or unexpended balances in
17 this account or accounts for similar purposes for preceding
18 fiscal years may be transferred to the Government Print-
19 ing Office revolving fund for carrying out the purposes of
20 this heading, subject to the approval of the Committees
21 on Appropriations of the House of Representatives and
22 Senate.

1 OFFICE OF SUPERINTENDENT OF DOCUMENTS
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For expenses of the Office of Superintendent of Doc-
5 uments necessary to provide for the cataloging and index-
6 ing of Government publications and their distribution to
7 the public, Members of Congress, other Government agen-
8 cies, and designated depository and international exchange
9 libraries as authorized by law, \$33,337,000: *Provided*,
10 That amounts of not more than \$2,000,000 from current
11 year appropriations are authorized for producing and dis-
12 seminating Congressional serial sets and other related
13 publications for fiscal years 2004 and 2005 to depository
14 and other designated libraries: *Provided further*, That any
15 unobligated or unexpended balances in this account or ac-
16 counts for similar purposes for preceding fiscal years may
17 be transferred to the Government Printing Office revolv-
18 ing fund for carrying out the purposes of this heading,
19 subject to the approval of the Committees on Appropria-
20 tions of the House of Representatives and Senate.

21 GOVERNMENT PRINTING OFFICE REVOLVING FUND

22 For payment to the Government Printing Office Re-
23 volving Fund, \$1,200,000 for workforce retraining. The
24 Government Printing Office may make such expenditures,
25 within the limits of funds available and in accord with the

1 law, and to make such contracts and commitments without
2 regard to fiscal year limitations as provided by section
3 9104 of title 31, United States Code, as may be necessary
4 in carrying out the programs and purposes set forth in
5 the budget for the current fiscal year for the Government
6 Printing Office revolving fund: *Provided*, That not more
7 than \$5,000 may be expended on the certification of the
8 Public Printer in connection with official representation
9 and reception expenses: *Provided further*, That the revol-
10 ving fund shall be available for the hire or purchase of not
11 more than 12 passenger motor vehicles: *Provided further*,
12 That expenditures in connection with travel expenses of
13 the advisory councils to the Public Printer shall be deemed
14 necessary to carry out the provisions of title 44, United
15 States Code: *Provided further*, That the revolving fund
16 shall be available for temporary or intermittent services
17 under section 3109(b) of title 5, United States Code, but
18 at rates for individuals not more than the daily equivalent
19 of the annual rate of basic pay for level V of the Executive
20 Schedule under section 5316 of such title: *Provided fur-*
21 *ther*, That the revolving fund and the funds provided
22 under the headings “OFFICE OF SUPERINTENDENT OF
23 DOCUMENTS” and “SALARIES AND EXPENSES” together
24 may not be available for the full-time equivalent employ-
25 ment of more than 2,621 workyears (or such other number

1 of workyears as the Public Printer may request, subject
2 to the approval of the Committees on Appropriations of
3 the House of Representatives and Senate): *Provided fur-*
4 *ther*, That activities financed through the revolving fund
5 may provide information in any format: *Provided further*,
6 That not more than \$10,000 may be expended from the
7 revolving fund in support of the activities of the Benjamin
8 Franklin Tercentenary Commission established by Public
9 Law 107–202.

10 GOVERNMENT ACCOUNTABILITY OFFICE

11 SALARIES AND EXPENSES

12 For necessary expenses of the Government Account-
13 ability Office, including not more than \$12,500 to be ex-
14 pended on the certification of the Comptroller General of
15 the United States in connection with official representa-
16 tion and reception expenses; temporary or intermittent
17 services under section 3109(b) of title 5, United States
18 Code, but at rates for individuals not more than the daily
19 equivalent of the annual rate of basic pay for level IV of
20 the Executive Schedule under section 5315 of such title;
21 hire of one passenger motor vehicle; advance payments in
22 foreign countries in accordance with section 3324 of title
23 31, United States Code; benefits comparable to those pay-
24 able under sections 901(5), (6), and (8) of the Foreign
25 Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8));

1 and under regulations prescribed by the Comptroller Gen-
2 eral of the United States, rental of living quarters in for-
3 eign countries, \$482,395,000: *Provided*, That not more
4 than \$5,104,000 of payments received under section 782
5 of title 31, United States Code, shall be available for use
6 in fiscal year 2006: *Provided further*, That not more than
7 \$2,061,000 of reimbursements received under section
8 9105 of title 31, United States Code, shall be available
9 for use in fiscal year 2006: *Provided further*, That this
10 appropriation and appropriations for administrative ex-
11 penses of any other department or agency which is a mem-
12 ber of the National Intergovernmental Audit Forum or a
13 Regional Intergovernmental Audit Forum shall be avail-
14 able to finance an appropriate share of either Forum's
15 costs as determined by the respective Forum, including
16 necessary travel expenses of non-Federal participants:
17 *Provided further*, That payments hereunder to the Forum
18 may be credited as reimbursements to any appropriation
19 from which costs involved are initially financed.

20 PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER
21 TRUST FUND

22 For a payment to the Open World Leadership Center
23 Trust Fund for financing activities of the Open World
24 Leadership Center under section 313 of the Legislative

1 Branch Appropriations Act, 2001 (2 U.S.C. 1151),
2 \$14,000,000.

3 TITLE II—GENERAL PROVISIONS

4 SEC. 201. MAINTENANCE AND CARE OF PRIVATE
5 VEHICLES.—No part of the funds appropriated in this Act
6 shall be used for the maintenance or care of private vehi-
7 cles, except for emergency assistance and cleaning as may
8 be provided under regulations relating to parking facilities
9 for the House of Representatives issued by the Committee
10 on House Administration and for the Senate issued by the
11 Committee on Rules and Administration.

12 SEC. 202. FISCAL YEAR LIMITATION.—No part of
13 the funds appropriated in this Act shall remain available
14 for obligation beyond fiscal year 2006 unless expressly so
15 provided in this Act.

16 SEC. 203. RATES OF COMPENSATION AND DESIGNA-
17 TION.—Whenever in this Act any office or position not
18 specifically established by the Legislative Pay Act of 1929
19 (46 Stat. 32 et seq.) is appropriated for or the rate of
20 compensation or designation of any office or position ap-
21 propriated for is different from that specifically estab-
22 lished by such Act, the rate of compensation and the des-
23 ignation in this Act shall be the permanent law with re-
24 spect thereto: *Provided*, That the provisions in this Act
25 for the various items of official expenses of Members, offi-

1 cers, and committees of the Senate and House of Rep-
2 resentatives, and clerk hire for Senators and Members of
3 the House of Representatives shall be the permanent law
4 with respect thereto.

5 SEC. 204. CONSULTING SERVICES.—The expenditure
6 of any appropriation under this Act for any consulting
7 service through procurement contract, under section 3109
8 of title 5, United States Code, shall be limited to those
9 contracts where such expenditures are a matter of public
10 record and available for public inspection, except where
11 otherwise provided under existing law, or under existing
12 Executive order issued under existing law.

13 SEC. 205. AWARDS AND SETTLEMENTS.—Such sums
14 as may be necessary are appropriated to the account de-
15 scribed in subsection (a) of section 415 of the Congres-
16 sional Accountability Act of 1995 (2 U.S.C. 1415(a)) to
17 pay awards and settlements as authorized under such sub-
18 section.

19 SEC. 206. COSTS OF LBFMC.—Amounts available
20 for administrative expenses of any legislative branch entity
21 which participates in the Legislative Branch Financial
22 Managers Council (LBFMC) established by charter on
23 March 26, 1996, shall be available to finance an appro-
24 priate share of LBFMC costs as determined by the
25 LBFMC, except that the total LBFMC costs to be shared

1 among all participating legislative branch entities (in such
2 allocations among the entities as the entities may deter-
3 mine) may not exceed \$2,000.

4 SEC. 207. LANDSCAPE MAINTENANCE.—The Archi-
5 tect of the Capitol, in consultation with the District of Co-
6 lumbia, is authorized to maintain and improve the land-
7 scape features, excluding streets and sidewalks, in the ir-
8 regular shaped grassy areas bounded by Washington Ave-
9 nue, SW on the northeast, Second Street SW on the west,
10 Square 582 on the south, and the beginning of the I-395
11 tunnel on the southeast.

12 SEC. 208. LIMITATION ON TRANSFERS.—None of the
13 funds made available in this Act may be transferred to
14 any department, agency, or instrumentality of the United
15 States Government, except pursuant to a transfer made
16 by, or transfer authority provided in, this Act or any other
17 appropriation Act.

18 SEC. 209. COMPENSATION LIMITATION.—None of
19 the funds contained in this Act or any other Act may be
20 used to pay the salary of any officer or employee of the
21 legislative branch during fiscal year 2006 or any suc-
22 ceeding fiscal year to the extent that the aggregate
23 amount of compensation paid to the employee during the
24 year (including base salary, performance awards and other
25 bonus payments, and incentive payments, but excluding

1 the value of any in-kind benefits and payments) exceeds
2 the annual rate of pay for a Member of the House of Rep-
3 resentatives or a Senator.

4 TITLE III—CONTINUITY IN REPRESENTATION

5 SEC. 301. Section 26 of the Revised Statutes of the
6 United States (2 U.S.C. 8) is amended—

7 (1) by striking “The time” and inserting “(a)
8 IN GENERAL.—Except as provided in subsection (b),
9 the time”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(b) SPECIAL RULES IN EXTRAORDINARY CIR-
13 CUMSTANCES.—

14 “(1) IN GENERAL.—In extraordinary cir-
15 cumstances, the executive authority of any State in
16 which a vacancy exists in its representation in the
17 House of Representatives shall issue a writ of elec-
18 tion to fill such vacancy by special election.

19 “(2) TIMING OF SPECIAL ELECTION.—A special
20 election held under this subsection to fill a vacancy
21 shall take place not later than 49 days after the
22 Speaker of the House of Representatives announces
23 that the vacancy exists, unless, during the 75-day
24 period which begins on the date of the announce-
25 ment of the vacancy—

1 “(A) a regularly scheduled general election
2 for the office involved is to be held; or

3 “(B) another special election for the office
4 involved is to be held, pursuant to a writ for a
5 special election issued by the chief executive of
6 the State prior to the date of the announcement
7 of the vacancy.

8 “(3) NOMINATIONS BY PARTIES.—If a special
9 election is to be held under this subsection, the de-
10 termination of the candidates who will run in such
11 election shall be made—

12 “(A) by nominations made not later than
13 10 days after the Speaker announces that the
14 vacancy exists by the political parties of the
15 State that are authorized by State law to nomi-
16 nate candidates for the election; or

17 “(B) by any other method the State con-
18 siders appropriate, including holding primary
19 elections, that will ensure that the State will
20 hold the special election within the deadline re-
21 quired under paragraph (2).

22 “(4) EXTRAORDINARY CIRCUMSTANCES.—

23 “(A) IN GENERAL.—In this subsection,
24 ‘extraordinary circumstances’ occur when the
25 Speaker of the House of Representatives an-

1 nounces that vacancies in the representation
2 from the States in the House exceed 100.

3 “(B) JUDICIAL REVIEW.—If any action is
4 brought for declaratory or injunctive relief to
5 challenge an announcement made under sub-
6 paragraph (A), the following rules shall apply:

7 “(i) Not later than 2 days after the
8 announcement, the action shall be filed in
9 the United States District Court having ju-
10 risdiction in the district of the Member of
11 the House of Representatives whose seat
12 has been announced to be vacant and shall
13 be heard by a 3-judge court convened pur-
14 suant to section 2284 of title 28, United
15 States Code.

16 “(ii) A copy of the complaint shall be
17 delivered promptly to the Clerk of the
18 House of Representatives.

19 “(iii) A final decision in the action
20 shall be made within 3 days of the filing
21 of such action and shall not be reviewable.

22 “(iv) The executive authority of the
23 State that contains the district of the
24 Member of the House of Representatives
25 whose seat has been announced to be va-

1 cant shall have the right to intervene either
2 in support of or opposition to the position
3 of a party to the case regarding the an-
4 nouncement of such vacancy.

5 “(5) PROTECTING ABILITY OF ABSENT MILI-
6 TARY AND OVERSEAS VOTERS TO PARTICIPATE IN
7 SPECIAL ELECTIONS.—

8 “(A) DEADLINE FOR TRANSMITTAL OF AB-
9 SENTEE BALLOTS.—In conducting a special
10 election held under this subsection to fill a va-
11 cancy in its representation, the State shall en-
12 sure to the greatest extent practicable (includ-
13 ing through the use of electronic means) that
14 absentee ballots for the election are transmitted
15 to absent uniformed services voters and over-
16 seas voters (as such terms are defined in the
17 Uniformed and Overseas Citizens Absentee Vot-
18 ing Act) not later than 15 days after the
19 Speaker of the House of Representatives an-
20 nounces that the vacancy exists.

21 “(B) PERIOD FOR BALLOT TRANSIT
22 TIME.—Notwithstanding the deadlines referred
23 to in paragraphs (2) and (3), in the case of an
24 individual who is an absent uniformed services
25 voter or an overseas voter (as such terms are

1 defined in the Uniformed and Overseas Citizens
2 Absentee Voting Act), a State shall accept and
3 process any otherwise valid ballot or other elec-
4 tion material from the voter so long as the bal-
5 lot or other material is received by the appro-
6 priate State election official not later than 45
7 days after the State transmits the ballot or
8 other material to the voter.

9 “(6) APPLICATION TO DISTRICT OF COLUMBIA
10 AND TERRITORIES.—This subsection shall apply—

11 “(A) to a Delegate or Resident Commis-
12 sioner to the Congress in the same manner as
13 it applies to a Member of the House of Rep-
14 resentatives; and

15 “(B) to the District of Columbia, the Com-
16 monwealth of Puerto Rico, American Samoa,
17 Guam, and the United States Virgin Islands in
18 the same manner as it applies to a State, ex-
19 cept that a vacancy in the representation from
20 any such jurisdiction in the House shall not be
21 taken into account by the Speaker in deter-
22 mining whether vacancies in the representation
23 from the States in the House exceed 100 for
24 purposes of paragraph (4)(A).

1 “(7) RULE OF CONSTRUCTION REGARDING FED-
2 ERAL ELECTION LAWS.—Nothing in this subsection
3 may be construed to affect the application to special
4 elections under this subsection of any Federal law
5 governing the administration of elections for Federal
6 office (including any law providing for the enforce-
7 ment of any such law), including, but not limited to,
8 the following:

9 “(A) The Voting Rights Act of 1965 (42
10 U.S.C. 1973 et seq.), as amended.

11 “(B) The Voting Accessibility for the El-
12 derly and Handicapped Act (42 U.S.C. 1973ee
13 et seq.), as amended.

14 “(C) The Uniformed and Overseas Citizens
15 Absentee Voting Act (42 U.S.C. 1973ff et seq.),
16 as amended.

17 “(D) The National Voter Registration Act
18 of 1993 (42 U.S.C. 1973gg et seq.), as amend-
19 ed.

20 “(E) The Americans With Disabilities Act
21 of 1990 (42 U.S.C. 12101 et seq.), as amended.

22 “(F) The Rehabilitation Act of 1973 (29
23 U.S.C. 701 et seq.), as amended.

24 “(G) The Help America Vote Act of 2002
25 (42 U.S.C. 15301 et seq.), as amended.”.

1 This Act may be cited as the “Legislative Branch Ap-
2 propriations Act, 2006”.

Union Calendar No. 83

109TH CONGRESS
1ST Session

H. R. 2985

[Report No. 109-139]

A BILL

Making appropriations for the Legislative Branch
for the fiscal year ending September 30, 2006,
and for other purposes.

JUNE 20, 2005

Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed