

108TH CONGRESS
2^D SESSION

H. R. 5025

AN ACT

Making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes.

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Making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, 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 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Departments of Transportation and Treasury and inde-
4 pendent agencies for the fiscal year ending September 30,
5 2005, and for other purposes, namely:

6

TITLE I

7

DEPARTMENT OF TRANSPORTATION

8

OFFICE OF THE SECRETARY

9

SALARIES AND EXPENSES

10 For necessary expenses of the Office of the Sec-
11 retary, \$89,000,000, of which not to exceed \$2,219,100
12 shall be available for the immediate Office of the Sec-
13 retary; not to exceed \$704,500 shall be available for the
14 immediate Office of the Deputy Secretary; not to exceed
15 \$15,394,300 shall be available for the Office of the Gen-
16 eral Counsel; not to exceed \$12,639,000 shall be available
17 for the Office of the Under Secretary of Transportation
18 for Policy; not to exceed \$8,572,900 shall be available for
19 the Office of the Assistant Secretary for Budget and Pro-
20 grams; not to exceed \$2,315,700 shall be available for the
21 Office of the Assistant Secretary for Governmental Af-
22 fairs; not to exceed \$23,435,700 shall be available for the
23 Office of the Assistant Secretary for Administration; not
24 to exceed \$1,928,700 shall be available for the Office of
25 Public Affairs; not to exceed \$1,456,000 shall be avail-

1 able for the Office of the Executive Secretariat; not to ex-
2 ceed \$704,000 shall be available for the Board of Con-
3 tract Appeals; not to exceed \$1,277,200 shall be available
4 for the Office of Small and Disadvantaged Business Utili-
5 zation; not to exceed \$2,052,900 for the Office of Intel-
6 ligence and Security; not to exceed \$3,300,000 shall be
7 available for the Office of Emergency Transportation;
8 and not to exceed \$13,000,000 shall be available for the
9 Office of the Chief Information Officer: *Provided*, That
10 the Secretary of Transportation is authorized to transfer
11 funds appropriated for any office of the Office of the Sec-
12 retary to any other office of the Office of the Secretary:
13 *Provided further*, That no appropriation for any office
14 shall be increased or decreased by more than 5 percent
15 by all such transfers: *Provided further*, That any change
16 in funding greater than 5 percent shall be submitted for
17 approval to the House and Senate Committees on Appro-
18 priations: *Provided further*, That not to exceed \$60,000
19 shall be for allocation within the Department for official
20 reception and representation expenses as the Secretary
21 may determine: *Provided further*, That notwithstanding
22 any other provision of law, excluding fees authorized in
23 Public Law 107-71, there may be credited to this appro-
24 priation up to \$2,500,000 in funds received in user fees:
25 *Provided further*, That none of the funds provided in this

1 Act shall be available for the position of Assistant Sec-
2 retary for Public Affairs.

3 OFFICE OF CIVIL RIGHTS

4 For necessary expenses of the Office of Civil Rights,
5 \$8,700,000.

6 TRANSPORTATION PLANNING, RESEARCH, AND

7 DEVELOPMENT

8 For necessary expenses for conducting transpor-
9 tation planning, research, systems development, develop-
10 ment activities, and making grants, to remain available
11 until expended, \$10,800,000.

12 WORKING CAPITAL FUND

13 Necessary expenses for operating costs and capital
14 outlays of the Working Capital Fund, not to exceed
15 \$125,000,000, shall be paid from appropriations made
16 available to the Department of Transportation: *Provided*,
17 That such services shall be provided on a competitive basis
18 to entities within the Department of Transportation: *Pro-*
19 *vided further*, That the above limitation on operating ex-
20 penses shall not apply to non-DOT entities: *Provided fur-*
21 *ther*, That no funds appropriated in this Act to an agency
22 of the Department shall be transferred to the Working
23 Capital Fund without the approval of the agency modal
24 administrator: *Provided further*, That no assessments may
25 be levied against any program, budget activity, subactivity

1 or project funded by this Act unless notice of such assess-
2 ments and the basis therefor are presented to the House
3 and Senate Committees on Appropriations and are ap-
4 proved by such Committees.

5 MINORITY BUSINESS RESOURCE CENTER PROGRAM

6 For the cost of guaranteed loans, \$500,000, as au-
7 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
8 cluding the cost of modifying such loans, shall be as de-
9 fined in section 502 of the Congressional Budget Act of
10 1974: *Provided further*, That these funds are available to
11 subsidize total loan principal, any part of which is to be
12 guaranteed, not to exceed \$18,367,000. In addition, for
13 administrative expenses to carry out the guaranteed loan
14 program, \$400,000.

15 MINORITY BUSINESS OUTREACH

16 For necessary expenses of Minority Business Re-
17 source Center outreach activities, \$3,000,000, to remain
18 available until September 30, 2006: *Provided*, That not-
19 withstanding 49 U.S.C. 332, these funds may be used for
20 business opportunities related to any mode of transpor-
21 tation.

22 FEDERAL AVIATION ADMINISTRATION

23 OPERATIONS

24 For necessary expenses of the Federal Aviation Ad-
25 ministration, not otherwise provided for, including oper-
26 ations and research activities related to commercial space

1 transportation, administrative expenses for research and
2 development, establishment of air navigation facilities,
3 the operation (including leasing) and maintenance of air-
4 craft, subsidizing the cost of aeronautical charts and
5 maps sold to the public, lease or purchase of passenger
6 motor vehicles for replacement only, in addition to
7 amounts made available by Public Law 108–176,
8 \$7,726,000,000, of which \$4,972,000,000 shall be de-
9 rived from the Airport and Airway Trust Fund, of which
10 not to exceed \$6,160,617,600 shall be available for air
11 traffic services activities; not to exceed \$916,894,000
12 shall be available for aviation regulation and certification
13 activities; not to exceed \$224,039,000 shall be available
14 for research and acquisition activities; not to exceed
15 \$11,674,000 shall be available for commercial space
16 transportation activities; not to exceed \$50,624,000 shall
17 be available for financial services activities; not to exceed
18 \$69,821,600 shall be available for human resources pro-
19 gram activities; not to exceed \$149,569,800 shall be
20 available for region and center operations and regional
21 coordination activities; not to exceed \$139,302,000 shall
22 be available for staff offices; and not to exceed
23 \$38,254,000 shall be available for information services:
24 *Provided*, That none of the funds in this Act shall be
25 available for the Federal Aviation Administration to fi-

1 nalize or implement any regulation that would promul-
2 gate new aviation user fees not specifically authorized by
3 law after the date of the enactment of this Act: *Provided*
4 *further*, That there may be credited to this appropriation
5 funds received from States, counties, municipalities, for-
6 eign authorities, other public authorities, and private
7 sources, for expenses incurred in the provision of agency
8 services, including receipts for the maintenance and oper-
9 ation of air navigation facilities, and for issuance, re-
10 newal or modification of certificates, including airman,
11 aircraft, and repair station certificates, or for tests re-
12 lated thereto, or for processing major repair or alteration
13 forms: *Provided further*, That of the funds appropriated
14 under this heading, not less than \$7,000,000 shall be for
15 the contract tower cost-sharing program: *Provided fur-*
16 *ther*, That funds may be used to enter into a grant agree-
17 ment with a nonprofit standard-setting organization to
18 assist in the development of aviation safety standards:
19 *Provided further*, That none of the funds in this Act shall
20 be available for new applicants for the second career
21 training program: *Provided further*, That none of the
22 funds in this Act shall be available for paying premium
23 pay under 5 U.S.C. 5546(a) to any Federal Aviation Ad-
24 ministration employee unless such employee actually per-
25 formed work during the time corresponding to such pre-

1 mium pay: *Provided further*, That none of the funds in
2 this Act may be obligated or expended to operate a
3 manned auxiliary flight service station in the contiguous
4 United States: *Provided further*, That none of the funds
5 in this Act for aeronautical charting and cartography are
6 available for activities conducted by, or coordinated
7 through, the Working Capital Fund: *Provided further*,
8 That of the funds provided under this heading,
9 \$4,000,000 is available only for recruitment, personnel
10 compensation and benefits, and related costs to raise the
11 level of operational air traffic control supervisors to the
12 level of 1,846: *Provided further*, That none of the funds
13 in this Act may be obligated or expended for an employee
14 of the Federal Aviation Administration to purchase a
15 store gift card or gift certificate through use of a Govern-
16 ment-issued credit card.

17 FACILITIES AND EQUIPMENT

18 (AIRPORT AND AIRWAY TRUST FUND)

19 For necessary expenses, not otherwise provided for,
20 for acquisition, establishment, technical support services,
21 improvement by contract or purchase, and hire of air
22 navigation and experimental facilities and equipment, as
23 authorized under part A of subtitle VII of title 49,
24 United States Code, including initial acquisition of nec-
25 essary sites by lease or grant; engineering and service
26 testing, including construction of test facilities and acqui-

1 sition of necessary sites by lease or grant; construction
2 and furnishing of quarters and related accommodations
3 for officers and employees of the Federal Aviation Ad-
4 ministration stationed at remote localities where such ac-
5 commodations are not available; and the purchase, lease,
6 or transfer of aircraft from funds available under this
7 heading; to be derived from the Airport and Airway
8 Trust Fund, \$2,500,000,000, of which \$2,056,300,000
9 shall remain available until September 30, 2007, and of
10 which \$443,700,000 shall remain available until Sep-
11 tember 30, 2005: *Provided*, That there may be credited
12 to this appropriation funds received from States, coun-
13 ties, municipalities, other public authorities, and private
14 sources, for expenses incurred in the establishment and
15 modernization of air navigation facilities: *Provided fur-*
16 *ther*, That upon initial submission to the Congress of the
17 fiscal year 2006 President's budget, the Secretary of
18 Transportation shall transmit to the Congress a com-
19 prehensive capital investment plan for the Federal Avia-
20 tion Administration which includes funding for each
21 budget line item for fiscal years 2006 through 2010, with
22 total funding for each year of the plan constrained to the
23 funding targets for those years as estimated and ap-
24 proved by the Office of Management and Budget: *Pro-*
25 *vided further*, That of the funds provided under this

1 heading, not less than \$3,000,000 is for contract audit
2 services provided by the Defense Contract Audit Agency.

3 RESEARCH, ENGINEERING, AND DEVELOPMENT

4 (AIRPORT AND AIRWAY TRUST FUND)

5 For necessary expenses, not otherwise provided for,
6 for research, engineering, and development, as authorized
7 under part A of subtitle VII of title 49, United States
8 Code, including construction of experimental facilities
9 and acquisition of necessary sites by lease or grant,
10 \$117,000,000, to be derived from the Airport and Airway
11 Trust Fund and to remain available until September 30,
12 2007: *Provided*, That there may be credited to this ap-
13 propriation funds received from States, counties, munici-
14 palities, other public authorities, and private sources, for
15 expenses incurred for research, engineering, and develop-
16 ment.

17 GENERAL PROVISIONS—FEDERAL AVIATION

18 ADMINISTRATION

19 SEC. 101. Notwithstanding any other provision of
20 law, airports may transfer, without consideration, to the
21 Federal Aviation Administration (FAA) instrument land-
22 ing systems (along with associated approach lighting
23 equipment and runway visual range equipment) which
24 conform to FAA design and performance specifications,
25 the purchase of which was assisted by a Federal airport-

1 aid program, airport development aid program or airport
2 improvement program grant: *Provided*, That, the Federal
3 Aviation Administration shall accept such equipment,
4 which shall thereafter be operated and maintained by
5 FAA in accordance with agency criteria.

6 SEC. 102. None of the funds in this Act may be
7 used to compensate in excess of 375 technical staff-years
8 under the federally funded research and development cen-
9 ter contract between the Federal Aviation Administration
10 and the Center for Advanced Aviation Systems Develop-
11 ment during fiscal year 2005.

12 SEC. 103. None of the funds made available in this
13 Act may be used for engineering work related to an addi-
14 tional runway at Louis Armstrong New Orleans Inter-
15 national Airport.

16 SEC. 104. None of the funds in this Act shall be
17 used to pursue or adopt guidelines or regulations requir-
18 ing airport sponsors to provide to the Federal Aviation
19 Administration without cost building construction, main-
20 tenance, utilities and expenses, or space in airport spon-
21 sor-owned buildings for services relating to air traffic
22 control, air navigation, or weather reporting: *Provided*,
23 That the prohibition of funds in this section does not
24 apply to negotiations between the agency and airport
25 sponsors to achieve agreement on “below-market” rates

1 for these items or to grant assurances that require air-
2 port sponsors to provide land without cost to the FAA for
3 air traffic control facilities.

4 SEC. 105. None of the funds appropriated or limited
5 by this Act may be used to change weight restrictions or
6 prior permission rules at Teterboro Airport in Teterboro,
7 New Jersey.

8 SEC. 106. WAR RISK INSURANCE.—Title 49, United
9 States Code, is amended:

10 (a) In section 44302(f) by striking “August 31, 2004,
11 and may extend through December 31, 2004,” and insert-
12 ing in lieu thereof “December 31, 2005”.

13 (b) In section 44302(g)(1) by striking “may provide”
14 and inserting in lieu thereof “shall make available”.

15 (c) In section 44303(b) by—

16 (1) striking “December 31, 2004” and inserting
17 in lieu thereof “December 31, 2005.”

18 (2) striking the phrase “may extend” in the
19 last sentence of the subsection and inserting in lieu
20 thereof “shall extend”.

21 FEDERAL HIGHWAY ADMINISTRATION

22 FEDERAL-AID HIGHWAYS

23 (LIQUIDATION OF CONTRACT AUTHORIZATION)

24 (HIGHWAY TRUST FUND)

25 For carrying out the provisions of title 23, United
26 States Code, that are attributable to Federal-aid high-

1 ways, including the National Scenic and Recreational
2 Highway as authorized by 23 U.S.C. 148, not otherwise
3 provided, including reimbursement for sums expended
4 pursuant to the provisions of 23 U.S.C. 308,
5 \$35,000,000,000 or so much thereof as may be available
6 in and derived from the Highway Trust Fund, to remain
7 available until expended.

8 FEDERAL-AID HIGHWAYS

9 HIGHWAY TRUST FUND

10 (RESCISSION)

11 Of the unobligated balances of funds apportioned to
12 each State under the programs authorized under sections
13 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and
14 1101(a)(5) of Public Law 105–178, as amended,
15 \$386,000,000 are rescinded.

16 GENERAL PROVISIONS—FEDERAL HIGHWAY

17 ADMINISTRATION

18 SEC. 121. (a) For fiscal year 2005, the Secretary of
19 Transportation shall—

20 (1) not distribute from the obligation limitation
21 for Federal-aid Highways amounts authorized for
22 administrative expenses by section 104(a)(1)(A) and
23 104(a)(1)(B) of title 23, United States Code, for the
24 highway use tax evasion program, and for the Bu-
25 reau of Transportation Statistics;

1 (2) not distribute an amount from the obliga-
2 tion limitation for Federal-aid Highways that is
3 equal to the unobligated balance of amounts made
4 available from the Highway Trust Fund (other than
5 the Mass Transit Account) for Federal-aid highways
6 and highway safety programs for the previous fiscal
7 year the funds for which are allocated by the Sec-
8 retary;

9 (3) determine the ratio that—

10 (A) the obligation limitation for Federal-
11 aid Highways less the aggregate of amounts not
12 distributed under paragraphs (1) and (2), bears
13 to

14 (B) the total of the sums authorized to be
15 appropriated for Federal-aid highways and
16 highway safety construction programs (other
17 than sums authorized to be appropriated for
18 sections set forth in paragraphs (1) through (7)
19 of subsection (b) and sums authorized to be ap-
20 propriated for section 105 of title 23, United
21 States Code, equal to the amount referred to in
22 subsection (b)(8)) for such fiscal year less the
23 aggregate of the amounts not distributed under
24 paragraph (1) of this subsection;

1 (4) distribute the obligation limitation for Fed-
2 eral-aid Highways less the aggregate amounts not
3 distributed under paragraphs (1) and (2) for section
4 201 of the Appalachian Regional Development Act
5 of 1965, and \$2,000,000,000 for such fiscal year
6 under section 105 of title 23, United States Code
7 (relating to minimum guarantee) so that the amount
8 of obligation authority available for each of such sec-
9 tions is equal to the amount determined by multi-
10 plying the ratio determined under paragraph (3) by
11 the sums authorized to be appropriated for such sec-
12 tion (except in the case of section 105,
13 \$2,000,000,000) for such fiscal year;

14 (5) distribute the obligation limitation provided
15 for Federal-aid Highways less the aggregate
16 amounts not distributed under paragraphs (1) and
17 (2) and amounts distributed under paragraph (4)
18 for each of the programs that are allocated by the
19 Secretary under title 23, United States Code (other
20 than activities to which paragraph (1) applies and
21 programs to which paragraph (4) applies) by multi-
22 plying the ratio determined under paragraph (3) by
23 the sums authorized to be appropriated for such pro-
24 gram for such fiscal year; and

1 (6) distribute the obligation limitation provided
2 for Federal-aid Highways less the aggregate
3 amounts not distributed under paragraphs (1) and
4 (2) and amounts distributed under paragraphs (4)
5 and (5) for Federal-aid highways and highway safety
6 construction programs (other than the minimum
7 guarantee program, but only to the extent that
8 amounts apportioned for the minimum guarantee
9 program for such fiscal year exceed \$2,639,000,000,
10 and the Appalachian development highway system
11 program) that are apportioned by the Secretary
12 under title 23, United States Code, in the ratio
13 that—

14 (A) sums authorized to be appropriated for
15 such programs that are apportioned to each
16 State for such fiscal year, bear to

17 (B) the total of the sums authorized to be
18 appropriated for such programs that are appor-
19 tioned to all States for such fiscal year.

20 (b) The obligation limitation for Federal-aid High-
21 ways shall not apply to obligations: (1) under section 125
22 of title 23, United States Code; (2) under section 147 of
23 the Surface Transportation Assistance Act of 1978; (3)
24 under section 9 of the Federal-Aid Highway Act of 1981;
25 (4) under sections 131(b) and 131(j) of the Surface

1 Transportation Assistance Act of 1982; (5) under sections
2 149(b) and 149(c) of the Surface Transportation and Uni-
3 form Relocation Assistance Act of 1987; (6) under sec-
4 tions 1103 through 1108 of the Intermodal Surface
5 Transportation Efficiency Act of 1991; (7) under section
6 157 of title 23, United States Code, as in effect on the
7 day before the date of the enactment of the Transpor-
8 tation Equity Act for the 21st Century; and (8) under sec-
9 tion 105 of title 23, United States Code (but, only in an
10 amount equal to \$639,000,000 for such fiscal year); and
11 for Federal-aid highway programs for which obligation au-
12 thority was made available under the Transportation Eq-
13 uity Act for the 21st Century or subsequent public laws
14 for multiple years or to remain available until used, but
15 only to the extent that such obligation authority has not
16 lapsed or been used.

17 (c) Notwithstanding subsection (a), the Secretary
18 shall after August 1 for such fiscal year revise a distribu-
19 tion of the obligation limitation made available under sub-
20 section (a) if a State will not obligate the amount distrib-
21 uted during that fiscal year and redistribute sufficient
22 amounts to those States able to obligate amounts in addi-
23 tion to those previously distributed during that fiscal year
24 giving priority to those States having large unobligated
25 balances of funds apportioned under sections 104 and 144

1 of title 23, United States Code, section 160 (as in effect
2 on the day before the enactment of the Transportation Eq-
3 uity Act for the 21st Century) of title 23, United States
4 Code, and under section 1015 of the Intermodal Surface
5 Transportation Efficiency Act of 1991 (105 Stat. 1943–
6 1945).

7 (d) The obligation limitation shall apply to transpor-
8 tation research programs carried out under chapter 5 of
9 title 23, United States Code, except that obligation au-
10 thority made available for such programs under such limi-
11 tation shall remain available for a period of 3 fiscal years.

12 (e) Not later than 30 days after the date of the dis-
13 tribution of obligation limitation under subsection (a), the
14 Secretary shall distribute to the States any funds: (1) that
15 are authorized to be appropriated for such fiscal year for
16 Federal-aid highways programs (other than the program
17 under section 160 of title 23, United States Code) and
18 for carrying out subchapter I of chapter 311 of title 49,
19 United States Code, and highway-related programs under
20 chapter 4 of title 23, United States Code; and (2) that
21 the Secretary determines will not be allocated to the
22 States, and will not be available for obligation, in such
23 fiscal year due to the imposition of any obligation limita-
24 tion for such fiscal year. Such distribution to the States
25 shall be made in the same ratio as the distribution of obli-

1 gation authority under subsection (a)(6). The funds so
2 distributed shall be available for any purposes described
3 in section 133(b) of title 23, United States Code.

4 (f) Obligation limitation distributed for a fiscal year
5 under subsection (a)(4) of this section for a section set
6 forth in subsection (a)(4) shall remain available until used
7 and shall be in addition to the amount of any limitation
8 imposed on obligations for Federal-aid highway and high-
9 way safety construction programs for future fiscal years.

10 SEC. 122. Notwithstanding 31 U.S.C. 3302, funds
11 received by the Bureau of Transportation Statistics from
12 the sale of data products, for necessary expenses incurred
13 pursuant to 49 U.S.C. 111 may be credited to the Fed-
14 eral-aid highways account for the purpose of reimbursing
15 the Bureau for such expenses: *Provided*, That such funds
16 shall be subject to the obligation limitation for Federal-
17 aid highways and highway safety construction.

18 SEC. 123. Of the \$6,000,000 portion of the funds
19 appropriated under the heading “Highway Demonstra-
20 tion Projects” in title I of Public Law 102–143 (105
21 Stat. 929) that was allocated for Routes 70/38 Circle
22 Elimination, NJ, \$4,500,000 shall be transferred to, and
23 made available for, the following projects in the specified
24 amounts: Mantua Creek Overpass in Paulsboro, NJ,
25 \$2,000,000; Delsea Drive Route 47 Timber Creek in

1 Westville, NJ, \$787,000; Camden Northern End Parking
2 Garage in Camden, NJ, \$1,213,000; and Route 47 Chap-
3 el Heights Avenue in Gloucester, NJ, \$500,000.

4 SEC. 124. None of the funds made available in this
5 Act may be used to require a State or local government
6 to post a traffic control device or variable message sign,
7 or any other type of traffic warning sign, in a language
8 other than English, except with respect to the names of
9 cities, streets, places, events, or signs related to an inter-
10 national border.

11 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
12 MOTOR CARRIER SAFETY
13 GENERAL PROVISIONS—FEDERAL MOTOR CARRIER
14 SAFETY ADMINISTRATION

15 SEC. 141. Funds appropriated or limited in this Act
16 shall be subject to the terms and conditions stipulated in
17 section 350 of Public Law 107–87, including that the
18 Secretary submit a report to the House and Senate Ap-
19 propriations Committees annually on the safety and secu-
20 rity of transportation into the United States by Mexico-
21 domiciled motor carriers.

22 SEC. 142. No funds appropriated or otherwise made
23 available by this Act may be used to implement or en-
24 force any provisions of the Final Rule, issued on April
25 16, 2003 (Docket No. FMCSA–97–2350), with respect to
26 the operators of utility service vehicles, as that term is

1 defined in section 395.2 of title 49, Code of Federal Reg-
2 ulations.

3 GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC

4 SAFETY ADMINISTRATION

5 SEC. 151. Funds appropriated or limited in this Act
6 to educate the motoring public on how to share the road
7 safely with commercial motor vehicles shall be jointly ad-
8 ministered and implemented by the National Highway
9 Traffic Safety Administration and the Federal Motor
10 Carrier Safety Administration.

11 FEDERAL RAILROAD ADMINISTRATION

12 PENNSYLVANIA STATION REDEVELOPMENT PROJECT

13 (TRANSFER OF FUNDS)

14 Of the unobligated balances of funds made available
15 in section 232 of appendix E of Public Law 106–113,
16 \$39,827,000 are hereby transferred to and merged with
17 funds for the Federal Transit Administration, Capital In-
18 vestment Grants, for the purposes of constructing the New
19 York Long Island Rail Road East Side Access (Exten-
20 sion).

21 GENERAL PROVISIONS—FEDERAL RAILROAD

22 ADMINISTRATION

23 SEC. 161. Notwithstanding any provisions of this or
24 any other Act, during the fiscal year ending September
25 30, 2005, and hereafter, the Federal Railroad Administra-
26 tion may use funds appropriated by this or any other Act

1 to provide for the installation of a broadband high speed
 2 internet service connection, including necessary equip-
 3 ment, for Federal Railroad Administration employees, and
 4 to either pay directly recurring monthly charges or to re-
 5 imburse a percentage of such monthly charges which are
 6 paid by such inspectors: *Provided*, That the Federal Rail-
 7 road Administration certifies that adequate safeguards
 8 against private misuse exist, and that the service is nec-
 9 essary for direct support of the agency's mission.

10 FEDERAL TRANSIT ADMINISTRATION

11 GENERAL SERVICES ADMINISTRATION

12 REAL PROPERTY ACTIVITIES

13 FEDERAL BUILDINGS FUND

14 For an additional amount to be deposited in, and to
 15 be used for the purposes of, the Fund established pursu-
 16 ant to section 210(f) of the Federal Property and Admin-
 17 istrative Services Act of 1949, as amended (40 U.S.C.
 18 592), \$1,775,261,000.

19 GENERAL PROVISIONS—FEDERAL TRANSIT

20 ADMINISTRATION

21 SEC. 171. The limitations on obligations for the pro-
 22 grams of the Federal Transit Administration shall not
 23 apply to any authority under 49 U.S.C. 5338, previously
 24 made available for obligation, or to any other authority
 25 previously made available for obligation.

1 SEC. 172. Notwithstanding any other provision of
2 law, and except for fixed guideway modernization
3 projects, funds made available by this Act under “Fed-
4 eral Transit Administration, Capital investment grants”
5 for projects specified in this Act or identified in reports
6 accompanying this Act not obligated by September 30,
7 2007, and other recoveries, shall be made available for
8 other projects under 49 U.S.C. 5309.

9 SEC. 173. Notwithstanding any other provision of
10 law, any funds appropriated before October 1, 2004,
11 under any section of chapter 53 of title 49, United States
12 Code, that remain available for expenditure may be
13 transferred to and administered under the most recent
14 appropriation heading for any such section.

15 SEC. 174. None of the funds in this Act shall be
16 available to any Federal transit grantee after February
17 1, 2004, involved directly or indirectly, in any activity
18 that promotes the legalization or medical use of any sub-
19 stance listed in schedule I of section 202 of the Con-
20 trolled Substances Act (21 U.S.C. 812 et seq.).

21 SEC. 175. From unobligated balances in the Federal
22 Transit Administration’s Discretionary Grants account,
23 not to exceed \$72,792,311 shall be transferred as follows:
24 to the Federal Transit Administration’s Formula Grants
25 account, not to exceed \$42,190,828; and to the Interstate

1 Transfer Grants—Transit account, not to exceed
2 \$30,601,483: *Provided*, That these unobligated balances
3 are used, together with Formula Grant funds that are
4 available for reapportionment in such account, to restore
5 obligation authority reduced due to a prior deficiency.

6 SAINT LAWRENCE SEAWAY DEVELOPMENT

7 CORPORATION

8 The Saint Lawrence Seaway Development Corpora-
9 tion is hereby authorized to make such expenditures,
10 within the limits of funds and borrowing authority avail-
11 able to the Corporation, and in accord with law, and to
12 make such contracts and commitments without regard to
13 fiscal year limitations as provided by section 104 of the
14 Government Corporation Control Act, as amended, as
15 may be necessary in carrying out the programs set forth
16 in the Corporation's budget for the current fiscal year.

17 OPERATIONS AND MAINTENANCE

18 (HARBOR MAINTENANCE TRUST FUND)

19 For necessary expenses for operations and mainte-
20 nance of those portions of the Saint Lawrence Seaway
21 operated and maintained by the Saint Lawrence Seaway
22 Development Corporation, \$15,900,000, to be derived
23 from the Harbor Maintenance Trust Fund, pursuant to
24 Public Law 99-662: *Provided*, That, of this amount,
25 \$1,500,000 shall be for the concrete replacement project
26 and related expenses at the Eisenhower and Snell Locks.

1 MARITIME ADMINISTRATION

2 MARITIME SECURITY PROGRAM

3 For necessary expenses to maintain and preserve a
4 U.S.-flag merchant fleet to serve the national security
5 needs of the United States, \$98,700,000, to remain avail-
6 able until expended.

7 OPERATIONS AND TRAINING

8 For necessary expenses of operations and training
9 activities authorized by law, \$106,400,000, of which
10 \$23,753,000 shall remain available until September 30,
11 2005, for salaries and benefits of employees of the United
12 States Merchant Marine Academy; of which \$13,138,000
13 shall remain available until expended for capital improve-
14 ments at the United States Merchant Marine Academy;
15 and of which \$8,090,000 shall remain available until ex-
16 pended for the State Maritime Schools Schoolship Main-
17 tenance and Repair.

18 SHIP DISPOSAL

19 For necessary expenses related to the disposal of ob-
20 solete vessels in the National Defense Reserve Fleet of
21 the Maritime Administration, \$19,116,000, to remain
22 available until expended.

1 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM
2 ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 For administrative expenses to carry out the guaran-
5 teed loan program, not to exceed \$4,764,000, which shall
6 be transferred to and merged with the appropriation for
7 Operations and Training.

8 SHIP CONSTRUCTION
9 (RESCISSION)

10 Of the unobligated balances available under this
11 heading, \$1,979,000 are rescinded.

12 GENERAL PROVISIONS—MARITIME ADMINISTRATION

13 SEC. 185. Notwithstanding any other provision of
14 this Act, the Maritime Administration is authorized to
15 furnish utilities and services and make necessary repairs
16 in connection with any lease, contract, or occupancy in-
17 volving Government property under control of the Mari-
18 time Administration, and payments received therefore
19 shall be credited to the appropriation charged with the
20 cost thereof: *Provided*, That rental payments under any
21 such lease, contract, or occupancy for items other than
22 such utilities, services, or repairs shall be covered into the
23 Treasury as miscellaneous receipts.

24 SEC. 186. No obligations shall be incurred during
25 the current fiscal year from the construction fund estab-
26 lished by the Merchant Marine Act, 1936, or otherwise,

1 in excess of the appropriations and limitations contained
2 in this Act or in any prior appropriations Act.

3 SEC. 187. None of the funds appropriated or other-
4 wise made available by this Act may be used to implement
5 or make an award pursuant to the National Defense Tank
6 Vessel Construction Assistance Program Request for Pro-
7 posals issued by the Maritime Administration on February
8 20, 2004.

9 RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

10 RESEARCH AND SPECIAL PROGRAMS

11 For expenses necessary to discharge the functions of
12 the Research and Special Programs Administration,
13 \$46,790,000, of which \$645,000 shall be derived from
14 the Pipeline Safety Fund, and of which \$3,025,000 shall
15 remain available until September 30, 2007: *Provided*,
16 That up to \$1,200,000 in fees collected under 49 U.S.C.
17 5108(g) shall be deposited in the general fund of the
18 Treasury as offsetting receipts: *Provided further*, That
19 there may be credited to this appropriation, to be avail-
20 able until expended, funds received from States, counties,
21 municipalities, other public authorities, and private
22 sources for expenses incurred for training, for reports
23 publication and dissemination, and for travel expenses in-
24 curred in performance of hazardous materials exemptions
25 and approvals functions.

1 PIPELINE SAFETY
2 (PIPELINE SAFETY FUND)
3 (OIL SPILL LIABILITY TRUST FUND)

4 For expenses necessary to conduct the functions of
5 the pipeline safety program, for grants-in-aid to carry out
6 a pipeline safety program, as authorized by 49 U.S.C.
7 60107, and to discharge the pipeline program responsibil-
8 ities of the Oil Pollution Act of 1990, \$68,466,000, of
9 which \$14,000,000 shall be derived from the Oil Spill Li-
10 ability Trust Fund and shall remain available until Sep-
11 tember 30, 2007; of which \$54,466,000 shall be derived
12 from the Pipeline Safety Fund, of which \$22,901,000
13 shall remain available until September 30, 2007: *Pro-*
14 *vided further*, That not less than \$1,000,000 of the funds
15 provided under this heading shall be for the one-call state
16 grant program.

17 EMERGENCY PREPAREDNESS GRANTS
18 (EMERGENCY PREPAREDNESS FUND)

19 For necessary expenses to carry out 49 U.S.C.
20 5127(c), \$200,000, to be derived from the Emergency
21 Preparedness Fund, to remain available until September
22 30, 2006: *Provided*, That not more than \$14,300,000
23 shall be made available for obligation in fiscal year 2004
24 from amounts made available by 49 U.S.C. 5116(i) and
25 5127(d) 2007: *Provided further*, That none of the funds
26 made available by 49 U.S.C. 5116(i), 5127(c), and

1 5127(d) shall be made available for obligation by individ-
2 uals other than the Secretary of Transportation, or his
3 designee.

4 OFFICE OF INSPECTOR GENERAL

5 SALARIES AND EXPENSES

6 For necessary expenses of the Office of Inspector
7 General to carry out the provisions of the Inspector Gen-
8 eral Act of 1978, as amended, \$58,000,000: *Provided*,
9 That the Inspector General shall have all necessary au-
10 thority, in carrying out the duties specified in the Inspec-
11 tor General Act, as amended (5 U.S.C. App. 3) to inves-
12 tigate allegations of fraud, including false statements to
13 the government (18 U.S.C. 1001), by any person or enti-
14 ty that is subject to regulation by the Department: *Pro-*
15 *vided further*, That the funds made available under this
16 heading shall be used to investigate, pursuant to section
17 41712 of title 49, United States Code: (1) unfair or de-
18 ceptive practices and unfair methods of competition by
19 domestic and foreign air carriers and ticket agents; and
20 (2) the compliance of domestic and foreign air carriers
21 with respect to item (1) of this proviso.

22 GENERAL PROVISIONS—DEPARTMENT OF

23 TRANSPORTATION

24 (INCLUDING TRANSFERS OF FUNDS)

25 SEC. 188. During the current fiscal year applicable
26 appropriations to the Department of Transportation shall

1 be available for maintenance and operation of aircraft;
2 hire of passenger motor vehicles and aircraft; purchase of
3 liability insurance for motor vehicles operating in foreign
4 countries on official department business; and uniforms
5 or allowances therefor, as authorized by law (5 U.S.C.
6 5901–5902).

7 SEC. 189. Appropriations contained in this Act for
8 the Department of Transportation shall be available for
9 services as authorized by 5 U.S.C. 3109, but at rates for
10 individuals not to exceed the per diem rate equivalent to
11 the rate for an Executive Level IV.

12 SEC. 190. None of the funds in this Act shall be
13 available for salaries and expenses of more than 106 po-
14 litical and Presidential appointees in the Department of
15 Transportation: *Provided*, That none of the personnel
16 covered by this provision may be assigned on temporary
17 detail outside the Department of Transportation.

18 SEC. 191. None of the funds in this Act shall be
19 used to implement section 404 of title 23, United States
20 Code.

21 SEC. 192. (a) No recipient of funds made available
22 in this Act shall disseminate personal information (as de-
23 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
24 ment of motor vehicles in connection with a motor vehicle
25 record as defined in 18 U.S.C. 2725(1), except as pro-

1 vided in 18 U.S.C. 2721 for a use permitted under 18
2 U.S.C. 2721.

3 (b) Notwithstanding subsection (a), the Secretary
4 shall not withhold funds provided in this Act for any
5 grantee if a State is in noncompliance with this provision.

6 SEC. 193. Funds received by the Federal Highway
7 Administration, Federal Transit Administration, and
8 Federal Railroad Administration from States, counties,
9 municipalities, other public authorities, and private
10 sources for expenses incurred for training may be cred-
11 ited respectively to the Federal Highway Administration's
12 "Federal-Aid Highways" account, the Federal Transit
13 Administration's "Transit Planning and Research" ac-
14 count, and to the Federal Railroad Administration's
15 "Safety and Operations" account, except for State rail
16 safety inspectors participating in training pursuant to 49
17 U.S.C. 20105.

18 SEC. 194. Notwithstanding any other provisions of
19 law, rule or regulation, the Secretary of Transportation
20 is authorized to allow the issuer of any preferred stock
21 heretofore sold to the Department to redeem or repur-
22 chase such stock upon the payment to the Department of
23 an amount determined by the Secretary.

24 SEC. 195. None of the funds in title I of this Act
25 may be used to make a grant unless the Secretary of

1 Transportation notifies the House and Senate Commit-
2 tees on Appropriations not less than 3 full business days
3 before any discretionary grant award, letter of intent, or
4 full funding grant agreement totaling \$1,000,000 or
5 more is announced by the department or its modal ad-
6 ministrations from: (1) any discretionary grant program
7 of the Federal Highway Administration other than the
8 emergency relief program; (2) the airport improvement
9 program of the Federal Aviation Administration; or (3)
10 any program of the Federal Transit Administration other
11 than the formula grants and fixed guideway moderniza-
12 tion programs: *Provided*, That no notification shall in-
13 volve funds that are not available for obligation.

14 SEC. 196. Rebates, refunds, incentive payments,
15 minor fees and other funds received by the Department
16 of Transportation from travel management centers,
17 charge card programs, the subleasing of building space,
18 and miscellaneous sources are to be credited to appro-
19 priations of the Department of Transportation and allo-
20 cated to elements of the Department of Transportation
21 using fair and equitable criteria and such funds shall be
22 available until expended.

23 SEC. 197. Amounts made available in this or any
24 other Act that the Secretary determines represent im-
25 proper payments by the Department of Transportation to

1 a third party contractor under a financial assistance
2 award, which are recovered pursuant to law, shall be
3 available—

4 (1) to reimburse the actual expenses incurred
5 by the Department of Transportation in recovering
6 improper payments; and

7 (2) to pay contractors for services provided in
8 recovering improper payments: *Provided*, That
9 amounts in excess of that required for paragraphs
10 (1) and (2)—

11 (A) shall be credited to and merged with
12 the appropriation from which the improper pay-
13 ments were made, and shall be available for the
14 purposes and period for which such appropria-
15 tions are available; or

16 (B) if no such appropriation remains avail-
17 able, shall be deposited in the Treasury as mis-
18 cellaneous receipts: *Provided*, That prior to the
19 transfer of any such recovery to an appropria-
20 tions account, the Secretary shall notify the
21 House and Senate Committees on Appropria-
22 tions of the amount and reasons for such trans-
23 fer: *Provided further*, That for purposes of this
24 section, the term “improper payments”, has the

1 same meaning as that provided in section
2 2(d)(2) of Public Law 107–300.

3 SEC. 198. The Secretary of Transportation is au-
4 thorized to transfer the unexpended balances available for
5 the bonding assistance program from “Office of the sec-
6 retary, salaries and expenses” to “Minority business out-
7 reach”.

8 SEC. 199. None of the funds made available in this
9 Act to the Department of Transportation may be obligated
10 for the Office of the Secretary of Transportation to ap-
11 prove assessments or reimbursable agreements pertaining
12 to funds appropriated to the modal administrations in this
13 Act, except for activities underway on the date of enact-
14 ment of this Act, unless such assessments or agreements
15 have completed the normal reprogramming process for
16 Congressional notification.

17 TITLE II—DEPARTMENT OF THE TREASURY

18 DEPARTMENTAL OFFICES

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the departmental offices
22 including operation and maintenance of the Treasury
23 Building and Annex; hire of passenger motor vehicles;
24 maintenance, repairs, and improvements of, and purchase
25 of commercial insurance policies for, real properties
26 leased or owned overseas, when necessary for the per-

1 formance of official business; not to exceed \$2,750,000
2 for official travel expenses; not to exceed \$3,000,000, to
3 remain available until September 30, 2006 for informa-
4 tion technology modernization requirements; not to ex-
5 ceed \$75,000 for official reception and representation ex-
6 penses; not to exceed \$258,000 for unforeseen emer-
7 gencies of a confidential nature, to be allocated and ex-
8 pended under the direction of the Secretary of the Treas-
9 ury and to be accounted for solely on his certificate,
10 \$177,000,000: *Provided*, That the Office of Foreign As-
11 sets Control shall be funded at no less than \$22,511,000
12 and 120 full-time equivalent positions: *Provided further*,
13 That of these amounts, up to \$2,900,000 is for grants
14 to State and local law enforcement groups to help fight
15 money laundering; \$3,393,000, to remain available until
16 September 30, 2006, shall be for the Treasury-wide fi-
17 nancial statement audit program, of which such amounts
18 as may be necessary may be transferred to accounts of
19 the Department's offices and bureaus to conduct audits:
20 *Provided further*, That this transfer authority shall be in
21 addition to any other provided in this Act.

1 DEPARTMENT-WIDE SYSTEMS AND CAPITAL
2 INVESTMENTS PROGRAMS
3 (INCLUDING TRANSFER OF FUNDS)

4 For development and acquisition of automatic data
5 processing equipment, software, and services for the De-
6 partment of the Treasury, \$36,072,000, to remain avail-
7 able until September 30, 2007: *Provided*, That these
8 funds shall be transferred to accounts and in amounts as
9 necessary to satisfy the requirements of the Department's
10 offices, bureaus, and other organizations: *Provided fur-*
11 *ther*, That this transfer authority shall be in addition to
12 any other transfer authority provided in this Act: *Pro-*
13 *vided further*, That none of the funds appropriated shall
14 be used to support or supplement "Internal revenue serv-
15 ice, information systems" or "Internal revenue service,
16 business systems modernization".

17 OFFICE OF INSPECTOR GENERAL
18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, as amended, not to exceed
22 \$2,000,000 for official travel expenses, including hire of
23 passenger motor vehicles; and not to exceed \$100,000 for
24 unforeseen emergencies of a confidential nature, to be al-

1 located and expended under the direction of the Inspector
2 General of the Treasury, \$16,500,000.

3 TREASURY INSPECTOR GENERAL FOR TAX

4 ADMINISTRATION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Treasury Inspector
7 General for Tax Administration in carrying out the In-
8 spector General Act of 1978, as amended, including pur-
9 chase (not to exceed 150 for replacement only for police-
10 type use) and hire of passenger motor vehicles (31 U.S.C.
11 1343(b)); services authorized by 5 U.S.C. 3109, at such
12 rates as may be determined by the Inspector General for
13 Tax Administration; not to exceed \$6,000,000 for official
14 travel expenses; and not to exceed \$500,000 for unfore-
15 seen emergencies of a confidential nature, to be allocated
16 and expended under the direction of the Inspector Gen-
17 eral for Tax Administration, \$129,126,000.

18 AIR TRANSPORTATION STABILIZATION PROGRAM

19 ACCOUNT

20 For necessary expenses to administer the Air Trans-
21 portation Stabilization Board established by section 102
22 of the Air Transportation Safety and System Stabiliza-
23 tion Act (Public Law 107-42), \$2,000,000 to remain
24 available until expended.

1 tion; and for assistance to Federal law enforcement agen-
2 cies, with or without reimbursement, \$64,502,000, of
3 which not to exceed \$7,000,000 shall remain available
4 until September 30, 2007; and of which \$8,354,000 shall
5 remain available until September 30, 2006: *Provided,*
6 That funds appropriated in this account may be used to
7 procure personal services contracts.

8 FINANCIAL MANAGEMENT SERVICE

9 SALARIES AND EXPENSES

10 For necessary expenses of the financial management
11 service, \$230,930,000, of which not to exceed \$9,220,000
12 shall remain available until September 30, 2007, for in-
13 formation systems modernization initiatives.

14 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

15 SALARIES AND EXPENSES

16 For necessary expenses of carrying out section 1111
17 of the Homeland Security Act of 2002, including hire of
18 passenger motor vehicles, \$82,542,000; of which not to
19 exceed \$50,000 for cooperative research and development
20 programs for laboratory services; and provision of labora-
21 tory assistance to State and local agencies with or with-
22 out reimbursement.

1 UNITED STATES MINT

2 UNITED STATES MINT PUBLIC ENTERPRISE FUND

3 Pursuant to section 5136 of title 31, United States
4 Code, the United States Mint is provided funding
5 through the United States Mint Public Enterprise Fund
6 for costs associated with the production of circulating
7 coins, numismatic coins, and protective services, including
8 both operating expenses and capital investments. The ag-
9 gregate amount of new liabilities and obligations incurred
10 during fiscal year 2005 under such section 5136 for cir-
11 culating coinage and protective service capital invest-
12 ments of the United States Mint shall not exceed
13 \$41,100,000.

14 BUREAU OF THE PUBLIC DEBT

15 ADMINISTERING THE PUBLIC DEBT

16 For necessary expenses connected with any public-
17 debt issues of the United States, \$179,566,000, of which
18 not to exceed \$2,000,000 shall remain available until ex-
19 pended for systems modernization: *Provided*, That the
20 sum appropriated herein from the general fund for fiscal
21 year 2005 shall be reduced by not more than \$4,400,000
22 as definitive security issue fees and Treasury direct inves-
23 tor account maintenance fees are collected, so as to result
24 in a final fiscal year 2005 appropriation from the general
25 fund estimated at \$175,166,000. In addition, \$60,000 to

1 be derived from the Oil Spill Liability Trust Fund to re-
2 imburse the Bureau for administrative and personnel ex-
3 penses for financial management of the Fund, as author-
4 ized by section 1012 of Public Law 101–380.

5 INTERNAL REVENUE SERVICE

6 PROCESSING, ASSISTANCE, AND MANAGEMENT

7 For necessary expenses of the Internal Revenue
8 Service for pre-filing taxpayer assistance and education,
9 filing and account services, shared services support, gen-
10 eral management and administration; and services as au-
11 thorized by 5 U.S.C. 3109, at such rates as may be de-
12 termined by the Commissioner, \$4,071,824,000, of which
13 up to \$4,100,000 shall be for the Tax Counseling for the
14 Elderly Program, and of which \$7,500,000 shall be avail-
15 able for low-income taxpayer clinic grants.

16 TAX LAW ENFORCEMENT

17 (INCLUDING TRANSFER OF FUNDS)

18 For necessary expenses of the Internal Revenue
19 Service for determining and establishing tax liabilities;
20 providing litigation support; conducting criminal inves-
21 tigation and enforcement activities; securing unfiled tax
22 returns; collecting unpaid accounts; conducting a docu-
23 ment matching program; resolving taxpayer problems
24 through prompt identification, referral and settlement;
25 expanded customer service and public outreach programs,
26 strengthened enforcement activities, and enhanced re-

1 search efforts to reduce erroneous filings associated with
2 the earned income tax credit; compiling statistics of in-
3 come and conducting compliance research; purchase (for
4 police-type use, not to exceed 850) and hire of passenger
5 motor vehicles (31 U.S.C. 1343(b)); and services as au-
6 thorized by 5 U.S.C. 3109, at such rates as may be de-
7 termined by the Commissioner, \$4,278,107,000, of which
8 not to exceed \$1,000,000 shall remain available until
9 September 30, 2007, for research: *Provided*, That up to
10 \$10,000,000 may be transferred as necessary from this
11 account to the IRS Processing, Assistance, and Manage-
12 ment appropriation or the IRS Information Systems ap-
13 propriation solely for the purposes of management of the
14 Earned Income Tax Credit compliance program and to
15 reimburse the Social Security Administration for the cost
16 of implementing section 1090 of the Taxpayer Relief Act
17 of 1997 (Public Law 105–33): *Provided further*, That
18 this transfer authority shall be in addition to any other
19 transfer authority provided in this Act.

20 INFORMATION SYSTEMS

21 For necessary expenses of the Internal Revenue
22 Service for information systems and telecommunications
23 support, including developmental information systems
24 and operational information systems; the hire of pas-
25 senger motor vehicles (31 U.S.C. 1343(b)); and services
26 as authorized by 5 U.S.C. 3109, at such rates as may be

1 determined by the Commissioner, \$1,622,093,000, of
2 which \$200,000,000 shall remain available until Sep-
3 tember 30, 2006.

4 BUSINESS SYSTEMS MODERNIZATION

5 For necessary expenses of the Internal Revenue
6 Service, \$285,000,000, to remain available until Sep-
7 tember 30, 2007, for the capital asset acquisition of in-
8 formation technology systems, including management and
9 related contractual costs of said acquisitions, including
10 contractual costs associated with operations authorized
11 by 5 U.S.C. 3109: *Provided*, That none of these funds
12 may be obligated until the Internal Revenue Service sub-
13 mits to the Committees on Appropriations, and such
14 Committees approve, a plan for expenditure that: (1)
15 meets the capital planning and investment control review
16 requirements established by the Office of Management
17 and Budget, including Circular A-11 part 3; (2) complies
18 with the Internal Revenue Service's enterprise architec-
19 ture, including the modernization blueprint; (3) conforms
20 with the Internal Revenue Service's enterprise life cycle
21 methodology; (4) is approved by the Internal Revenue
22 Service, the Department of the Treasury, and the Office
23 of Management and Budget; (5) has been reviewed by the
24 General Accounting Office; and (6) complies with the ac-
25 quisition rules, requirements, guidelines, and systems ac-

1 quision management practices of the Federal Govern-
2 ment.

3 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

4 For expenses necessary to implement the health in-
5 surance tax credit included in the Trade Act of 2002
6 (Public Law 107–210), \$34,841,000.

7 ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE
8 TREASURY

9 SEC. 201. Not to exceed 5 percent of any appropria-
10 tion made available in this Act to the Internal Revenue
11 Service may be transferred to any other Internal Revenue
12 Service appropriation upon the advance approval of the
13 Committees on Appropriations.

14 SEC. 202. The Internal Revenue Service Shall main-
15 tain a training program to ensure that Internal Revenue
16 Service employees are trained in taxpayers' rights, in deal-
17 ing courteously with the taxpayers, and in cross-cultural
18 relations.

19 SEC. 203. The Internal Revenue Service shall insti-
20 tute and enforce policies and procedures that will safe-
21 guard the confidentiality of taxpayer information.

22 SEC. 204. Funds made available by this or any other
23 Act to the Internal Revenue service shall be available for
24 improved facilities and manpower to provide sufficient and
25 effective 1–800 help line service for taxpayers. The Com-
26 missioner shall continue to make the improvement of the

1 Internal Revenue Service 1–800 help line service a priority
2 and allocate resources necessary to increase phone lines
3 and staff to improve the Internal Revenue Service 1–800
4 help line service.

5 SEC. 205. Appropriations to the Department of the
6 Treasury in this Act shall be available for uniforms or al-
7 lowances therefor, as authorized by law (5 U.S.C. 5901),
8 including maintenance, repairs, and cleaning; purchase of
9 insurance for official motor vehicles operated in foreign
10 countries; purchase of motor vehicles without regard to
11 the general purchase price limitations for vehicles pur-
12 chased and used overseas for the current fiscal year; en-
13 tering into contracts with the Department of State for
14 the furnishing of health and medical services to employ-
15 ees and their dependents serving in foreign countries; and
16 services authorized by 5 U.S.C. 3109.

17 SEC. 206. Not to exceed 2 percent of any appropria-
18 tions in this Act made available to the Departmental Of-
19 fices—Salaries and Expenses, Office of Inspector Gen-
20 eral, Financial Management Service, Alcohol and Tobacco
21 Tax and Trade Bureau, Financial Crimes Enforcement
22 Network, and Bureau of the Public Debt, may be trans-
23 ferred between such appropriations upon the advance ap-
24 proval of the Committees on Appropriations: *Provided*,

1 That no transfer may increase or decrease any such ap-
2 propriation by more than 2 percent.

3 SEC. 207. Not to exceed 2 percent of any appropria-
4 tion made available in this Act to the Internal Revenue
5 Service may be transferred to the Treasury Inspector
6 General for Tax Administration's appropriation upon the
7 advance approval of the Committees on Appropriations:
8 *Provided*, That no transfer may increase or decrease any
9 such appropriation by more than 2 percent.

10 SEC. 208. Of the funds available for the purchase of
11 law enforcement vehicles, no funds may be obligated until
12 the Secretary of the Treasury certifies that the purchase
13 by the respective Treasury bureau is consistent with De-
14 partmental vehicle management principles: *Provided*,
15 That the Secretary may delegate this authority to the As-
16 sistant Secretary for Management.

17 SEC. 209. None of the funds appropriated in this
18 Act or otherwise available to the Department of the
19 Treasury or the Bureau of Engraving and Printing may
20 be used to redesign the \$1 Federal Reserve note.

21 SEC. 210. The Secretary of the Treasury may trans-
22 fer funds from "Financial management service, salaries
23 and expenses" to "Debt services" as necessary to cover
24 the costs of debt collection: *Provided*, That such amounts
25 shall be reimbursed to such salaries and expenses account

1 from debt collections received in the Debt Services Ac-
2 count.

3 SEC. 211. Section 122(g)(1) of Public Law 105–119
4 (5 U.S.C. 3104 note), is further amended by striking “6
5 years” and inserting “7 years”.

6 SEC. 212. The Treasury Department Appropriations
7 Act, 1997 under the heading “Treasury Franchise Fund”,
8 as amended, is further amended by striking “October 1,
9 2004” and inserting “October 1, 2005”.

10 SEC. 213. (a) Section 3333 of title 31, United States
11 Code, is amended as follows:

12 (1) By amending subsection (a)(1) to read as
13 follows:

14 “(a)(1) The Secretary of the Treasury is not liable
15 for a payment made by the Secretary or depositary in due
16 course and without negligence, of—

17 “(A) a check, draft, or warrant drawn on the
18 Treasury or the depositary;

19 “(B) an electronic payment issued by the
20 Treasury or the depositary; and

21 “(C) a debt obligation guaranteed or assumed
22 by the United States Government.”;

23 (2) By inserting after paragraph (2) of sub-
24 section (a) the following new paragraph:

1 “(3) The amount of the relief shall be charged to the
2 Check Forgery Insurance Fund (31 U.S.C. 3343). A re-
3 covery or repayment of a loss for which replacement is
4 made out of the fund shall be credited to the fund and
5 is available for the purposes for which the fund was estab-
6 lished.”.

7 (b) The Check Forgery Insurance Fund (31 U.S.C.
8 3343) shall be available to fund amounts relating to the
9 payment of items listed in 31 U.S.C. 3333(a)(1), as
10 amended above, prior to the enactment of this Act.

11 SEC. 214. None of the funds appropriated or other-
12 wise made available by this or any other Act may be used
13 by the United States Mint to construct or operate any mu-
14 seum without the explicit approval of the House Com-
15 mittee on Financial Services and the Senate Committee
16 on Banking, Housing, and Urban Affairs.

17 SEC. 215. None of the funds appropriated or other-
18 wise made available by this or any other Act or source
19 to the Department of the Treasury, the Bureau of Engrav-
20 ing and Printing, and the United States Mint, individually
21 or collectively, may be used to consolidate any or all func-
22 tions of the Bureau of Engraving and Printing and the
23 United States Mint without the explicit approval of the
24 House Committee on Financial Services; the Senate Com-
25 mittee on Banking, Housing, and Urban Affairs; the

1 House Committee on Appropriations; and the Senate
2 Committee on Appropriations.

3 TITLE III—EXECUTIVE OFFICE OF THE PRESI-
4 DENT AND FUNDS APPROPRIATED TO THE
5 PRESIDENT

6 COMPENSATION OF THE PRESIDENT

7 For compensation of the President, including an ex-
8 pense allowance at the rate of \$50,000 per annum as au-
9 thorized by 3 U.S.C. 102, \$450,000: *Provided*, That none
10 of the funds made available for official expenses shall be
11 expended for any other purpose and any unused amount
12 shall revert to the Treasury pursuant to section 1552 of
13 title 31, United States Code.

14 WHITE HOUSE OFFICE

15 SALARIES AND EXPENSES

16 For necessary expenses for the White House as au-
17 thorized by law, including not to exceed \$3,850,000 for
18 services as authorized by 5 U.S.C. 3109 and 3 U.S.C.
19 105; subsistence expenses as authorized by 3 U.S.C. 105,
20 which shall be expended and accounted for as provided in
21 that section; hire of passenger motor vehicles, news-
22 papers, periodicals, teletype news service, and travel (not
23 to exceed \$100,000 to be expended and accounted for as
24 provided by 3 U.S.C. 103); and not to exceed \$19,000 for
25 official entertainment expenses, to be available for alloca-

1 tion within the Executive Office of the President,
2 \$59,525,000: *Provided*, That \$8,345,395 of the funds ap-
3 propriated shall be available for reimbursements to the
4 White House Communications Agency.

5 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

6 OPERATING EXPENSES

7 For the care, maintenance, repair and alteration, re-
8 furnishing, improvement, heating, and lighting, including
9 electric power and fixtures, of the Executive Residence at
10 the White House and official entertainment expenses of
11 the President, \$12,760,000, to be expended and accounted
12 for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

13 REIMBURSABLE EXPENSES

14 For the reimbursable expenses of the Executive Res-
15 idence at the White House, such sums as may be nec-
16 essary: *Provided*, That all reimbursable operating ex-
17 penses of the Executive Residence shall be made in ac-
18 cordance with the provisions of this paragraph: *Provided*
19 *further*, That, notwithstanding any other provision of law,
20 such amount for reimbursable operating expenses shall be
21 the exclusive authority of the Executive Residence to
22 incur obligations and to receive offsetting collections, for
23 such expenses: *Provided further*, That the Executive Resi-
24 dence shall require each person sponsoring a reimburs-
25 able political event to pay in advance an amount equal

1 to the estimated cost of the event, and all such advance
2 payments shall be credited to this account and remain
3 available until expended: *Provided further*, That the Exec-
4 utive Residence shall require the national committee of
5 the political party of the President to maintain on deposit
6 \$25,000, to be separately accounted for and available for
7 expenses relating to reimbursable political events spon-
8 sored by such committee during such fiscal year: *Pro-*
9 *vided further*, That the Executive Residence shall ensure
10 that a written notice of any amount owed for a reimburs-
11 able operating expense under this paragraph is submitted
12 to the person owing such amount within 60 days after
13 such expense is incurred, and that such amount is col-
14 lected within 30 days after the submission of such notice:
15 *Provided further*, That the Executive Residence shall
16 charge interest and assess penalties and other charges on
17 any such amount that is not reimbursed within such 30
18 days, in accordance with the interest and penalty provi-
19 sions applicable to an outstanding debt on a United
20 States Government claim under section 3717 of title 31,
21 United States Code: *Provided further*, That each such
22 amount that is reimbursed, and any accompanying inter-
23 est and charges, shall be deposited in the Treasury as
24 miscellaneous receipts: *Provided further*, That the Execu-
25 tive Residence shall prepare and submit to the Commit-

1 tees on Appropriations, by not later than 90 days after
2 the end of the fiscal year covered by this Act, a report
3 setting forth the reimbursable operating expenses of the
4 Executive Residence during the preceding fiscal year, in-
5 cluding the total amount of such expenses, the amount of
6 such total that consists of reimbursable official and cere-
7 monial events, the amount of such total that consists of
8 reimbursable political events, and the portion of each
9 such amount that has been reimbursed as of the date of
10 the report: *Provided further*, That the Executive Resi-
11 dence shall maintain a system for the tracking of ex-
12 penses related to reimbursable events within the Execu-
13 tive Residence that includes a standard for the classifica-
14 tion of any such expense as political or nonpolitical: *Pro-*
15 *vided further*, That no provision of this paragraph may be
16 construed to exempt the Executive Residence from any
17 other applicable requirement of subchapter I or II of
18 chapter 37 of title 31, United States Code.

19 WHITE HOUSE REPAIR AND RESTORATION

20 For the repair, alteration, and improvement of the
21 Executive Residence at the White House, \$1,900,000, to
22 remain available until expended, for required mainte-
23 nance, safety and health issues, and continued preventa-
24 tive maintenance.

1 COUNCIL OF ECONOMIC ADVISERS

2 SALARIES AND EXPENSES

3 For necessary expenses of the Council of Economic
4 Advisers in carrying out its functions under the Employ-
5 ment Act of 1946 (15 U.S.C. 1021), \$4,040,000.

6 OFFICE OF POLICY DEVELOPMENT

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Policy Devel-
9 opment, including services as authorized by 5 U.S.C.
10 3109 and 3 U.S.C. 107, \$2,267,000.

11 NATIONAL SECURITY COUNCIL

12 SALARIES AND EXPENSES

13 For necessary expenses of the National Security
14 Council, including services as authorized by 5 U.S.C.
15 3109, \$8,932,000.

16 HOMELAND SECURITY COUNCIL

17 SALARIES AND EXPENSES

18 For necessary expenses of the Homeland Security
19 Council, including services as authorized by 5 U.S.C.
20 3109, \$2,475,000.

21 OFFICE OF ADMINISTRATION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of Administra-
24 tion, including services as authorized by 5 U.S.C. 3109
25 and 3 U.S.C. 107, and hire of passenger motor vehicles,

1 \$92,696,000, of which \$12,075,000 shall remain avail-
2 able until expended for the Capital Investment Plan for
3 continued modernization of the information technology
4 infrastructure within the Executive Office of the Presi-
5 dent: *Provided*, That \$4,000,000 of Capital Investment
6 Plan funds may not be obligated until the Executive Of-
7 fice of the President has submitted a report to the Com-
8 mittees on Appropriations that includes an Enterprise
9 Architecture, as defined in OMB Circular A-130 and the
10 Federal Chief Information Officers Council guidance,
11 that is reviewed and approved by the Office of Manage-
12 ment and Budget, reviewed by the U.S. General Account-
13 ability Office, and approved by the Committees on Appro-
14 priations.

15 OFFICE OF MANAGEMENT AND BUDGET

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of Management
18 and Budget, including hire of passenger motor vehicles
19 and services as authorized by 5 U.S.C. 3109 and to carry
20 out the provisions of chapter 35 of title 44, United States
21 Code, \$67,759,000, of which not to exceed \$1,500 shall
22 be available for official representation expenses: *Provided*,
23 That, as provided in 31 U.S.C. 1301(a), appropriations
24 shall be applied only to the objects for which appropria-
25 tions were made except as otherwise provided by law:

1 *Provided further*, That none of the funds appropriated in
2 this Act for the Office of Management and Budget may
3 be used for the purpose of reviewing any agricultural
4 marketing orders or any activities or regulations under
5 the provisions of the Agricultural Marketing Agreement
6 Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,
7 That none of the funds made available for the Office of
8 Management and Budget by this Act may be expended
9 for the altering of the transcript of actual testimony of
10 witnesses, except for testimony of officials of the Office
11 of Management and Budget, before the Committees on
12 Appropriations or their subcommittees: *Provided further*,
13 That the preceding shall not apply to printed hearings re-
14 leased by the Committees on Appropriations: *Provided*
15 *further*, That none of the funds appropriated in this Act
16 may be available to pay the salary or expenses of any em-
17 ployee of the Office of Management and Budget who cal-
18 culates, prepares, or approves any tabular or other mate-
19 rial that proposes the sub-allocation of budget authority
20 or outlays by the Committees on Appropriations among
21 their subcommittees.

22 OFFICE OF NATIONAL DRUG CONTROL POLICY

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of National
25 Drug Control Policy; for research activities pursuant to

1 the Office of National Drug Control Policy Reauthoriza-
2 tion Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed
3 \$10,000 for official reception and representation ex-
4 penses; and for participation in joint projects or in the
5 provision of services on matters of mutual interest with
6 nonprofit, research, or public organizations or agencies,
7 with or without reimbursement, \$28,109,000; of which
8 \$1,350,000 shall remain available until expended for pol-
9 icy research and evaluation: *Provided*, That the Office is
10 authorized to accept, hold, administer, and utilize gifts,
11 both real and personal, public and private, without fiscal
12 year limitation, for the purpose of aiding or facilitating
13 the work of the Office.

14 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER
15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses for the Counterdrug Tech-
17 nology Assessment Center for research activities pursuant
18 to the Office of National Drug Control Policy Reauthor-
19 ization Act of 1998 (21 U.S.C. 1701 et seq.),
20 \$30,000,000, which shall remain available until expended,
21 consisting of \$10,000,000 for counternarcotics research
22 and development projects, and \$20,000,000 for the con-
23 tinued operation of the technology transfer program: *Pro-*
24 *vided*, That the \$10,000,000 for counternarcotics re-
25 search and development projects shall be available for
26 transfer to other Federal departments or agencies.

1 FEDERAL DRUG CONTROL PROGRAMS
2 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM
3 (INCLUDING TRANSFERS OF FUNDS)

4 For necessary expenses of the Office of National
5 Drug Control Policy's High Intensity Drug Trafficking
6 Areas Program, \$215,350,000, for drug control activities
7 consistent with the approved strategy for each of the des-
8 ignated High Intensity Drug Trafficking Areas, of which
9 not less than \$208,000,000 shall be provided as base
10 funding to High Intensity Drug Trafficking Areas: *Pro-*
11 *vided*, That no less than 51 percent shall be transferred
12 to State and local entities for drug control activities,
13 which shall be obligated within 120 days of the date of
14 the enactment of this Act: *Provided further*, That up to
15 49 percent, to remain available until September 30,
16 2006, may be transferred to Federal agencies and de-
17 partments at a rate to be determined by the Director:
18 *Provided further*, That \$2,000,000 shall be used for au-
19 diting services and associated activities, and at least
20 \$500,000 of the \$2,000,000 shall be used to develop and
21 implement a data collection system to measure the per-
22 formance of the High Intensity Drug Trafficking Areas
23 Program: *Provided further*, That a request shall be sub-
24 mitted to the House and Senate Committees on Appro-
25 priations for approval prior to the obligation of funds of
26 an amount in excess of the fiscal year 2005 budget re-

1 quest: *Provided further*, That such request shall be made
2 in compliance with the reprogramming guidelines.

3 OTHER FEDERAL DRUG CONTROL PROGRAMS

4 (INCLUDING TRANSFER OF FUNDS)

5 For activities to support a national anti-drug cam-
6 paign for youth, and for other purposes, authorized by
7 the Office of National Drug Control Policy Reauthoriza-
8 tion Act of 1998 (21 U.S.C. 1701 et seq.), \$195,000,000
9 to remain available until expended, of which the following
10 amounts are available as follows: \$120,000,000 to sup-
11 port a national media campaign, as authorized by the
12 Drug-Free Media Campaign Act of 1998; \$70,000,000 to
13 continue a program of matching grants to drug-free com-
14 munities, of which \$1,000,000 shall be a directed grant
15 to the Community Anti-Drug Coalitions of America for
16 the National Community Anti-Drug Coalition Institute,
17 as authorized in chapter 2 of the National Narcotics
18 Leadership Act of 1988, as amended; \$1,000,000 for the
19 Counterdrug Intelligence Executive Secretariat; \$500,000
20 for the National Alliance for Model State Drug Laws;
21 \$1,000,000 for evaluations and research related to Na-
22 tional Drug Control Program performance measures;
23 \$500,000 for the National Drug Court Institute;
24 \$1,500,000 for the United States Anti-Doping Agency
25 for anti-doping activities; and \$500,000 for the United
26 States membership dues to the World Anti-Doping Agen-

1 cy: *Provided*, That such funds may be transferred to
2 other Federal departments and agencies to carry out
3 such activities: *Provided further*, That of the amounts ap-
4 propriated for a national media campaign, no less than
5 78 percent shall be used for the purchase of advertising
6 time and space for the national media campaign.

7 UNANTICIPATED NEEDS

8 For expenses necessary to enable the President to
9 meet unanticipated needs, in furtherance of the national
10 interest, security, or defense which may arise at home or
11 abroad during the current fiscal year, as authorized by
12 3 U.S.C. 108, \$1,000,000.

13 SPECIAL ASSISTANCE TO THE PRESIDENT AND THE

14 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

15 SALARIES AND EXPENSES

16 For necessary expenses to enable the Vice President
17 to provide assistance to the President in connection with
18 specially assigned functions; services as authorized by 5
19 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
20 penses as authorized by 3 U.S.C. 106, which shall be ex-
21 pended and accounted for as provided in that section;
22 and hire of passenger motor vehicles, \$4,571,000.

23 OPERATING EXPENSES

24 (INCLUDING TRANSFER OF FUNDS)

25 For the care, operation, refurnishing, improvement,
26 and to the extent not otherwise provided for, heating and

1 lighting, including electric power and fixtures, of the offi-
2 cial residence of the Vice President; the hire of passenger
3 motor vehicles; and not to exceed \$90,000 for official en-
4 tertainment expenses of the Vice President, to be ac-
5 counted for solely on his certificate, \$333,000: *Provided*,
6 That advances or repayments or transfers from this ap-
7 propriation may be made to any department or agency
8 for expenses of carrying out such activities.

9 TITLE IV—INDEPENDENT AGENCIES

10 ARCHITECTURAL AND TRANSPORTATION BARRIERS

11 COMPLIANCE BOARD

12 SALARIES AND EXPENSES

13 For expenses necessary for the Architectural and
14 Transportation Barriers Compliance Board, as author-
15 ized by section 502 of the Rehabilitation Act of 1973, as
16 amended \$5,686,000: *Provided*, That, notwithstanding
17 any other provision of law, there may be credited to this
18 appropriation funds received for publications and training
19 expenses.

20 NATIONAL TRANSPORTATION SAFETY BOARD

21 SALARIES AND EXPENSES

22 (INCLUDING RESCISSION OF FUNDS)

23 For necessary expenses of the National Transpor-
24 tation Safety Board, including hire of passenger motor
25 vehicles and aircraft; services as authorized by 5 U.S.C.
26 3109, but at rates for individuals not to exceed the per

1 diem rate equivalent to the rate for a GS-15; uniforms,
2 or allowances therefor, as authorized by law (5 U.S.C.
3 5901-5902) \$76,925,000, of which not to exceed \$2,000
4 may be used for official reception and representation ex-
5 penses. Of the available unobligated balances made avail-
6 able under Public Law 106-246, \$8,000,000 are hereby
7 cancelled.

8 FEDERAL ELECTION COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses to carry out the provisions
11 of the Federal Election Campaign Act of 1971, as
12 amended, \$52,159,000, of which no less than \$4,700,000
13 shall be available for internal automated data processing
14 systems, and of which not to exceed \$5,000 shall be
15 available for reception and representation expenses: *Pro-*
16 *vided*, That none of the funds provided in this Act or
17 from any other source may be used to allow any can-
18 didate for or member of the House of Representatives or
19 United States Senate to file information and reports re-
20 quired by the Commission in any form other than elec-
21 tronically.

22 ELECTION ASSISTANCE COMMISSION

23 SALARIES AND EXPENSES

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses to carry out the Help Amer-
26 ica Vote Act of 2002 (HAVA), \$15,000,000, of which not

1 less than \$2,500,000 shall be transferred to the National
2 Institutes of Standards and Technology for election re-
3 form activities as authorized by HAVA: *Provided*, That
4 none of the funds under this heading may be used for
5 any member or employee of the Election Assistance Com-
6 mission for lobbying activities, if the lobbying relates to
7 the advocacy of a change in the date provided under Fed-
8 eral law for general elections for Federal office.

9 FEDERAL LABOR RELATIONS AUTHORITY

10 SALARIES AND EXPENSES

11 For necessary expenses to carry out functions of the
12 Federal Labor Relations Authority, pursuant to Reorga-
13 nization Plan Numbered 2 of 1978, and the Civil Service
14 Reform Act of 1978, including services authorized by 5
15 U.S.C. 3109, and including hire of experts and consult-
16 ants, hire of passenger motor vehicles, and rental of con-
17 ference rooms in the District of Columbia and elsewhere,
18 \$29,673,000: *Provided*, That public members of the Fed-
19 eral Service Impasses Panel may be paid travel expenses
20 and per diem in lieu of subsistence as authorized by law
21 (5 U.S.C. 5703) for persons employed intermittently in
22 the Government service, and compensation as authorized
23 by 5 U.S.C. 3109: *Provided further*, That notwith-
24 standing 31 U.S.C. 3302, funds received from fees
25 charged to non-Federal participants at labor-management

1 relations conferences shall be credited to and merged
2 with this account, to be available without further appro-
3 priation for the costs of carrying out these conferences.

4 FEDERAL MARITIME COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Maritime
7 Commission as authorized by section 201(d) of the Mer-
8 chant Marine Act, 1936, as amended (46 U.S.C. App.
9 1111), including services as authorized by 5 U.S.C. 3109;
10 hire of passenger motor vehicles as authorized by 31
11 U.S.C. 1343(b); and uniforms or allowances therefor, as
12 authorized by 5 U.S.C. 5901–5902, \$19,362,000: *Pro-*
13 *vided*, That not to exceed \$2,000 shall be available for of-
14 ficial reception and representation expenses.

15 GENERAL SERVICES ADMINISTRATION

16 REAL PROPERTY ACTIVITIES

17 FEDERAL BUILDINGS FUND

18 LIMITATIONS ON AVAILABILITY OF REVENUE

19 (INCLUDING TRANSFER OF FUNDS)

20 To carry out the purposes of the Fund established
21 pursuant to section 210(f) of the Federal Property and
22 Administrative Services Act of 1949, as amended (40
23 U.S.C. 592), the revenues and collections deposited into
24 the Fund shall be available for necessary expenses of real
25 property management and related activities not otherwise
26 provided for, including operation, maintenance, and pro-

1 tection of federally owned and leased buildings; rental of
2 buildings in the District of Columbia; restoration of
3 leased premises; moving governmental agencies (including
4 space adjustments and telecommunications relocation ex-
5 penses) in connection with the assignment, allocation and
6 transfer of space; contractual services incident to clean-
7 ing or servicing buildings, and moving; repair and alter-
8 ation of federally owned buildings including grounds, ap-
9 proaches and appurtenances; care and safeguarding of
10 sites; maintenance, preservation, demolition, and equip-
11 ment; acquisition of buildings and sites by purchase, con-
12 demnation, or as otherwise authorized by law; acquisition
13 of options to purchase buildings and sites; conversion and
14 extension of federally owned buildings; preliminary plan-
15 ning and design of projects by contract or otherwise; con-
16 struction of new buildings (including equipment for such
17 buildings); and payment of principal, interest, and any
18 other obligations for public buildings acquired by install-
19 ment purchase and purchase contract; in the aggregate
20 amount of \$6,996,741,000, of which: (1) \$522,251,000
21 shall remain available until expended for construction (in-
22 cluding funds for sites and expenses and associated de-
23 sign and construction services) of additional projects at
24 the following locations:

25 New Construction:

1 California:

2 Los Angeles, United States Courthouse,
3 \$314,385,000.

4 San Diego, United States Courthouse,
5 \$3,068,000.

6 District of Columbia:

7 Southeast Federal Center Site Remedi-
8 ation, \$2,650,000.

9 Maine:

10 Calais, Border Station, \$3,269,000.

11 Madawaska, Border Station, \$1,760,000.

12 Maryland:

13 Montgomery County, Food and Drug Ad-
14 ministration Consolidation, \$88,710,000.

15 Minnesota:

16 Warroad, Border Station, \$1,837,000.

17 New York:

18 Alexandria Bay, Border Station,
19 \$8,884,000.

20 Massena, Border Station, \$15,000,000.

21 North Dakota:

22 Dunseith, Border Station, \$2,301,000.

23 Portal, Border Station, \$22,351,000.

24 Texas:

1 El Paso, Paso Del Norte Border Station,
2 \$26,191,000.

3 El Paso, United States Courthouse,
4 \$2,714,000.

5 El Paso, Ysleta Border Station,
6 \$2,491,000.

7 Vermont:

8 Derby Line, Border Station, \$3,348,000.

9 Norton, Border Station, \$1,747,000.

10 Richford, Border Station, \$1,545,000.

11 Nonprospectus Construction, \$10,000,000.

12 Judgment Fund repayment, \$10,000,000:

13 *Provided*, That each of the foregoing limits of costs on
14 new construction projects may be exceeded to the extent
15 that savings are effected in other such projects, but not
16 to exceed 10 percent of the amounts included in an ap-
17 proved prospectus, if required, unless advance approval is
18 obtained from the Committees on Appropriations of a
19 greater amount: *Provided further*, That all funds for direct
20 construction projects shall expire on September 30, 2006,
21 and remain in the Federal Buildings Fund except for
22 funds for projects as to which funds for design or other
23 funds have been obligated in whole or in part prior to such
24 date; (2) \$931,211,000 shall remain available until ex-
25 pended for repairs and alterations, which includes associ-

1 ated design and construction services: *Provided further,*
2 That the Administrator shall fund the following projects
3 from repair and alterations as the limitation will allow:

4 Repairs and Alterations:

5 District of Columbia:

6 Eisenhower Executive Office Building,
7 \$5,000,000.

8 Federal Office Building 6, \$8,267,000.

9 Hoover FBI Building, \$10,242,000.

10 Mary E. Switzer Building, \$80,335,000.

11 New Executive Office Building,
12 \$6,262,000.

13 Steam Distribution System, \$2,000,000.

14 Theodore Roosevelt Building, \$9,730,000.

15 Georgia:

16 Atlanta, Martin Luther King, Jr. Federal
17 Building, \$14,800,000.

18 Atlanta, United States Court of Appeals,
19 \$32,004,000.

20 Hawaii:

21 Hilo, Federal Building, \$5,133,000.

22 Louisiana:

23 New Orleans, Boggs Federal Building,
24 \$22,581,000.

1 New Orleans, Wisdom Courthouse of Ap-
2 peals, \$8,005,000.

3 Maryland:

4 Baltimore, George H. Fallon Federal
5 Building, \$46,163,000.

6 Suitland, National Record Center,
7 \$7,989,000.

8 Woodlawn, Social Security Administration
9 Altmeyer Building, \$6,300,000.

10 Minnesota:

11 St. Paul, Warren E. Burger Federal Build-
12 ing—Courthouse, \$36,644,000.

13 Missouri:

14 Kansas City, Richard Bolling Federal
15 Building, \$40,048,000.

16 New York:

17 New York, Foley Square Courthouse,
18 \$2,505,000.

19 Queens, Joseph P. Addabbo Federal Build-
20 ing, \$5,455,000.

21 Ohio:

22 Cincinnati, Potter Stewart Courthouse,
23 \$37,975,000.

24 Cleveland, Celebreeze Federal Building,
25 \$37,375,000.

1 Washington:

2 Seattle, William Nakamura Courthouse,
3 \$50,210,000.

4 Special Emphasis Programs:

5 Chlorofluorocarbons Program,
6 \$13,000,000.

7 Energy Program, \$30,000,000.

8 Glass Fragment Retention, \$20,000,000.

9 Design Program, \$49,699,000.

10 Basic Repairs and Alterations, \$394,500,000:

11 *Provided further*, That funds made available in this or any
12 previous Act in the Federal Buildings Fund for repairs
13 and alterations shall, for prospectus projects, be limited
14 to the amount identified for each project, except each
15 project in this or any previous Act may be increased by
16 an amount not to exceed 10 percent unless advance ap-
17 proval is obtained from the Committees on Appropriations
18 of a greater amount: *Provided further*, That additional
19 projects for which prospectuses have been fully approved
20 may be funded under this category only if advance ap-
21 proval is obtained from the Committees on Appropria-
22 tions: *Provided further*, That the amounts provided in this
23 or any prior Act for repairs and alterations may be used
24 to fund costs associated with implementing security im-
25 provements to buildings necessary to meet the minimum

1 standards for security in accordance with current law and
2 in compliance with the reprogramming guidelines of the
3 appropriate Committees of the House and Senate: *Pro-*
4 *vided further*, That the difference between the funds ap-
5 propriated and expended on any projects in this or any
6 prior Act, under the heading repairs and alterations, may
7 be transferred to basic repairs and alterations or used to
8 fund authorized increases in prospectus projects: *Provided*
9 *further*, That all funds for repairs and alterations pro-
10 spectus projects shall expire on September 30, 2006 and
11 remain in the Federal Buildings Fund except funds for
12 projects as to which funds for design or other funds have
13 been obligated in whole or in part prior to such date: *Pro-*
14 *vided further*, That the amount provided in this or any
15 prior Act for basic repairs and alterations may be used
16 to pay claims against the Government arising from any
17 projects under the heading repairs and alterations or used
18 to fund authorized increases in prospectus projects; (3)
19 \$161,442,000 for installment acquisition payments includ-
20 ing payments on purchase contracts which shall remain
21 available until expended; (4) \$3,672,315,000 for rental of
22 space which shall remain available until expended; and (5)
23 \$1,709,522,000 for building operations which shall remain
24 available until expended: *Provided further*, That funds
25 available to the General Services Administration shall not

1 be available for expenses of any construction, repair, alter-
2 ation and acquisition project for which a prospectus, if re-
3 quired by the Public Buildings Act of 1959, as amended,
4 has not been approved, except that necessary funds may
5 be expended for each project for required expenses for the
6 development of a proposed prospectus: *Provided further*,
7 That funds available in the Federal Buildings Fund may
8 be expended for emergency repairs when advance approval
9 is obtained from the Committees on Appropriations: *Pro-*
10 *vided further*, That amounts necessary to provide reim-
11 bursable special services to other agencies under section
12 210(f)(6) of the Federal Property and Administrative
13 Services Act of 1949, as amended (40 U.S.C. 592(b)(2))
14 and amounts to provide such reimbursable fencing, light-
15 ing, guard booths, and other facilities on private or other
16 property not in Government ownership or control as may
17 be appropriate to enable the United States Secret Service
18 to perform its protective functions pursuant to 18 U.S.C.
19 3056, shall be available from such revenues and collec-
20 tions: *Provided further*, That revenues and collections and
21 any other sums accruing to this Fund during fiscal year
22 2005, excluding reimbursements under section 210(f)(6)
23 of the Federal Property and Administrative Services Act
24 of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate
25 new obligational authority authorized for Real Property

1 Activities of the Federal Buildings Fund in this Act shall
2 remain in the Fund and shall not be available for expendi-
3 ture except as authorized in appropriations Acts.

4 GENERAL ACTIVITIES

5 GOVERNMENT-WIDE POLICY

6 For expenses authorized by law, not otherwise pro-
7 vided for, for Government-wide policy and evaluation ac-
8 tivities associated with the management of real and per-
9 sonal property assets and certain administrative services;
10 Government-wide policy support responsibilities relating
11 to acquisition, telecommunications, information tech-
12 nology management, and related technology activities;
13 and services as authorized by 5 U.S.C. 3109,
14 \$62,100,000.

15 OPERATING EXPENSES

16 For expenses authorized by law, not otherwise pro-
17 vided for, for Government-wide activities associated with
18 utilization and donation of surplus personal property; dis-
19 posal of real property; telecommunications, information
20 technology management, and related technology activities;
21 providing Internet access to Federal information and
22 services; agency-wide policy direction and management,
23 and Board of Contract Appeals; accounting, records man-
24 agement, and other support services incident to adjudica-
25 tion of Indian Tribal Claims by the United States Court
26 of Federal Claims; services as authorized by 5 U.S.C.

1 3109; and not to exceed \$7,500 for official reception and
2 representation expenses, \$82,175,000.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General and services authorized by 5 U.S.C. 3109,
6 \$42,351,000: *Provided*, That not to exceed \$15,000 shall
7 be available for payment for information and detection of
8 fraud against the Government, including payment for re-
9 covery of stolen Government property: *Provided further*,
10 That not to exceed \$2,500 shall be available for awards
11 to employees of other Federal agencies and private citi-
12 zens in recognition of efforts and initiatives resulting in
13 enhanced Office of Inspector General effectiveness.

14 ELECTRONIC GOVERNMENT (E-GOV) FUND
15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses in support of interagency
17 projects that enable the Federal Government to expand
18 its ability to conduct activities electronically, through the
19 development and implementation of innovative uses of the
20 Internet and other electronic methods, \$5,000,000, to re-
21 main available until expended: *Provided*, That these
22 funds may be transferred to Federal agencies to carry
23 out the purposes of the Fund: *Provided further*, That this
24 transfer authority shall be in addition to any other trans-
25 fer authority provided in this Act: *Provided further*, That
26 such transfers may not be made until 10 days after a

1 proposed spending plan and justification for each project
2 to be undertaken has been submitted to the Committees
3 on Appropriations.

4 ALLOWANCES AND OFFICE STAFF FOR FORMER

5 PRESIDENTS

6 (INCLUDING TRANSFER OF FUNDS)

7 For carrying out the provisions of the Act of August
8 25, 1958, as amended (3 U.S.C. 102 note), and Public
9 Law 95-138, \$3,449,000: *Provided*, That the Adminis-
10 trator of General Services shall transfer to the Secretary
11 of the Treasury such sums as may be necessary to carry
12 out the provisions of such Acts.

13 EXPENSES, PRESIDENTIAL TRANSITION

14 For expenses necessary to carry out the Presidential
15 Transition Act of 1963, as amended, \$7,700,000, of which
16 not to exceed \$1,000,000 is for activities authorized by
17 sections 3(a)(8) and (9) of the Presidential Transition Act
18 of 2000, and may be used notwithstanding section 3(f)
19 of such Act (3 U.S.C. 102 note).

20 GENERAL PROVISIONS—GENERAL SERVICES

21 ADMINISTRATION

22 SEC. 401. The appropriate appropriation or fund
23 available to the General Services Administration shall be
24 credited with the cost of operation, protection, mainte-
25 nance, upkeep, repair, and improvement, included as part

1 of rentals received from Government corporations pursu-
2 ant to law (40 U.S.C. 129).

3 SEC. 402. Funds available to the General Services
4 Administration shall be available for the hire of pas-
5 senger motor vehicles.

6 SEC. 403. Funds in the Federal Buildings Fund
7 made available in fiscal year 2005 for Federal Buildings
8 Fund activities may be transferred between such activi-
9 ties only to the extent necessary to meet program re-
10 quirements: *Provided*, That any proposed transfers shall
11 be approved in advance by the Committees on Appropria-
12 tions.

13 SEC. 404. No funds made available by this Act shall
14 be used to transmit a fiscal year 2006 request for United
15 States Courthouse construction that: (1) does not meet
16 the design guide standards for construction as established
17 and approved by the General Services Administration, the
18 Judicial Conference of the United States, and the Office
19 of Management and Budget; and (2) does not reflect the
20 priorities of the Judicial Conference of the United States
21 as set out in its approved 5-year construction plan: *Pro-*
22 *vided*, That the fiscal year 2006 request must be accom-
23 panied by a standardized courtroom utilization study of
24 each facility to be constructed, replaced, or expanded.

1 SEC. 405. None of the funds provided in this Act
2 may be used to increase the amount of occupiable square
3 feet, provide cleaning services, security enhancements, or
4 any other service usually provided through the Federal
5 Buildings Fund, to any agency that does not pay the rate
6 per square foot assessment for space and services as de-
7 termined by the General Services Administration in com-
8 pliance with the Public Buildings Amendments Act of
9 1972 (Public Law 92-313).

10 SEC. 406. From funds made available under the
11 heading "Federal buildings fund, limitations on avail-
12 ability of revenue", claims against the Government of less
13 than \$250,000 arising from direct construction projects
14 and acquisition of buildings may be liquidated from sav-
15 ings effected in other construction projects with prior no-
16 tification to the Committees on Appropriations.

17 MERIT SYSTEMS PROTECTION BOARD

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses to carry out functions of the
21 Merit Systems Protection Board pursuant to Reorganiza-
22 tion Plan Numbered 2 of 1978 and the Civil Service Re-
23 form Act of 1978, including services as authorized by 5
24 U.S.C. 3109, rental of conference rooms in the District
25 of Columbia and elsewhere, hire of passenger motor vehi-
26 cles, and direct procurement of survey printing,

1 \$34,683,000 together with not to exceed \$2,620,000 for
2 administrative expenses to adjudicate retirement appeals
3 to be transferred from the Civil Service Retirement and
4 Disability Fund in amounts determined by the Merit Sys-
5 tems Protection Board.

6 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
7 NATIONAL ENVIRONMENTAL POLICY FOUNDATION
8 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
9 NATIONAL ENVIRONMENTAL POLICY TRUST FUND

10 For payment to the Morris K. Udall Scholarship and
11 Excellence in National Environmental Policy Trust Fund,
12 pursuant to the Morris K. Udall Scholarship and Excel-
13 lence in National Environmental and Native American
14 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),
15 \$1,984,000, to remain available until expended, of which
16 up to \$50,000 shall be used to conduct financial audits
17 pursuant to the Accountability of Tax Dollars Act of
18 2002 (Public Law 107–289), notwithstanding sections 8
19 and 9 of Public Law 102–259: *Provided*, That up to 60
20 percent of such funds may be transferred by the Morris
21 K. Udall Scholarship and Excellence in National Envi-
22 ronmental Policy Foundation for the necessary expenses
23 of the Native Nations Institute.

24 ENVIRONMENTAL DISPUTE RESOLUTION FUND

25 For payment to the Environmental Dispute Resolu-
26 tion Fund to carry out activities authorized in the Envi-

1 ronmental Policy and Conflict Resolution Act of 1998,
2 \$1,301,000, to remain available until expended.

3 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

4 OPERATING EXPENSES

5 For necessary expenses in connection with the ad-
6 ministration of the National Archives and Records Ad-
7 ministration (including the Information Security Over-
8 sight Office) and archived Federal records and related
9 activities, as provided by law, and for expenses necessary
10 for the review and declassification of documents, and for
11 the hire of passenger motor vehicles, \$264,185,000: *Pro-*
12 *vided*, That the Archivist of the United States is author-
13 ized to use any excess funds available from the amount
14 borrowed for construction of the National Archives facil-
15 ity, for expenses necessary to provide adequate storage
16 for holdings.

17 ELECTRONIC RECORDS ARCHIVES

18 For necessary expenses in connection with the devel-
19 opment of the electronic records archives, to include all
20 direct project costs associated with research, analysis, de-
21 sign, development, and program management,
22 \$35,914,000.

23 REPAIRS AND RESTORATION

24 For the repair, alteration, and improvement of ar-
25 chives facilities, and to provide adequate storage for hold-
26 ings, \$7,182,000, to remain available until expended.

1 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

2 COMMISSION

3 GRANTS PROGRAM

4 For necessary expenses for allocations and grants
5 for historical publications and records as authorized by
6 44 U.S.C. 2504, as amended, \$3,000,000, to remain
7 available until expended.

8 OFFICE OF GOVERNMENT ETHICS

9 SALARIES AND EXPENSES

10 For necessary expenses to carry out functions of the
11 Office of Government Ethics pursuant to the Ethics in
12 Government Act of 1978, as amended, and the Ethics
13 Reform Act of 1989, including services as authorized by
14 5 U.S.C. 3109, rental of conference rooms in the District
15 of Columbia and elsewhere, hire of passenger motor vehi-
16 cles, and not to exceed \$1,500 for official reception and
17 representation expenses, \$11,238,000.

18 OFFICE OF PERSONNEL MANAGEMENT

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF TRUST FUNDS)

21 For necessary expenses to carry out functions of the
22 Office of Personnel Management pursuant to Reorganiza-
23 tion Plan Numbered 2 of 1978 and the Civil Service Re-
24 form Act of 1978, including services as authorized by 5
25 U.S.C. 3109; medical examinations performed for vet-

1 erans by private physicians on a fee basis; rental of con-
2 ference rooms in the District of Columbia and elsewhere;
3 hire of passenger motor vehicles; not to exceed \$2,500 for
4 official reception and representation expenses; advances
5 for reimbursements to applicable funds of the Office of
6 Personnel Management and the Federal Bureau of Inves-
7 tigation for expenses incurred under Executive Order No.
8 10422 of January 9, 1953, as amended; and payment of
9 per diem and/or subsistence allowances to employees
10 where Voting Rights Act activities require an employee to
11 remain overnight at his or her post of duty,
12 \$120,444,000, of which \$2,000,000 shall remain avail-
13 able until expended for the cost of the enterprise human
14 resources integration project, \$6,615,000 shall remain
15 available until expended for the cost of leading the gov-
16 ernment-wide initiative to modernize the Federal payroll
17 systems and service delivery; \$800,000 shall remain avail-
18 able until expended for the cost of the e-human resources
19 information system project; \$2,000,000 shall remain
20 available until expended for the cost of the e-clearance
21 project; and \$3,300,000 shall remain available until ex-
22 pended for the recruitment one stop project; and in addi-
23 tion \$128,462,000 for administrative expenses, to be
24 transferred from the appropriate trust funds of the Office
25 of Personnel Management without regard to other stat-

1 utes, including direct procurement of printed materials,
2 for the retirement and insurance programs, of which
3 \$27,640,000 shall remain available until expended for the
4 cost of automating the retirement recordkeeping systems:
5 *Provided*, That the provisions of this appropriation shall
6 not affect the authority to use applicable trust funds as
7 provided by sections 8348(a)(1)(B), and 9004(f)(1)(A)
8 and (2)(A) of title 5, United States Code: *Provided fur-*
9 *ther*, That no part of this appropriation shall be available
10 for salaries and expenses of the Legal Examining Unit of
11 the Office of Personnel Management established pursuant
12 to Executive Order No. 9358 of July 1, 1943, or any suc-
13 cessor unit of like purpose: *Provided further*, That the
14 President's Commission on White House Fellows, estab-
15 lished by Executive Order No. 11183 of October 3, 1964,
16 may, during fiscal year 2005, accept donations of money,
17 property, and personal services: *Provided further*, That
18 such donations, including those from prior years, may be
19 used for the development of publicity materials to provide
20 information about the White House Fellows, except that
21 no such donations shall be accepted for travel or reim-
22 bursement of travel expenses, or for the salaries of em-
23 ployees of such Commission.

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF TRUST FUNDS)

4 For necessary expenses of the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act, as amended, including services as author-
7 ized by 5 U.S.C. 3109, hire of passenger motor vehicles,
8 \$1,627,000, and in addition, not to exceed \$16,461,000
9 for administrative expenses to audit, investigate, and pro-
10 vide other oversight of the Office of Personnel Manage-
11 ment's retirement and insurance programs, to be trans-
12 ferred from the appropriate trust funds of the Office of
13 Personnel Management, as determined by the Inspector
14 General: *Provided*, That the Inspector General is author-
15 ized to rent conference rooms in the District of Columbia
16 and elsewhere.

17 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES
18 HEALTH BENEFITS

19 For payment of Government contributions with re-
20 spect to retired employees, as authorized by chapter 89
21 of title 5, United States Code, and the Retired Federal
22 Employees Health Benefits Act (74 Stat. 849), as
23 amended, such sums as may be necessary.

1 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE
2 LIFE INSURANCE

3 For payment of Government contributions with re-
4 spect to employees retiring after December 31, 1989, as
5 required by chapter 87 of title 5, United States Code,
6 such sums as may be necessary.

7 PAYMENT TO CIVIL SERVICE RETIREMENT AND
8 DISABILITY FUND

9 For financing the unfunded liability of new and in-
10 creased annuity benefits becoming effective on or after
11 October 20, 1969, as authorized by 5 U.S.C. 8348, and
12 annuities under special Acts to be credited to the Civil
13 Service Retirement and Disability Fund, such sums as
14 may be necessary: *Provided*, That annuities authorized by
15 the Act of May 29, 1944, as amended, and the Act of
16 August 19, 1950, as amended (33 U.S.C. 771–775), may
17 hereafter be paid out of the Civil Service Retirement and
18 Disability Fund.

19 HUMAN CAPITAL PERFORMANCE FUND
20 (INCLUDING TRANSFER OF FUNDS)

21 For a human capital performance fund, as author-
22 ized by 5 U.S.C. 5408, \$12,514,000: *Provided*, That such
23 amounts as determined by the Director of the Office of
24 Personnel Management may be transferred to Federal
25 agencies to carry out the purposes of this fund as author-
26 ized by 5 U.S.C. 5403: *Provided further*, That no funds

1 shall be available for obligation or transfer to any Fed-
2 eral agency until the Director has notified the relevant
3 subcommittees of jurisdiction of the Committees on Ap-
4 propriations of the approval of a performance pay plan
5 for that agency, and the prior approval of such sub-
6 committees has been attained.

7 OFFICE OF SPECIAL COUNSEL

8 SALARIES AND EXPENSES

9 For necessary expenses to carry out functions of the
10 Office of Special Counsel pursuant to Reorganization
11 Plan Numbered 2 of 1978, the Civil Service Reform Act
12 of 1978 (Public Law 95-454), as amended, the Whistle-
13 blower Protection Act of 1989 (Public Law 101-12), as
14 amended, Public Law 103-424, and the Uniformed Serv-
15 ices Employment and Reemployment Act of 1994 (Public
16 Law 103-353), including services as authorized by 5
17 U.S.C. 3109, payment of fees and expenses for witnesses,
18 rental of conference rooms in the District of Columbia
19 and elsewhere, and hire of passenger motor vehicles;
20 \$15,449,000.

21 UNITED STATES POSTAL SERVICE

22 PAYMENT TO THE POSTAL SERVICE FUND

23 For payment to the Postal Service Fund for revenue
24 forgone on free and reduced rate mail, pursuant to sub-
25 sections (c) and (d) of section 2401 of title 39, United

1 States Code, \$61,709,000, which shall not be available
2 for obligation until October 1, 2005: *Provided*, That mail
3 for overseas voting and mail for the blind shall continue
4 to be free: *Provided further*, That 6-day delivery and
5 rural delivery of mail shall continue at not less than the
6 1983 level: *Provided further*, That none of the funds
7 made available to the Postal Service by this Act shall be
8 used to implement any rule, regulation, or policy of
9 charging any officer or employee of any State or local
10 child support enforcement agency, or any individual par-
11 ticipating in a State or local program of child support en-
12 forcement, a fee for information requested or provided
13 concerning an address of a postal customer: *Provided fur-*
14 *ther*, That none of the funds provided in this Act shall
15 be used to consolidate or close small rural and other
16 small post offices in fiscal year 2005.

17 UNITED STATES TAX COURT

18 SALARIES AND EXPENSES

19 For necessary expenses, including contract reporting
20 and other services as authorized by 5 U.S.C. 3109,
21 \$41,180,000: *Provided*, That travel expenses of the
22 judges shall be paid upon the written certificate of the
23 judge.

1 TITLE V—GENERAL PROVISIONS

2 THIS ACT

3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 501. Such sums as may be necessary for fiscal
5 year 2004 pay raises for programs funded in this Act
6 shall be absorbed within the levels appropriated in this
7 Act or previous appropriations Acts.

8 SEC. 502. None of the funds in this Act shall be
9 used for the planning or execution of any program to pay
10 the expenses of, or otherwise compensate, non-Federal
11 parties intervening in regulatory or adjudicatory pro-
12 ceedings funded in this Act.

13 SEC. 503. None of the funds appropriated in this
14 Act shall remain available for obligation beyond the cur-
15 rent fiscal year, nor may any be transferred to other ap-
16 propriations, unless expressly so provided herein.

17 SEC. 504. The expenditure of any appropriation
18 under this Act for any consulting service through pro-
19 curement contract pursuant to section 3109 of title 5,
20 United States Code, shall be limited to those contracts
21 where such expenditures are a matter of public record
22 and available for public inspection, except where other-
23 wise provided under existing law, or under existing Exec-
24 utive Order issued pursuant to existing law.

1 SEC. 505. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government, except
4 pursuant to a transfer made by, or transfer authority
5 provided in, this Act or any other appropriations Act.

6 SEC. 506. None of the funds made available by this
7 Act shall be available for any activity or for paying the
8 salary of any Government employee where funding an ac-
9 tivity or paying a salary to a Government employee would
10 result in a decision, determination, rule, regulation, or
11 policy that would prohibit the enforcement of section 307
12 of the Tariff Act of 1930.

13 SEC. 507. No part of any appropriation contained in
14 this Act shall be available to pay the salary for any per-
15 son filling a position, other than a temporary position,
16 formerly held by an employee who has left to enter the
17 Armed Forces of the United States and has satisfactorily
18 completed his period of active military or naval service,
19 and has within 90 days after his release from such serv-
20 ice or from hospitalization continuing after discharge for
21 a period of not more than 1 year, made application for
22 restoration to his former position and has been certified
23 by the Office of Personnel Management as still qualified
24 to perform the duties of his former position and has not
25 been restored thereto.

1 SEC. 508. Except as otherwise specifically provided
2 by law, not to exceed 50 percent of unobligated balances
3 remaining available at the end of fiscal year 2005 from
4 appropriations made available for salaries and expenses
5 for fiscal year 2005 in this Act, shall remain available
6 through September 30, 2006, for each such account for
7 the purposes authorized: *Provided*, That a request shall
8 be submitted to the Committees on Appropriations for
9 approval prior to the expenditure of such funds: *Provided*
10 *further*, That these requests shall be made in compliance
11 with reprogramming guidelines.

12 SEC. 509. None of the funds made available in this
13 Act may be used by the Executive Office of the President
14 to request from the Federal Bureau of Investigation any
15 official background investigation report on any individual,
16 except when—

17 (1) such individual has given his or her express
18 written consent for such request not more than 6
19 months prior to the date of such request and during
20 the same presidential administration; or

21 (2) such request is required due to extraor-
22 dinary circumstances involving national security.

23 SEC. 510. The cost accounting standards promul-
24 gated under section 26 of the Office of Federal Procure-
25 ment Policy Act (Public Law 93–400; 41 U.S.C. 422)

1 shall not apply with respect to a contract under the Fed-
2 eral Employees Health Benefits Program established
3 under chapter 89 of title 5, United States Code.

4 SEC. 511. For the purpose of resolving litigation and
5 implementing any settlement agreements regarding the
6 nonforeign area cost-of-living allowance program, the Of-
7 fice of Personnel Management may accept and utilize
8 (without regard to any restriction on unanticipated travel
9 expenses imposed in an appropriations Act) funds made
10 available to the Office pursuant to court approval.

11 SEC. 512. No funds appropriated or otherwise made
12 available under this Act shall be made available to any
13 person or entity that has been convicted of violating the
14 Buy American Act (41 U.S.C. 10a–10c).

15 SEC. 513. No funds appropriated by this Act shall
16 be available to pay for an abortion, or the administrative
17 expenses in connection with any health plan under the
18 Federal employees health benefits program which pro-
19 vides any benefits or coverage for abortions.

20 SEC. 514. The provision of section 517 shall not
21 apply where the life of the mother would be endangered
22 if the fetus were carried to term, or the pregnancy is the
23 result of an act of rape or incest.

24 SEC. 515. None of the funds provided in this Act,
25 provided by previous appropriations Acts to the agencies

1 or entities funded in this Act that remain available for
2 obligation or expenditure in fiscal year 2005, or provided
3 from any accounts in the Treasury derived by the collec-
4 tion of fees and available to the agencies funded by this
5 Act, shall be available for obligation or expenditure
6 through a reprogramming of funds that—

7 (1) creates a new program;

8 (2) eliminates a program, project, or activity;

9 (3) increases funds for any program, project, or
10 activity for which funds have been denied or re-
11 stricted by the Congress;

12 (4) proposes to use funds directed for a specific
13 activity by either the House or Senate Committees
14 on Appropriations for a different purpose;

15 (5) augments existing programs, projects, or ac-
16 tivities in excess of \$5,000,000 or 10 percent, which-
17 ever is greater;

18 (6) reduces existing programs, projects, or ac-
19 tivities by \$5,000,000 or 10 percent, whichever is
20 greater; or

21 (7) creates or reorganizes a branch, division, of-
22 fice, bureau, board, commission, agency administra-
23 tion, or department different from the budget jus-
24 tifications submitted to the Committees on Appro-
25 priations;

1 unless prior approval is received from the House and Sen-
2 ate Committees on Appropriations.

3 SEC. 516. EXEMPTION FROM LIMITATIONS ON PRO-
4 CUREMENT OF FOREIGN INFORMATION TECHNOLOGY
5 THAT IS A COMMERCIAL ITEM.—In order to promote
6 Government access to commercial information technology,
7 the restriction on purchasing nondomestic articles, mate-
8 rials, and supplies set forth in the Buy American Act (41
9 U.S.C. 10a et seq.), shall not apply to the acquisition by
10 the Federal Government of information technology (as
11 defined in section 11101 of title 40, United States Code,
12 that is a commercial item (as defined in section 4(12) of
13 the Office of Federal Procurement Policy Act (41 U.S.C.
14 403(12))).

15 SEC. 517. It is the sense of the House of Represent-
16 atives that empowerment zones within cities should have
17 the necessary flexibility to expand to include relevant
18 communities so that empowerment zone benefits are equi-
19 tably distributed.

20 SEC. 518. It is the sense of the House of Represent-
21 atives that all census tracts contained in an empower-
22 ment zone, either fully or partially, should be equitably
23 accorded the same benefits.

1 SEC. 519. None of the funds made available in this
2 Act may be used to finalize, implement, administer, or
3 enforce—

4 (1) the proposed rule relating to the determina-
5 tion that real estate brokerage is an activity that is
6 financial in nature or incidental to a financial activ-
7 ity published in the Federal Register on January 3,
8 2001 (66 Fed. Reg. 307 et seq.); or

9 (2) the revision proposed in such rule to section
10 1501.2 of title 12 of the Code of Federal Regula-
11 tions.

12 SEC. 520. It is the sense of Congress that, after
13 proper documentation, justification, and review, the De-
14 partment of Transportation should consider programs to
15 reimburse general aviation ground support services at
16 Ronald Reagan Washington National Airport, and air-
17 ports located within fifteen miles of Ronald Reagan
18 Washington National Airport, for their financial losses
19 due to Government actions after the terrorist attacks of
20 September 11, 2001.

21 SEC. 521. None of the funds made available under
22 this Act may be obligated or expended to establish or im-
23 plement a pilot program under which not more than 10
24 designated essential air service communities located in
25 proximity to hub airports are required to assume 10 per-

1 cent of their essential air subsidy costs for a 4-year pe-
2 riod commonly referred to as the EAS local participation
3 program.

4 TITLE VI—GENERAL PROVISIONS

5 DEPARTMENTS, AGENCIES, AND CORPORATIONS

6 SEC. 601. Funds appropriated in this or any other
7 Act may be used to pay travel to the United States for
8 the immediate family of employees serving abroad in
9 cases of death or life threatening illness of said employee.

10 SEC. 602. No department, agency, or instrumen-
11 tality of the United States receiving appropriated funds
12 under this or any other Act for fiscal year 2005 shall ob-
13 ligate or expend any such funds, unless such department,
14 agency, or instrumentality has in place, and will continue
15 to administer in good faith, a written policy designed to
16 ensure that all of its workplaces are free from the illegal
17 use, possession, or distribution of controlled substances
18 (as defined in the Controlled Substances Act) by the offi-
19 cers and employees of such department, agency, or in-
20 strumentality.

21 SEC. 603. Unless otherwise specifically provided, the
22 maximum amount allowable during the current fiscal
23 year in accordance with section 16 of the Act of August
24 2, 1946 (60 Stat. 810), for the purchase of any pas-
25 senger motor vehicle (exclusive of buses, ambulances, law

1 enforcement, and undercover surveillance vehicles), is
2 hereby fixed at \$8,100 except station wagons for which
3 the maximum shall be \$9,100: *Provided*, That these lim-
4 its may be exceeded by not to exceed \$3,700 for police-
5 type vehicles, and by not to exceed \$4,000 for special
6 heavy-duty vehicles: *Provided further*, That the limits set
7 forth in this section may not be exceeded by more than
8 5 percent for electric or hybrid vehicles purchased for
9 demonstration under the provisions of the Electric and
10 Hybrid Vehicle Research, Development, and Demonstra-
11 tion Act of 1976: *Provided further*, That the limits set
12 forth in this section may be exceeded by the incremental
13 cost of clean alternative fuels vehicles acquired pursuant
14 to Public Law 101-549 over the cost of comparable con-
15 ventionally fueled vehicles.

16 SEC. 604. Appropriations of the executive depart-
17 ments and independent establishments for the current
18 fiscal year available for expenses of travel, or for the ex-
19 penses of the activity concerned, are hereby made avail-
20 able for quarters allowances and cost-of-living allowances,
21 in accordance with 5 U.S.C. 5922-5924.

22 SEC. 605. Unless otherwise specified during the cur-
23 rent fiscal year, no part of any appropriation contained
24 in this or any other Act shall be used to pay the com-
25 pensation of any officer or employee of the Government

1 of the United States (including any agency the majority
2 of the stock of which is owned by the Government of the
3 United States) whose post of duty is in the continental
4 United States unless such person: (1) is a citizen of the
5 United States; (2) is a person in the service of the United
6 States on the date of the enactment of this Act who,
7 being eligible for citizenship, has filed a declaration of in-
8 tentation to become a citizen of the United States prior to
9 such date and is actually residing in the United States;
10 (3) is a person who owes allegiance to the United States;
11 (4) is an alien from Cuba, Poland, South Vietnam, the
12 countries of the former Soviet Union, or the Baltic coun-
13 tries lawfully admitted to the United States for perma-
14 nent residence; (5) is a South Vietnamese, Cambodian, or
15 Laotian refugee paroled in the United States after Janu-
16 ary 1, 1975; or (6) is a national of the People's Republic
17 of China who qualifies for adjustment of status pursuant
18 to the Chinese Student Protection Act of 1992: *Provided*,
19 That for the purpose of this section, an affidavit signed
20 by any such person shall be considered prima facie evi-
21 dence that the requirements of this section with respect
22 to his or her status have been complied with: *Provided*
23 *further*, That any person making a false affidavit shall be
24 guilty of a felony, and, upon conviction, shall be fined no
25 more than \$4,000 or imprisoned for not more than 1

1 year, or both: *Provided further*, That the above penal
2 clause shall be in addition to, and not in substitution for,
3 any other provisions of existing law: *Provided further*,
4 That any payment made to any officer or employee con-
5 trary to the provisions of this section shall be recoverable
6 in action by the Federal Government. This section shall
7 not apply to citizens of Ireland, Israel, or the Republic
8 of the Philippines, or to nationals of those countries al-
9 lied with the United States in a current defense effort,
10 or to international broadcasters employed by the United
11 States Information Agency, or to temporary employment
12 of translators, or to temporary employment in the field
13 service (not to exceed 60 days) as a result of emer-
14 gencies.

15 SEC. 606. Appropriations available to any depart-
16 ment or agency during the current fiscal year for nec-
17 essary expenses, including maintenance or operating ex-
18 penses, shall also be available for payment to the General
19 Services Administration for charges for space and serv-
20 ices and those expenses of renovation and alteration of
21 buildings and facilities which constitute public improve-
22 ments performed in accordance with the Public Buildings
23 Act of 1959 (73 Stat. 749), the Public Buildings Amend-
24 ments of 1972 (87 Stat. 216), or other applicable law.

1 SEC. 607. In addition to funds provided in this or
2 any other Act, all Federal agencies are authorized to re-
3 ceive and use funds resulting from the sale of materials,
4 including Federal records disposed of pursuant to a
5 records schedule recovered through recycling or waste
6 prevention programs. Such funds shall be available until
7 expended for the following purposes:

8 (1) Acquisition, waste reduction and prevention,
9 and recycling programs as described in Executive
10 Order No. 13101 (September 14, 1998), including
11 any such programs adopted prior to the effective
12 date of the Executive order.

13 (2) Other Federal agency environmental man-
14 agement programs, including, but not limited to, the
15 development and implementation of hazardous waste
16 management and pollution prevention programs.

17 (3) Other employee programs as authorized by
18 law or as deemed appropriate by the head of the
19 Federal agency.

20 SEC. 608. Funds made available by this or any other
21 Act for administrative expenses in the current fiscal year
22 of the corporations and agencies subject to chapter 91 of
23 title 31, United States Code, shall be available, in addi-
24 tion to objects for which such funds are otherwise avail-
25 able, for rent in the District of Columbia; services in ac-

1 cordance with 5 U.S.C. 3109; and the objects specified
2 under this head, all the provisions of which shall be appli-
3 cable to the expenditure of such funds unless otherwise
4 specified in the Act by which they are made available:
5 *Provided*, That in the event any functions budgeted as
6 administrative expenses are subsequently transferred to
7 or paid from other funds, the limitations on administra-
8 tive expenses shall be correspondingly reduced.

9 SEC. 609. No part of any appropriation for the cur-
10 rent fiscal year contained in this or any other Act shall
11 be paid to any person for the filling of any position for
12 which he or she has been nominated after the Senate has
13 voted not to approve the nomination of said person.

14 SEC. 610. No part of any appropriation contained in
15 this or any other Act shall be available for interagency
16 financing of boards (except Federal Executive Boards),
17 commissions, councils, committees, or similar groups
18 (whether or not they are interagency entities) which do
19 not have a prior and specific statutory approval to receive
20 financial support from more than one agency or instru-
21 mentality.

22 SEC. 611. Funds made available by this or any other
23 Act to the Postal Service Fund (39 U.S.C. 2003) shall
24 be available for employment of guards for all buildings
25 and areas owned or occupied by the Postal Service and

1 under the charge and control of the Postal Service, and
2 such guards shall have, with respect to such property, the
3 powers of special policemen provided by the first section
4 of the Act of June 1, 1948, as amended (62 Stat. 281;
5 40 U.S.C. 318), and, as to property owned or occupied
6 by the Postal Service, the Postmaster General may take
7 the same actions as the Administrator of General Serv-
8 ices may take under the provisions of sections 2 and 3
9 of the Act of June 1, 1948, as amended (62 Stat. 281;
10 40 U.S.C. 318a and 318b), attaching thereto penal con-
11 sequences under the authority and within the limits pro-
12 vided in section 4 of the Act of June 1, 1948, as amend-
13 ed (62 Stat. 281; 40 U.S.C. 318c).

14 SEC. 612. None of the funds made available pursu-
15 ant to the provisions of this Act shall be used to imple-
16 ment, administer, or enforce any regulation which has
17 been disapproved pursuant to a resolution of disapproval
18 duly adopted in accordance with the applicable law of the
19 United States.

20 SEC. 613. (a) Notwithstanding any other provision
21 of law, and except as otherwise provided in this section,
22 no part of any of the funds appropriated for fiscal year
23 2005, by this or any other Act, may be used to pay any
24 prevailing rate employee described in section
25 5342(a)(2)(A) of title 5, United States Code—

1 (1) during the period from the date of expira-
2 tion of the limitation imposed by the comparable sec-
3 tion for previous fiscal years until the normal effec-
4 tive date of the applicable wage survey adjustment
5 that is to take effect in fiscal year 2005, in an
6 amount that exceeds the rate payable for the appli-
7 cable grade and step of the applicable wage schedule
8 in accordance with such section; and

9 (2) during the period consisting of the remain-
10 der of fiscal year 2005, in an amount that exceeds,
11 as a result of a wage survey adjustment, the rate
12 payable under paragraph (1) by more than the sum
13 of—

14 (A) the percentage adjustment taking ef-
15 fect in fiscal year 2005 under section 5303 of
16 title 5, United States Code, in the rates of pay
17 under the General Schedule; and

18 (B) the difference between the overall aver-
19 age percentage of the locality-based com-
20 parability payments taking effect in fiscal year
21 2005 under section 5304 of such title (whether
22 by adjustment or otherwise), and the overall av-
23 erage percentage of such payments which was
24 effective in the previous fiscal year under such
25 section.

1 (b) Notwithstanding any other provision of law, no
2 prevailing rate employee described in subparagraph (B)
3 or (C) of section 5342(a)(2) of title 5, United States
4 Code, and no employee covered by section 5348 of such
5 title, may be paid during the periods for which subsection
6 (a) is in effect at a rate that exceeds the rates that would
7 be payable under subsection (a) were subsection (a) ap-
8 plicable to such employee.

9 (c) For the purposes of this section, the rates pay-
10 able to an employee who is covered by this section and
11 who is paid from a schedule not in existence on Sep-
12 tember 30, 2004, shall be determined under regulations
13 prescribed by the Office of Personnel Management.

14 (d) Notwithstanding any other provision of law,
15 rates of premium pay for employees subject to this sec-
16 tion may not be changed from the rates in effect on Sep-
17 tember 30, 2004, except to the extent determined by the
18 Office of Personnel Management to be consistent with
19 the purpose of this section.

20 (e) This section shall apply with respect to pay for
21 service performed after September 30, 2004.

22 (f) For the purpose of administering any provision
23 of law (including any rule or regulation that provides pre-
24 mium pay, retirement, life insurance, or any other em-
25 ployee benefit) that requires any deduction or contribu-

1 tion, or that imposes any requirement or limitation on
2 the basis of a rate of salary or basic pay, the rate of sal-
3 ary or basic pay payable after the application of this sec-
4 tion shall be treated as the rate of salary or basic pay.

5 (g) Nothing in this section shall be considered to
6 permit or require the payment to any employee covered
7 by this section at a rate in excess of the rate that would
8 be payable were this section not in effect.

9 (h) The Office of Personnel Management may pro-
10 vide for exceptions to the limitations imposed by this sec-
11 tion if the Office determines that such exceptions are
12 necessary to ensure the recruitment or retention of quali-
13 fied employees.

14 SEC. 614. During the period in which the head of
15 any department or agency, or any other officer or civilian
16 employee of the Government appointed by the President
17 of the United States, holds office, no funds may be obli-
18 gated or expended in excess of \$5,000 to furnish or re-
19 decorate the office of such department head, agency
20 head, officer, or employee, or to purchase furniture or
21 make improvements for any such office, unless advance
22 notice of such furnishing or redecoration is expressly ap-
23 proved by the Committees on Appropriations. For the
24 purposes of this section, the term "office" shall include
25 the entire suite of offices assigned to the individual, as

1 well as any other space used primarily by the individual
2 or the use of which is directly controlled by the indi-
3 vidual.

4 SEC. 615. Notwithstanding section 1346 of title 31,
5 United States Code, or section 610 of this Act, funds
6 made available for the current fiscal year by this or any
7 other Act shall be available for the interagency funding
8 of national security and emergency preparedness tele-
9 communications initiatives which benefit multiple Federal
10 departments, agencies, or entities, as provided by Execu-
11 tive Order No. 12472 (April 3, 1984).

12 SEC. 616. (a) None of the funds appropriated by
13 this or any other Act may be obligated or expended by
14 any Federal department, agency, or other instrumentality
15 for the salaries or expenses of any employee appointed to
16 a position of a confidential or policy-determining char-
17 acter excepted from the competitive service pursuant to
18 section 3302 of title 5, United States Code, without a
19 certification to the Office of Personnel Management from
20 the head of the Federal department, agency, or other in-
21 strumentality employing the Schedule C appointee that
22 the Schedule C position was not created solely or pri-
23 marily in order to detail the employee to the White
24 House.

1 (b) The provisions of this section shall not apply to
2 Federal employees or members of the armed services de-
3 tailed to or from—

4 (1) the Central Intelligence Agency;

5 (2) the National Security Agency;

6 (3) the Defense Intelligence Agency;

7 (4) the offices within the Department of De-
8 fense for the collection of specialized national foreign
9 intelligence through reconnaissance programs;

10 (5) the Bureau of Intelligence and Research of
11 the Department of State;

12 (6) any agency, office, or unit of the Army,
13 Navy, Air Force, and Marine Corps, the Department
14 of Homeland Security, the Federal Bureau of Inves-
15 tigation and the Drug Enforcement Administration
16 of the Department of Justice, the Department of
17 Transportation, the Department of the Treasury,
18 and the Department of Energy performing intel-
19 ligence functions; and

20 (7) the Director of Central Intelligence.

21 SEC. 617. No department, agency, or instrumen-
22 tality of the United States receiving appropriated funds
23 under this or any other Act for the current fiscal year
24 shall obligate or expend any such funds, unless such de-
25 partment, agency, or instrumentality has in place, and

1 will continue to administer in good faith, a written policy
2 designed to ensure that all of its workplaces are free
3 from discrimination and sexual harassment and that all
4 of its workplaces are not in violation of title VII of the
5 Civil Rights Act of 1964, as amended, the Age Discrimi-
6 nation in Employment Act of 1967, and the Rehabilita-
7 tion Act of 1973.

8 SEC. 618. No part of any appropriation contained in
9 this or any other Act shall be available for the payment
10 of the salary of any officer or employee of the Federal
11 Government, who—

12 (1) prohibits or prevents, or attempts or threat-
13 ens to prohibit or prevent, any other officer or em-
14 ployee of the Federal Government from having any
15 direct oral or written communication or contact with
16 any Member, committee, or subcommittee of the
17 Congress in connection with any matter pertaining
18 to the employment of such other officer or employee
19 or pertaining to the department or agency of such
20 other officer or employee in any way, irrespective of
21 whether such communication or contact is at the ini-
22 tiative of such other officer or employee or in re-
23 sponse to the request or inquiry of such Member,
24 committee, or subcommittee; or

1 (2) removes, suspends from duty without pay,
2 demotes, reduces in rank, seniority, status, pay, or
3 performance of efficiency rating, denies promotion
4 to, relocates, reassigns, transfers, disciplines, or dis-
5 criminate in regard to any employment right, enti-
6 tlement, or benefit, or any term or condition of em-
7 ployment of, any other officer or employee of the
8 Federal Government, or attempts or threatens to
9 commit any of the foregoing actions with respect to
10 such other officer or employee, by reason of any
11 communication or contact of such other officer or
12 employee with any Member, committee, or sub-
13 committee of the Congress as described in paragraph
14 (1).

15 SEC. 619. (a) None of the funds made available in
16 this or any other Act may be obligated or expended for
17 any employee training that—

18 (1) does not meet identified needs for knowl-
19 edge, skills, and abilities bearing directly upon the
20 performance of official duties;

21 (2) contains elements likely to induce high lev-
22 els of emotional response or psychological stress in
23 some participants;

1 (3) does not require prior employee notification
2 of the content and methods to be used in the train-
3 ing and written end of course evaluation;

4 (4) contains any methods or content associated
5 with religious or quasi-religious belief systems or
6 “new age” belief systems as defined in Equal Em-
7 ployment Opportunity Commission Notice N-
8 915.022, dated September 2, 1988; or

9 (5) is offensive to, or designed to change, par-
10 ticipants’ personal values or lifestyle outside the
11 workplace.

12 (b) Nothing in this section shall prohibit, restrict, or
13 otherwise preclude an agency from conducting training
14 bearing directly upon the performance of official duties.

15 SEC. 620. No funds appropriated in this or any
16 other Act may be used to implement or enforce the agree-
17 ments in Standard Forms 312 and 4414 of the Govern-
18 ment or any other nondisclosure policy, form, or agree-
19 ment if such policy, form, or agreement does not contain
20 the following provisions: “These restrictions are con-
21 sistent with and do not supersede, conflict with, or other-
22 wise alter the employee obligations, rights, or liabilities
23 created by Executive Order No. 12958; section 7211 of
24 title 5, United States Code (governing disclosures to Con-
25 gress); section 1034 of title 10, United States Code, as

1 amended by the Military Whistleblower Protection Act
2 (governing disclosure to Congress by members of the
3 military); section 2302(b)(8) of title 5, United States
4 Code, as amended by the Whistleblower Protection Act
5 (governing disclosures of illegality, waste, fraud, abuse or
6 public health or safety threats); the Intelligence Identities
7 Protection Act of 1982 (50 U.S.C. 421 et seq.) (gov-
8 erning disclosures that could expose confidential Govern-
9 ment agents); and the statutes which protect against dis-
10 closure that may compromise the national security, in-
11 cluding sections 641, 793, 794, 798, and 952 of title 18,
12 United States Code, and section 4(b) of the Subversive
13 Activities Act of 1950 (50 U.S.C. 783(b)). The defini-
14 tions, requirements, obligations, rights, sanctions, and li-
15 abilities created by said Executive order and listed stat-
16 utes are incorporated into this agreement and are con-
17 trolling.”: *Provided*, That notwithstanding the preceding
18 paragraph, a nondisclosure policy form or agreement that
19 is to be executed by a person connected with the conduct
20 of an intelligence or intelligence-related activity, other
21 than an employee or officer of the United States Govern-
22 ment, may contain provisions appropriate to the par-
23 ticular activity for which such document is to be used.
24 Such form or agreement shall, at a minimum, require
25 that the person will not disclose any classified informa-

1 tion received in the course of such activity unless specifi-
2 cally authorized to do so by the United States Govern-
3 ment. Such nondisclosure forms shall also make it clear
4 that they do not bar disclosures to Congress or to an au-
5 thorized official of an executive agency or the Depart-
6 ment of Justice that are essential to reporting a substan-
7 tial violation of law.

8 SEC. 621. No part of any funds appropriated in this
9 or any other Act shall be used by an agency of the execu-
10 tive branch, other than for normal and recognized execu-
11 tive-legislative relationships, for publicity or propaganda
12 purposes, and for the preparation, distribution or use of
13 any kit, pamphlet, booklet, publication, radio, television
14 or film presentation designed to support or defeat legisla-
15 tion pending before the Congress, except in presentation
16 to the Congress itself.

17 SEC. 622. None of the funds appropriated by this or
18 any other Act may be used by an agency to provide a
19 Federal employee's home address to any labor organiza-
20 tion except when the employee has authorized such dis-
21 closure or when such disclosure has been ordered by a
22 court of competent jurisdiction.

23 SEC. 623. None of the funds made available in this
24 Act or any other Act may be used to provide any non-
25 public information such as mailing or telephone lists to

1 any person or any organization outside of the Federal
2 Government without the approval of the Committees on
3 Appropriations.

4 SEC. 624. No part of any appropriation contained in
5 this or any other Act shall be used for publicity or propa-
6 ganda purposes within the United States not heretofore
7 authorized by the Congress.

8 SEC. 625. (a) In this section the term “agency”—

9 (1) means an Executive agency as defined
10 under section 105 of title 5, United States Code;

11 (2) includes a military department as defined
12 under section 102 of such title, the Postal Service,
13 and the Postal Rate Commission; and

14 (3) shall not include the General Accounting
15 Office.

16 (b) Unless authorized in accordance with law or reg-
17 ulations to use such time for other purposes, an employee
18 of an agency shall use official time in an honest effort
19 to perform official duties. An employee not under a leave
20 system, including a Presidential appointee exempted
21 under section 6301(2) of title 5, United States Code, has
22 an obligation to expend an honest effort and a reasonable
23 proportion of such employee’s time in the performance of
24 official duties.

1 SEC. 626. Notwithstanding 31 U.S.C. 1346 and sec-
2 tion 610 of this Act, funds made available for the current
3 fiscal year by this or any other Act to any department
4 or agency, which is a member of the Joint Financial
5 Management Improvement Program (JFMIP), shall be
6 available to finance an appropriate share of JFMIP ad-
7 ministrative costs, as determined by the JFMIP, but not
8 to exceed a total of \$800,000 including the salary of the
9 Executive Director and staff support.

10 SEC. 627. Notwithstanding 31 U.S.C. 1346 and sec-
11 tion 610 of this Act, the head of each Executive depart-
12 ment and agency is hereby authorized to transfer to or
13 reimburse “General Services Administration, government-
14 wide policy” with the approval of the Director of the Of-
15 fice of Management and Budget, funds made available
16 for the current fiscal year by this or any other Act, in-
17 cluding rebates from charge card and other contracts:
18 *Provided*, That these funds shall be administered by the
19 Administrator of General Services to support Govern-
20 ment-wide financial, information technology, procure-
21 ment, and other management innovations, initiatives, and
22 activities, as approved by the Director of the Office of
23 Management and Budget, in consultation with the appro-
24 priate interagency groups designated by the Director (in-
25 cluding the Chief Financial Officers Council and the

1 Joint Financial Management Improvement Program for
2 financial management initiatives, the Chief Information
3 Officers Council for information technology initiatives,
4 and the Federal Acquisition Council for procurement ini-
5 tiatives): *Provided further*, That the total funds trans-
6 ferred or reimbursed shall not exceed \$17,000,000: *Pro-*
7 *vided further*, That such transfers or reimbursements
8 may only be made 15 days following notification of the
9 Committees on Appropriations by the Director of the Of-
10 fice of Management and Budget.

11 SEC. 628. Notwithstanding any other provision of
12 law, a woman may breastfeed her child at any location
13 in a Federal building or on Federal property, if the
14 woman and her child are otherwise authorized to be
15 present at the location.

16 SEC. 629. Notwithstanding section 1346 of title 31,
17 United States Code, or section 610 of this Act, funds
18 made available for the current fiscal year by this or any
19 other Act shall be available for the interagency funding
20 of specific projects, workshops, studies, and similar ef-
21 forts to carry out the purposes of the National Science
22 and Technology Council (authorized by Executive Order
23 No. 12881), which benefit multiple Federal departments,
24 agencies, or entities: *Provided*, That the Office of Man-
25 agement and Budget shall provide a report describing the

1 budget of and resources connected with the National
2 Science and Technology Council to the Committees on
3 Appropriations, the House Committee on Science; and
4 the Senate Committee on Commerce, Science, and Trans-
5 portation 90 days after enactment of this Act.

6 SEC. 630. Any request for proposals, solicitation,
7 grant application, form, notification, press release, or
8 other publications involving the distribution of Federal
9 funds shall indicate the agency providing the funds, the
10 Catalog of Federal Domestic Assistance Number, as ap-
11 plicable, and the amount provided: *Provided*, That this
12 provision shall apply to direct payments, formula funds,
13 and grants received by a State receiving Federal funds.

14 SEC. 631. Subsection (f) of section 403 of Public
15 Law 103–356 (31 U.S.C. 501 note), as amended, is fur-
16 ther amended by striking “October 1, 2004” and insert-
17 ing “October 1, 2005”.

18 SEC. 632. (a) PROHIBITION OF FEDERAL AGENCY
19 MONITORING OF INDIVIDUALS’ INTERNET USE.—None
20 of the funds made available in this or any other Act may
21 be used by any Federal agency—

22 (1) to collect, review, or create any aggregation
23 of data, derived from any means, that includes any
24 personally identifiable information relating to an in-

1 dividual's access to or use of any Federal Govern-
2 ment Internet site of the agency; or

3 (2) to enter into any agreement with a third
4 party (including another government agency) to col-
5 lect, review, or obtain any aggregation of data, de-
6 rived from any means, that includes any personally
7 identifiable information relating to an individual's
8 access to or use of any nongovernmental Internet
9 site.

10 (b) EXCEPTIONS.—The limitations established in
11 subsection (a) shall not apply to—

12 (1) any record of aggregate data that does not
13 identify particular persons;

14 (2) any voluntary submission of personally iden-
15 tifiable information;

16 (3) any action taken for law enforcement, regu-
17 latory, or supervisory purposes, in accordance with
18 applicable law; or

19 (4) any action described in subsection (a)(1)
20 that is a system security action taken by the oper-
21 ator of an Internet site and is necessarily incident
22 to the rendition of the Internet site services or to the
23 protection of the rights or property of the provider
24 of the Internet site.

25 (c) DEFINITIONS.—For the purposes of this section:

1 (1) The term “regulatory” means agency ac-
2 tions to implement, interpret or enforce authorities
3 provided in law.

4 (2) The term “supervisory” means examina-
5 tions of the agency’s supervised institutions, includ-
6 ing assessing safety and soundness, overall financial
7 condition, management practices and policies and
8 compliance with applicable standards as provided in
9 law.

10 SEC. 633. (a) None of the funds appropriated by
11 this Act may be used to enter into or renew a contract
12 which includes a provision providing prescription drug
13 coverage, except where the contract also includes a provi-
14 sion for contraceptive coverage.

15 (b) Nothing in this section shall apply to a contract
16 with—

17 (1) any of the following religious plans:

18 (A) Personal Care’s HMO; and

19 (B) OSF Health Plans, Inc.; and

20 (2) any existing or future plan, if the carrier
21 for the plan objects to such coverage on the basis of
22 religious beliefs.

23 (c) In implementing this section, any plan that en-
24 ters into or renews a contract under this section may not
25 subject any individual to discrimination on the basis that

1 the individual refuses to prescribe or otherwise provide
2 for contraceptives because such activities would be con-
3 trary to the individual's religious beliefs or moral convic-
4 tions.

5 (d) Nothing in this section shall be construed to re-
6 quire coverage of abortion or abortion-related services.

7 SEC. 634. The Congress of the United States recog-
8 nizes the United States Anti-Doping Agency (USADA) as
9 the official anti-doping agency for Olympic, Pan Amer-
10 ican, and Paralympic sport in the United States.

11 SEC. 635. Notwithstanding any other provision of
12 law, funds appropriated for official travel by Federal de-
13 partments and agencies may be used by such depart-
14 ments and agencies, if consistent with Office of Manage-
15 ment and Budget Circular A-126 regarding official travel
16 for Government personnel, to participate in the fractional
17 aircraft ownership pilot program.

18 SEC. 636. None of the funds provided in this Act
19 shall be used to implement or enforce regulations for lo-
20 cality pay areas in fiscal year 2005 that are inconsistent
21 with the recommendations of the Federal Salary Council
22 adopted on October 7, 2003.

23 SEC. 637. Notwithstanding any other provision of
24 law, none of the funds appropriated or made available
25 under this Act or any other appropriations Act may be

1 used to implement or enforce restrictions or limitations
2 on the Coast Guard Congressional Fellowship Program,
3 or to implement the proposed regulations of the Office of
4 Personnel Management to add sections 300.311 through
5 300.316 to part 300 of title 5 of the Code of Federal
6 Regulations, published in the Federal Register, volume
7 68, number 174, on September 9, 2003 (relating to the
8 detail of executive branch employees to the legislative
9 branch).

10 SEC. 638. (a) The adjustment in rates of basic pay
11 for employees under the statutory pay systems that takes
12 effect in fiscal year 2005 under sections 5303 and 5304
13 of title 5, United States Code, shall be an increase of 3.5
14 percent, and this adjustment shall apply to civilian em-
15 ployees in the Department of Defense and the Department
16 of Homeland Security and such adjustments shall be effec-
17 tive as of the first day of the first applicable pay period
18 beginning on or after January 1, 2005.

19 (b) Notwithstanding section 613 of this Act, the ad-
20 justment in rates of basic pay for the statutory pay sys-
21 tems that take place in fiscal year 2005 under sections
22 5344 and 5348 of title 5, United States Code, shall be
23 no less than the percentage in paragraph (a) as employees
24 in the same location whose rates of basic pay are adjusted
25 pursuant to the statutory pay systems under section 5303

1 and 5304 of title 5, United States Code. Prevailing rate
2 employees at locations where there are no employees whose
3 pay is increased pursuant to section 5303 and 5304 of
4 title 5 and prevailing rate employees described in section
5 5343(a)(5) of title 5 shall be considered to be located in
6 the pay locality designated as “Rest of US” pursuant to
7 section 5304 of title 5 for purposes of this paragraph.

8 (c) Funds used to carry out this section shall be paid
9 from appropriations, which are made to each applicable
10 department or agency for salaries and expenses for fiscal
11 year 2005.

12 SEC. 639. None of the funds made available in this
13 Act shall be available for the development or dissemination
14 by the Federal Highway Administration of any version of
15 a programmatic agreement which regards the Dwight D.
16 Eisenhower National System of Interstate and Defense
17 Highways as eligible for inclusion on the National Register
18 of Historic Places.

19 SEC. 640. The amounts otherwise provided by this
20 Act are revised by increasing the amount made available
21 for “Financial Crimes Enforcement Network—Salaries
22 and Expenses”; and reducing the amount made available
23 for “General Services Administration—Real Property Ac-
24 tivities—Federal Buildings Fund” (consisting of a reduc-
25 tion of \$12,750,000 in the amount made available for

1 rental of space and a reduction of \$12,750,000 in the
2 amount made available for building operations); by
3 \$25,500,000.

4 SEC. 641. None of the funds appropriated by the Act
5 may be used to plan, enter into, implement, or provide
6 oversight of contracts between the Secretary of the Treas-
7 ury, or his designee, and any private collection agency.

8 SEC. 642. The amount otherwise provided by this Act
9 for deposit in the Federal Buildings Fund is hereby re-
10 duced by \$152,979,000, and, notwithstanding any other
11 provision of this Act, the amount available from revenues
12 and collections deposited into the Fund shall be available
13 for necessary expenses of real property management and
14 related activities not otherwise provided for in the aggre-
15 gate amount of \$8,619,023,000.

16 SEC. 643. None of the funds made available in this
17 Act may be used by the Council of Economic Advisers to
18 produce an Economic Report of the President regarding
19 the inclusion of employment at a retail fast food res-
20 taurant as part of the definition of manufacturing employ-
21 ment.

22 SEC. 644. None of the funds appropriated by this Act
23 may be used by the Secretary of the Treasury to imple-
24 ment, pursuant to sections 8348(j)(1) and 8348(l)(2) of
25 title 5, United States Code, any suspension of issuance

1 of obligations of the United States for purchase by the
2 Civil Service Retirement and Disability Fund, to imple-
3 ment, pursuant to sections 8438(g)(1) and 8438(h)(2) of
4 such title, any suspension of issuance of obligations of the
5 United States for purchase by the Thrift Savings Fund
6 for the Government Securities Investment Fund, or to im-
7 plement, pursuant to section 8348(k)(1) of such title, any
8 sale or redemption of securities, obligations, or other in-
9 vested assets of the Civil Service Retirement and Dis-
10 ability Fund before maturity.

11 SEC. 645. None of the funds made available by this
12 Act may be used to implement the revision to Office of
13 Management and Budget Circular A-76 made on May 29,
14 2003.

15 SEC. 646. None of the funds appropriated by this Act
16 may be used to assist in overturning the judicial ruling
17 contained in the Memorandum and Order of the United
18 States District Court for the Southern District of Illinois
19 entered on July 31, 2003, in the action entitled Kathi Co-
20 per, Beth Harrington, and Matthew Hillesheim, Individ-
21 ually and on Behalf of All Those Similarly Situated vs.
22 IBM Personal Pension Plan and IBM Corporation (Civil
23 No. 99-829-GPM).

24 SEC. 647. (a) None of the funds made available in
25 this Act may be used to implement, administer, or enforce

1 the amendments made to section 515.560 or 515.561 of
2 title 31, Code of Federal Regulations (relating to travel-
3 related transactions incident to travel to Cuba and visiting
4 relatives in Cuba), as published in the Federal Register
5 on June 16, 2004.

6 (b) The limitation in subsection (a) shall not apply
7 to the implementation, administration, or enforcement of
8 section 515.560(c)(3) of title 31, Code of Federal Regula-
9 tions.

10 SEC. 648. None of the funds made available in this
11 Act may be used to implement, administer, or enforce the
12 amendments made to paragraphs (a) and (b) of section
13 515.565 of title 31, Code of Federal Regulations (relating
14 to specific licenses for United States academic institutions
15 and other specific licenses), as published in the Federal
16 Register on June 16, 2004 (69 Fed. Reg. 33772). The
17 limitation in the preceding sentence shall not apply to the
18 implementation, administration, or enforcement of section
19 515.560(c)(3) of title 31, Code of Federal Regulations.

20 SEC. 649. None of the funds made available in this
21 Act may be used to implement any sanction imposed by
22 the United States on private commercial sales of agricul-
23 tural commodities (as defined in section 402 of the Agri-
24 cultural Trade Development and Assistance Act of 1954)
25 or medicine or medical supplies (within the meaning of

1 section 1705(c) of the Cuban Democracy Act of 1992) to
2 Cuba (other than a sanction imposed pursuant to agree-
3 ment with one or more other countries).

4 SEC. 650. None of the funds made available under
5 this Act may be used to issue or implement the Depart-
6 ment of Transportation's proposed regulation entitled
7 Parts and Accessories Necessary for Safe Operation; Cer-
8 tification of Compliance With Federal Motor Vehicle Safe-
9 ty Standards (FMVSSs), published in the Federal Reg-
10 ister, volume 67, number 53, on March 19, 2002, relating
11 to a phase-in period to bring vehicles into compliance with
12 the requirements of the regulation.

13 This Act may be cited as the "Transportation, Treas-
14 ury, and Independent Agencies Appropriations Act,
15 2005".

Passed the House of Representatives September 22,
2004.

Attest:

Clerk.