

Union Calendar No. 411

108TH CONGRESS
2^D SESSION

H. R. 5025

[Report No. 108-671]

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2004

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

A BILL

Making appropriations for the 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,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Transportation and Treasury and inde-

1 pendent agencies for the fiscal year ending September 30,
2 2005, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Sec-
8 retary, \$89,000,000, of which not to exceed \$2,219,100
9 shall be available for the immediate Office of the Sec-
10 retary; not to exceed \$704,500 shall be available for the
11 immediate Office of the Deputy Secretary; not to exceed
12 \$15,394,300 shall be available for the Office of the Gen-
13 eral Counsel; not to exceed \$12,639,000 shall be available
14 for the Office of the Under Secretary of Transportation
15 for Policy; not to exceed \$8,572,900 shall be available for
16 the Office of the Assistant Secretary for Budget and Pro-
17 grams; not to exceed \$2,315,700 shall be available for the
18 Office of the Assistant Secretary for Governmental Af-
19 fairs; not to exceed \$23,435,700 shall be available for the
20 Office of the Assistant Secretary for Administration; not
21 to exceed \$1,928,700 shall be available for the Office of
22 Public Affairs; not to exceed \$1,456,000 shall be avail-
23 able for the Office of the Executive Secretariat; not to ex-
24 ceed \$704,000 shall be available for the Board of Con-
25 tract Appeals; not to exceed \$1,277,200 shall be available

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

1 OFFICE OF CIVIL RIGHTS

2 For necessary expenses of the Office of Civil Rights,
3 \$8,700,000.

4 TRANSPORTATION PLANNING, RESEARCH, AND
5 DEVELOPMENT

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

10 WORKING CAPITAL FUND

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

1 and Senate Committees on Appropriations and are ap-
2 proved by such Committees.

3 MINORITY BUSINESS RESOURCE CENTER PROGRAM

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

13 MINORITY BUSINESS OUTREACH

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

20 PAYMENTS TO AIR CARRIERS

21 (AIRPORT AND AIRWAY TRUST FUND)

22 In addition to funds made available from any other
23 source to carry out the essential air service program under
24 49 U.S.C. 41731 through 41742, \$51,700,000, to be de-
25 rived from the Airport and Airway Trust Fund, to remain
26 available until expended.

1 FEDERAL AVIATION ADMINISTRATION
2 OPERATIONS

3 For necessary expenses of the Federal Aviation Ad-
4 ministration, not otherwise provided for, including oper-
5 ations and research activities related to commercial space
6 transportation, administrative expenses for research and
7 development, establishment of air navigation facilities,
8 the operation (including leasing) and maintenance of air-
9 craft, subsidizing the cost of aeronautical charts and
10 maps sold to the public, lease or purchase of passenger
11 motor vehicles for replacement only, in addition to
12 amounts made available by Public Law 108-176,
13 \$7,726,000,000, of which \$6,002,000,000 shall be de-
14 rived from the Airport and Airway Trust Fund, of which
15 not to exceed \$6,160,617,600 shall be available for air
16 traffic services activities; not to exceed \$916,894,000
17 shall be available for aviation regulation and certification
18 activities; not to exceed \$224,039,000 shall be available
19 for research and acquisition activities; not to exceed
20 \$11,674,000 shall be available for commercial space
21 transportation activities; not to exceed \$50,624,000 shall
22 be available for financial services activities; not to exceed
23 \$69,821,600 shall be available for human resources pro-
24 gram activities; not to exceed \$149,569,800 shall be
25 available for region and center operations and regional

1 coordination activities; not to exceed \$139,302,000 shall
2 be available for staff offices; and not to exceed
3 \$38,254,000 shall be available for information services:
4 *Provided*, That none of the funds in this Act shall be
5 available for the Federal Aviation Administration to fi-
6 nalize or implement any regulation that would promul-
7 gate new aviation user fees not specifically authorized by
8 law after the date of the enactment of this Act: *Provided*
9 *further*, That there may be credited to this appropriation
10 funds received from States, counties, municipalities, for-
11 eign authorities, other public authorities, and private
12 sources, for expenses incurred in the provision of agency
13 services, including receipts for the maintenance and oper-
14 ation of air navigation facilities, and for issuance, re-
15 newal or modification of certificates, including airman,
16 aircraft, and repair station certificates, or for tests re-
17 lated thereto, or for processing major repair or alteration
18 forms: *Provided further*, That of the funds appropriated
19 under this heading, not less than \$7,000,000 shall be for
20 the contract tower cost-sharing program: *Provided fur-*
21 *ther*, That funds may be used to enter into a grant agree-
22 ment with a nonprofit standard-setting organization to
23 assist in the development of aviation safety standards:
24 *Provided further*, That none of the funds in this Act shall
25 be available for new applicants for the second career

1 training program: *Provided further*, That none of the
2 funds in this Act shall be available for paying premium
3 pay under 5 U.S.C. 5546(a) to any Federal Aviation Ad-
4 ministration employee unless such employee actually per-
5 formed work during the time corresponding to such pre-
6 mium pay: *Provided further*, That none of the funds in
7 this Act may be obligated or expended to operate a
8 manned auxiliary flight service station in the contiguous
9 United States: *Provided further*, That none of the funds
10 in this Act for aeronautical charting and cartography are
11 available for activities conducted by, or coordinated
12 through, the Working Capital Fund: *Provided further*,
13 That of the funds provided under this heading,
14 \$4,000,000 is available only for recruitment, personnel
15 compensation and benefits, and related costs to raise the
16 level of operational air traffic control supervisors to the
17 level of 1,846: *Provided further*, That none of the funds
18 in this Act may be obligated or expended for an employee
19 of the Federal Aviation Administration to purchase a
20 store gift card or gift certificate through use of a Govern-
21 ment-issued credit card.

22 FACILITIES AND EQUIPMENT

23 (AIRPORT AND AIRWAY TRUST FUND)

24 For necessary expenses, not otherwise provided for,
25 for acquisition, establishment, technical support services,
26 improvement by contract or purchase, and hire of air

1 navigation and experimental facilities and equipment, as
2 authorized under part A of subtitle VII of title 49,
3 United States Code, including initial acquisition of nec-
4 essary sites by lease or grant; engineering and service
5 testing, including construction of test facilities and acqui-
6 sition of necessary sites by lease or grant; construction
7 and furnishing of quarters and related accommodations
8 for officers and employees of the Federal Aviation Ad-
9 ministration stationed at remote localities where such ac-
10 commodations are not available; and the purchase, lease,
11 or transfer of aircraft from funds available under this
12 heading; to be derived from the Airport and Airway
13 Trust Fund, \$2,500,000,000, of which \$2,056,300,000
14 shall remain available until September 30, 2007, and of
15 which \$443,700,000 shall remain available until Sep-
16 tember 30, 2005: *Provided*, That there may be credited
17 to this appropriation funds received from States, coun-
18 ties, municipalities, other public authorities, and private
19 sources, for expenses incurred in the establishment and
20 modernization of air navigation facilities: *Provided fur-*
21 *ther*, That upon initial submission to the Congress of the
22 fiscal year 2006 President's budget, the Secretary of
23 Transportation shall transmit to the Congress a com-
24 prehensive capital investment plan for the Federal Avia-
25 tion Administration which includes funding for each

1 budget line item for fiscal years 2006 through 2010, with
2 total funding for each year of the plan constrained to the
3 funding targets for those years as estimated and ap-
4 proved by the Office of Management and Budget: *Pro-*
5 *vided further*, That of the funds provided under this
6 heading, not less than \$3,000,000 is for contract audit
7 services provided by the Defense Contract Audit Agency.

8 RESEARCH, ENGINEERING, AND DEVELOPMENT

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For necessary expenses, not otherwise provided for,
11 for research, engineering, and development, as authorized
12 under part A of subtitle VII of title 49, United States
13 Code, including construction of experimental facilities
14 and acquisition of necessary sites by lease or grant,
15 \$117,000,000, to be derived from the Airport and Airway
16 Trust Fund and to remain available until September 30,
17 2007: *Provided*, That there may be credited to this ap-
18 propriation funds received from States, counties, munici-
19 palities, other public authorities, and private sources, for
20 expenses incurred for research, engineering, and develop-
21 ment.

1 GRANTS-IN-AID FOR AIRPORTS
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 RESCISSION OF CONTRACT AUTHORIZATION
5 (AIRPORT AND AIRWAY TRUST FUND)

6 For liquidation of obligations incurred for grants-in-
7 aid for airport planning and development, and noise com-
8 patibility planning and programs as authorized under
9 subchapter I of chapter 471 and subchapter I of chapter
10 475 of title 49, United States Code, and under other law
11 authorizing such obligations; for procurement, installa-
12 tion, and commissioning of runway incursion prevention
13 devices and systems at airports of such title; for grants
14 authorized under section 41743 of title 49, United States
15 Code; and for inspection activities and administration of
16 airport safety programs, including those related to air-
17 port operating certificates under section 44706 of title
18 49, United States Code, \$3,200,000,000, to be derived
19 from the Airport and Airway Trust Fund and to remain
20 available until expended: *Provided*, That none of the
21 funds under this heading shall be available for the plan-
22 ning or execution of programs the obligations for which
23 are in excess of \$3,993,000,000 in fiscal year 2005, not-
24 withstanding section 47117(g) of title 49, United States
25 Code: *Provided further*, That none of the funds under this
26 heading shall be available for the replacement of baggage

1 conveyor systems, reconfiguration of terminal baggage
2 areas, or other airport improvements that are necessary
3 to install bulk explosive detection systems: *Provided fur-*
4 *ther*, That notwithstanding any other provision of law,
5 not more than \$69,302,000 of funds limited under this
6 heading shall be obligated for administration and not less
7 than \$20,000,000 shall be for the Small Community Air
8 Service Development Pilot Program: *Provided further*,
9 That of the funds made available for the Small Commu-
10 nity Air Service Development Pilot Program, \$4,000,000
11 shall be for airports which have been discontinued from
12 the Essential Air Service program since January 1, 2001:
13 *Provided further*, That of amounts available in this or
14 prior year Acts under 49 U.S.C. 48112 and 48103, as
15 amended, \$758,000,000 are rescinded.

16 GENERAL PROVISIONS—FEDERAL AVIATION

17 ADMINISTRATION

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

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

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

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

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

1 port sponsors to provide land without cost to the FAA for
2 air traffic control facilities.

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

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

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

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

14 (c) In section 44303(b) by—

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

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

20 FEDERAL HIGHWAY ADMINISTRATION

21 LIMITATION ON ADMINISTRATIVE EXPENSES

22 Necessary expenses for administration and operation
23 of the Federal Highway Administration, not to exceed
24 \$346,000,000, shall be paid in accordance with law from
25 appropriations made available by this Act to the Federal

1 Highway Administration together with advances and re-
2 imbursements received by the Federal Highway Adminis-
3 tration.

4 FEDERAL-AID HIGHWAYS
5 (LIMITATION ON OBLIGATIONS)
6 (HIGHWAY TRUST FUND)

7 None of the funds in this Act shall be available for
8 the implementation or execution of programs, the obliga-
9 tions for which are in excess of \$34,641,000,000 for Fed-
10 eral-aid highways and highway safety construction pro-
11 grams for fiscal year 2005: *Provided*, That within the
12 \$34,641,000,000 obligation limitation on Federal-aid
13 highways and highway safety construction programs, not
14 more than \$478,000,000 shall be available for the imple-
15 mentation or execution of programs for transportation re-
16 search (sections 502, 503, 504, 506, 507, and 508 of
17 title 23, United States Code, as amended; section 5505
18 of title 49, United States Code, as amended; and sections
19 5112 and 5204–5209 of Public Law 105–178) for fiscal
20 year 2005: *Provided further*, That this limitation on
21 transportation research programs shall not apply to any
22 authority previously made available for obligation.

1 FEDERAL-AID HIGHWAYS
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (HIGHWAY TRUST FUND)

4 Notwithstanding any other provision of law, for car-
5 rying out the provisions of title 23, United States Code,
6 that are attributable to Federal-aid highways, including
7 the National Scenic and Recreational Highway as author-
8 ized by 23 U.S.C. 148, not otherwise provided, including
9 reimbursement for sums expended pursuant to the provi-
10 sions of 23 U.S.C. 308, \$35,000,000,000 or so much
11 thereof as may be available in and derived from the
12 Highway Trust Fund, to remain available until expended.

13 FEDERAL-AID HIGHWAYS
14 HIGHWAY TRUST FUND
15 (RESCISSION)

16 Of the unobligated balances of funds apportioned to
17 each State under the programs authorized under sections
18 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and
19 1101(a)(5) of Public Law 105–178, as amended,
20 \$386,000,000 are rescinded.

21 GENERAL PROVISIONS—FEDERAL HIGHWAY
22 ADMINISTRATION

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

25 (1) not distribute from the obligation limitation
26 for Federal-aid Highways amounts authorized for

1 administrative expenses by section 104(a)(1)(A) and
2 104(a)(1)(B) of title 23, United States Code, for the
3 highway use tax evasion program, and for the Bu-
4 reau of Transportation Statistics;

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

13 (3) determine the ratio that—

14 (A) the obligation limitation for Federal-
15 aid Highways less the aggregate of amounts not
16 distributed under paragraphs (1) and (2), bears
17 to

18 (B) the total of the sums authorized to be
19 appropriated for Federal-aid highways and
20 highway safety construction programs (other
21 than sums authorized to be appropriated for
22 sections set forth in paragraphs (1) through (7)
23 of subsection (b) and sums authorized to be ap-
24 propriated for section 105 of title 23, United
25 States Code, equal to the amount referred to in

1 subsection (b)(8)) for such fiscal year less the
2 aggregate of the amounts not distributed under
3 paragraph (1) of this subsection;

4 (4) distribute the obligation limitation for Fed-
5 eral-aid Highways less the aggregate amounts not
6 distributed under paragraphs (1) and (2) for section
7 201 of the Appalachian Regional Development Act
8 of 1965, and \$2,000,000,000 for such fiscal year
9 under section 105 of title 23, United States Code
10 (relating to minimum guarantee) so that the amount
11 of obligation authority available for each of such sec-
12 tions is equal to the amount determined by multi-
13 plying the ratio determined under paragraph (3) by
14 the sums authorized to be appropriated for such sec-
15 tion (except in the case of section 105,
16 \$2,000,000,000) for such fiscal year;

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

1 the sums authorized to be appropriated for such pro-
2 gram for such fiscal year; and

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

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

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

22 (b) The obligation limitation for Federal-aid High-
23 ways shall not apply to obligations: (1) under section 125
24 of title 23, United States Code; (2) under section 147 of
25 the Surface Transportation Assistance Act of 1978; (3)

1 under section 9 of the Federal-Aid Highway Act of 1981;
2 (4) under sections 131(b) and 131(j) of the Surface
3 Transportation Assistance Act of 1982; (5) under sections
4 149(b) and 149(c) of the Surface Transportation and Uni-
5 form Relocation Assistance Act of 1987; (6) under sec-
6 tions 1103 through 1108 of the Intermodal Surface
7 Transportation Efficiency Act of 1991; (7) under section
8 157 of title 23, United States Code, as in effect on the
9 day before the date of the enactment of the Transpor-
10 tation Equity Act for the 21st Century; and (8) under sec-
11 tion 105 of title 23, United States Code (but, only in an
12 amount equal to \$639,000,000 for such fiscal year); and
13 for Federal-aid highway programs for which obligation au-
14 thority was made available under the Transportation Eq-
15 uity Act for the 21st Century or subsequent public laws
16 for multiple years or to remain available until used, but
17 only to the extent that such obligation authority has not
18 lapsed or been used.

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

1 giving priority to those States having large unobligated
2 balances of funds apportioned under sections 104 and 144
3 of title 23, United States Code, section 160 (as in effect
4 on the day before the enactment of the Transportation Eq-
5 uity Act for the 21st Century) of title 23, United States
6 Code, and under section 1015 of the Intermodal Surface
7 Transportation Efficiency Act of 1991 (105 Stat. 1943–
8 1945).

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

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

1 tion for such fiscal year. Such distribution to the States
2 shall be made in the same ratio as the distribution of obli-
3 gation authority under subsection (a)(6). The funds so
4 distributed shall be available for any purposes described
5 in section 133(b) of title 23, United States Code.

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

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

20 SEC. 123. Notwithstanding any other provision of
21 law, in section 1602 of the Transportation Equity Act for
22 the 21st Century, item number 89 is amended by striking
23 “Construct I-495/Route 2 interchange east of existing
24 interchange to provide access to commuter rail station,

1 Littleton” and inserting “Ayer commuter rail station im-
2 provements, land acquisition and parking improvements”.

3 SEC. 124. Of the \$6,000,000 portion of the funds
4 appropriated under the heading “Highway Demonstra-
5 tion Projects” in title I of Public Law 102–143 (105
6 Stat. 929) that was allocated for Routes 70/38 Circle
7 Elimination, NJ, \$4,500,000 shall be transferred to, and
8 made available for, the following projects in the specified
9 amounts: Mantua Creek Overpass in Paulsboro, NJ,
10 \$2,000,000; Delsea Drive Route 47 Timber Creek in
11 Westville, NJ, \$787,000; Camden Northern End Parking
12 Garage in Camden, NJ, \$1,213,000; and Route 47 Chap-
13 el Heights Avenue in Gloucester, NJ, \$500,000.

14 SEC. 125. Division F, title I, section 115 of Public
15 Law 108–199 is amended by inserting before the period
16 at the end the following: “: *Provided further*, That notwith-
17 standing any other provision of law and the preceding
18 clauses of this provision, the Secretary of Transportation
19 may use amounts made available by this section to make
20 grants for any surface transportation project otherwise eli-
21 gible for funding under title 23 or title 49, United States
22 Code”.

23 SEC. 126. None of the funds made available in this
24 Act may be used to require a State or local government
25 to post a traffic control device or variable message sign,

1 or any other type of traffic warning sign, in a language
2 other than English, except with respect to the names of
3 cities, streets, places, events, or signs related to an inter-
4 national border.

5 SEC. 127. Of the funds available under section
6 104(a)(1)(A) of title 23, United States Code, \$4,000,000
7 shall be available for environmental streamlining activities,
8 which may include making grants to, or entering into con-
9 tracts, cooperative agreements, and other transactions,
10 with a Federal agency, State agency, local agency, author-
11 ity, association, non-profit or for-profit corporation, or in-
12 stitution of higher education.

13 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
14 MOTOR CARRIER SAFETY
15 LIMITATION ON ADMINISTRATIVE EXPENSES
16 (LIQUIDATION OF CONTRACT AUTHORIZATION)
17 (HIGHWAY TRUST FUND)
18 (INCLUDING TRANSFER OF FUNDS)

19 Notwithstanding any other provision of law, none of
20 the funds in this Act shall be available for expenses for
21 administration of motor carrier safety programs and
22 motor carrier safety research, and grants, the obligations
23 for which are in excess of \$248,480,000 for fiscal year
24 2005: *Provided*, That \$33,000,000 shall be available to
25 make grants to, or enter into contracts with, States, local
26 governments, or other persons for carrying out border

1 commercial motor vehicle safety programs and enforce-
2 ment activities and projects for the purposes described in
3 49 U.S.C. 31104(f)(2)(B), and the Federal share payable
4 under such grants shall be 100 percent; \$20,000,000
5 shall be available to make grants to, or enter into con-
6 tracts with, States, local governments, or other persons
7 for commercial driver's licenses program improvements,
8 and the Federal share payable under such grants shall be
9 100 percent; and \$14,200,000 shall be available to make
10 grants to States for implementation of section 210 of the
11 Motor Carrier Safety Improvement Act of 1999, and the
12 Federal share payable under such grant shall be 100 per-
13 cent: *Provided further*, That notwithstanding any other
14 provision of law, for payment of obligations incurred to
15 pay administrative expenses of and grants by the Federal
16 Motor Carrier Safety Administration, \$248,480,000, to
17 be derived from the Highway Trust Fund, together with
18 advances and reimbursements received by the Federal
19 Motor Carrier Safety Administration, the sum of which
20 shall remain available until expended.

21 NATIONAL MOTOR CARRIER SAFETY PROGRAM

22 (LIQUIDATION OF CONTRACT AUTHORIZATION)

23 (LIMITATION ON OBLIGATIONS)

24 (HIGHWAY TRUST FUND)

25 Notwithstanding any other provision of law, for pay-
26 ment of obligations incurred in carrying out 49 U.S.C.

1 31102, 31106, and 31309, \$190,000,000 to be derived
2 from the Highway Trust Fund and to remain available
3 until expended: *Provided*, That none of the funds in this
4 Act shall be available for the implementation or execution
5 of programs the obligations for which are in excess of
6 \$190,000,000 for “Motor Carrier Safety Grants” and “In-
7 formation Systems,” and of which \$17,000,000 shall be
8 available for grants to States for implementation of sec-
9 tion 210 of the Motor Carrier Safety Improvement Act
10 of 1999 (113 Stat. 1764–1765) and \$1,000,000 shall be
11 available for grants to States, local governments, or other
12 entities for commercial driver’s license program improve-
13 ments: *Provided further*, That for grants made to States
14 for implementation of section 210 of the Motor Carrier
15 Safety Improvement Act of 1999 (113 Stat. 1764–1765),
16 and for grants to States, local governments, or other enti-
17 ties for commercial driver’s license program improve-
18 ments, the Federal share payable under such grants shall
19 be 100 percent.

20 GENERAL PROVISIONS—FEDERAL MOTOR CARRIER

21 SAFETY ADMINISTRATION

22 SEC. 141. Funds appropriated or limited in this Act
23 shall be subject to the terms and conditions stipulated in
24 section 350 of Public Law 107–87, including that the
25 Secretary submit a report to the House and Senate Ap-
26 propriations Committees annually on the safety and secu-

1 rity of transportation into the United States by Mexico-
2 domiciled motor carriers.

3 SEC. 142. No funds appropriated or otherwise made
4 available by this Act may be used to implement or en-
5 force any provisions of the Final Rule, issued on April
6 16, 2003 (Docket No. FMCSA–97–2350), with respect to
7 the operators of utility service vehicles, as that term is
8 defined in section 395.2 of title 49, Code of Federal Reg-
9 ulations.

10 SEC. 143. None of the funds appropriated or other-
11 wise made available by this Act shall be used to implement
12 or enforce 49 CFR subsections 395.3 or 395.8 as they
13 may apply to operators of utility service vehicles as defined
14 in 49 CFR 395.2. This prohibition on implementing or
15 enforcing such regulations shall also apply to any State
16 or agency receiving funds pursuant to chapter 311 of title
17 49 U.S.C.

18 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

19 OPERATIONS AND RESEARCH

20 For expenses necessary to discharge the functions of
21 the Secretary, with respect to traffic and highway safety
22 under chapter 301 of title 49, United States Code, and
23 part C of subtitle VI of title 49, United States Code,
24 \$129,514,000, of which \$107,000,000 shall remain avail-
25 able until September 30, 2007: *Provided*, That none of the

1 funds appropriated by this Act may be obligated or ex-
2 pended to plan, finalize, or implement any rulemaking to
3 add to section 575.104 of title 49 of the Code of Federal
4 Regulations any requirement pertaining to a grading
5 standard that is different from the three grading stand-
6 ards (treadwear, traction, and temperature resistance) al-
7 ready in effect: *Provided further*, That none of the funds
8 in this Act may be used to augment information tech-
9 nology or computer support funds provided to NHTSA be-
10 yond \$2,620,000.

11 OPERATIONS AND RESEARCH

12 (LIQUIDATION OF CONTRACT AUTHORIZATION)

13 (LIMITATION ON OBLIGATIONS)

14 (HIGHWAY TRUST FUND)

15 For payment of obligations incurred in carrying out
16 the provisions of 23 U.S.C. 403, to remain available until
17 expended, \$90,000,000, to be derived from the Highway
18 Trust Fund: *Provided*, That none of the funds in this Act
19 shall be available for the planning or execution of pro-
20 grams the total obligations for which, in fiscal year 2005,
21 are in excess of \$90,000,000 for programs authorized
22 under 23 U.S.C. 403.

1 NATIONAL DRIVER REGISTER
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For expenses necessary to discharge the functions of
6 the Secretary with respect to the National Driver Reg-
7 ister under payment of obligations incurred in carrying
8 out chapter 303 of title 49, United States Code,
9 \$3,600,000 to be derived from the Highway Trust Fund:
10 *Provided*, That none of the funds in this Act shall be
11 available for the implementation or execution of programs
12 the obligations for which are in excess of \$3,600,000 for
13 the National Driver Register authorized under chapter
14 303 of title 49, United States Code.

15 HIGHWAY TRAFFIC SAFETY GRANTS
16 (LIQUIDATION OF CONTRACT AUTHORIZATION)
17 (LIMITATION ON OBLIGATIONS)
18 (HIGHWAY TRUST FUND)

19 Notwithstanding any other provision of law, for pay-
20 ment of obligations incurred in carrying out the provi-
21 sions of 23 U.S.C. 402, 405, and 410, to remain avail-
22 able until expended, \$225,000,000, to be derived from
23 the Highway Trust Fund: *Provided*, That none of the
24 funds in this Act shall be available for the planning or
25 execution of programs the total obligations for which, in
26 fiscal year 2005, are in excess of \$225,000,000 for pro-

1 grams authorized under 23 U.S.C. 402, 405, and 410, of
2 which \$165,000,000 shall be for “Highway Safety Pro-
3 grams” under 23 U.S.C. 402, \$20,000,000 shall be for
4 “Occupant Protection Incentive Grants” under 23 U.S.C.
5 405, and \$40,000,000 shall be for “Alcohol-Impaired
6 Driving Countermeasures Grants” under 23 U.S.C. 410:
7 *Provided further*, That none of these funds shall be used
8 for construction, rehabilitation, or remodeling costs, or
9 for office furnishings and fixtures for State, local, or pri-
10 vate buildings or structures: *Provided further*, That not to
11 exceed \$10,000,000 of the funds made available for sec-
12 tion 402, not to exceed \$2,306,000 of the funds made
13 available for section 405, and not to exceed \$2,000,000
14 of the funds made available for section 410 shall be avail-
15 able to NHTSA for administering highway safety grants
16 under chapter 4 of title 23, United States Code: *Provided*
17 *further*, That not to exceed \$500,000 of the funds made
18 available for section 410 “Alcohol-Impaired Driving
19 Countermeasures Grants” shall be available for technical
20 assistance to the States.

21 GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC

22 SAFETY ADMINISTRATION

23 SEC. 151. Notwithstanding any other provision of
24 law, States may use funds provided in this Act under sec-
25 tion 402 of title 23, United States Code, to produce and
26 place highway safety public service messages in television,

1 radio, cinema, and print media, and on the Internet in
2 accordance with guidance issued by the Secretary of
3 Transportation: *Provided*, That any State that uses funds
4 for such public service messages shall submit to the Sec-
5 retary a report describing and assessing the effectiveness
6 of the messages: *Provided further*, That \$10,000,000 of
7 the funds allocated under section 157 of title 23, United
8 States Code, shall be used as directed by the National
9 Highway Traffic Safety Administrator to purchase na-
10 tional paid advertising (including production and place-
11 ment) to support national safety belt mobilizations: *Pro-*
12 *vided further*, That, of the funds allocated under section
13 163 of title 23, United States Code, \$7,000,000 shall be
14 used as directed by the Administrator to support national
15 impaired driving mobilizations and enforcement efforts,
16 \$12,000,000 shall be used as directed by the Adminis-
17 trator to purchase national paid advertising (including
18 production and placement) to support such national im-
19 paired driving mobilizations and enforcement efforts.

20 SEC. 152. Funds appropriated or limited in this Act
21 to educate the motoring public on how to share the road
22 safely with commercial motor vehicles shall be jointly ad-
23 ministered and implemented by the National Highway
24 Traffic Safety Administration and the Federal Motor
25 Carrier Safety Administration.

1 FEDERAL RAILROAD ADMINISTRATION

2 SAFETY AND OPERATIONS

3 For necessary expenses of the Federal Railroad Ad-
4 ministration, not otherwise provided for, \$137,738,000,
5 of which \$15,350,000 shall remain available until ex-
6 pended.

7 RAILROAD RESEARCH AND DEVELOPMENT

8 For necessary expenses for railroad research and de-
9 velopment, \$33,289,000, to remain available until ex-
10 pended.

11 RAILROAD REHABILITATION AND IMPROVEMENT

12 PROGRAM

13 The Secretary of Transportation is authorized to
14 issue to the Secretary of the Treasury notes or other obli-
15 gations pursuant to section 512 of the Railroad Revital-
16 ization and Regulatory Reform Act of 1976 (Public Law
17 94-210), as amended, in such amounts and at such times
18 as may be necessary to pay any amounts required pursu-
19 ant to the guarantee of the principal amount of obliga-
20 tions under sections 511 through 513 of such Act, such
21 authority to exist as long as any such guaranteed obliga-
22 tion is outstanding: *Provided*, That pursuant to section
23 502 of such Act, as amended, no new direct loans or loan
24 guarantee commitments shall be made using Federal
25 funds for the credit risk premium during fiscal year
26 2005: *Provided further*, That within thirty days of enact-

1 ment of this Act, the National Railroad Passenger Cor-
2 poration shall make full payment of all principal and in-
3 terest to the Federal Railroad Administrator in satisfac-
4 tion of the Corporation's July 3, 2002, direct loan from
5 the Federal Railroad Administration.

6 NEXT GENERATION HIGH-SPEED RAIL

7 For necessary expenses for the Next Generation
8 High-Speed Rail program as authorized under 49 U.S.C.
9 26101 and 26102, \$11,000,000, to remain available until
10 expended.

11 PENNSYLVANIA STATION REDEVELOPMENT PROJECT

12 (TRANSFER OF FUNDS)

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

20 GRANTS TO THE NATIONAL RAILROAD PASSENGER

21 CORPORATION

22 To enable the Secretary of Transportation to make
23 quarterly grants to the National Railroad Passenger Cor-
24 poration, \$900,000,000, to remain available until Sep-
25 tember 30, 2005: *Provided*, That not less than
26 \$500,000,000 shall be provided in quarterly grants for

1 capital expenses: *Provided further*, That the Secretary of
2 Transportation shall approve funding to cover operating
3 losses and capital expenditures, including advance pur-
4 chase orders, for the National Railroad Passenger Cor-
5 poration only after receiving and reviewing a grant re-
6 quest for each specific train route: *Provided further*, That
7 each such grant request shall be accompanied by a de-
8 tailed financial analysis, revenue projection, and capital
9 expenditure projection justifying the Federal support to
10 the Secretary's satisfaction: *Provided further*, That the
11 Secretary of Transportation shall reserve \$60,000,000 of
12 the funds provided under this heading and is authorized
13 to transfer such sums to the Surface Transportation
14 Board, upon request from said Board, to carry out di-
15 rected service orders issued pursuant to section 11123 of
16 title 49, United States Code to respond to the cessation
17 of commuter rail operations by the National Railroad
18 Passenger Corporation: *Provided further*, That the Sec-
19 retary of Transportation shall make the reserved funds
20 available to the National Railroad Passenger Corporation
21 through an appropriate grant instrument during the end
22 of the fourth quarter of fiscal year 2005 to the extent
23 that no directed service orders have been issued by the
24 Surface Transportation Board as of the date of transfer
25 or there is a balance of reserved funds not needed by the

1 Board to pay for any directed service order issued
2 through September 30, 2005: *Provided further*, That not
3 later than 60 days after enactment of this Act, Amtrak
4 shall transmit, in electronic format, to the Secretary of
5 Transportation, the House and Senate Committees on
6 Appropriations, the House Committee on Transportation
7 and Infrastructure and the Senate Committee on Com-
8 merce, Science, and Transportation a comprehensive
9 business plan approved by the Board of Directors for fis-
10 cal year 2005 under section 24104(a) of title 49, United
11 States Code: *Provided further*, That the business plan
12 shall include, as applicable, targets for ridership, reve-
13 nues, and capital and operating expenses: *Provided fur-*
14 *ther*, That the plan shall also include a separate account-
15 ing of such targets for the Northeast Corridor; commuter
16 service; long-distance Amtrak service; state-supported
17 service; each intercity train route; including Autotrain;
18 and commercial activities including contract operations
19 and mail and express: *Provided further*, That the business
20 plan shall include a description of the work to be funded,
21 along with cost estimates and an estimated timetable for
22 completion of the projects covered by this business plan:
23 *Provided further*, That not later than October 1, 2004
24 and no later than 30 days following the last business day
25 of the previous month thereafter, Amtrak shall submit to

1 the Secretary of Transportation and the House and Sen-
2 ate Committees on Appropriations a supplemental report,
3 in electronic format, regarding the pending business plan,
4 which shall describe the work completed to date, any
5 changes to the business plan, and the reasons for such
6 changes: *Provided further*, That none of the funds in this
7 Act may be used for operating expenses, including ad-
8 vance purchase orders, and capital projects not approved
9 by the Secretary of Transportation nor on the National
10 Railroad Passenger Corporation's fiscal year 2005 busi-
11 ness plan: *Provided further*, That Amtrak shall display
12 the business plan and all subsequent supplemental plans
13 on the Corporation's website within a reasonable time-
14 frame following their submission to the appropriate enti-
15 ties: *Provided further*, That none of the funds under this
16 heading may be obligated or expended until the National
17 Railroad Passenger Corporation agrees to continue abid-
18 ing by the provisions of paragraphs 1, 2, 3, 5, 9, and 11
19 of the summary of conditions for the direct loan agree-
20 ment of June 28, 2002, in the same manner as in effect
21 on the date of enactment of this Act: *Provided further*,
22 That the Secretary of Transportation is authorized to re-
23 tain up to \$4,000,000 of the funds provided to be used
24 to retain a consultant or consultants to assist the Sec-
25 retary in preparing a comprehensive valuation of Am-

1 trak's assets to be completed not later than September
2 30, 2005: *Provided further*, That these funds shall be
3 available to the Secretary of Transportation until ex-
4 pended: *Provided further*, That this valuation shall to be
5 used to retain a consultant or consultants to develop to
6 the Secretary's satisfaction a methodology for deter-
7 mining the avoidable and fully allocated costs of each
8 Amtrak route: *Provided further*, That once the Secretary
9 has approved the methodology for determining the avoid-
10 able and fully allocated costs of each Amtrak route, Am-
11 trak shall apply that methodology in compiling an annual
12 report to Congress on the avoidable and fully allocated
13 costs of each of its routes, with the initial report for fis-
14 cal year 2005 to be submitted to the House and Senate
15 Committees on Appropriations, the House Committee on
16 Transportation and Infrastructure, and the Senate Com-
17 mittee on Commerce, Science, and Transportation before
18 December 31, 2005, and each subsequent report to be
19 submitted within ninety days after the end of the fiscal
20 year to which the report pertains.

21 GENERAL PROVISIONS—FEDERAL RAILROAD

22 ADMINISTRATION

23 SEC. 161. For the purpose of assisting State-sup-
24 ported intercity rail service, in order to demonstrate
25 whether competition will provide higher quality rail pas-
26 senger service at reasonable prices, the Secretary of

1 Transportation, working with affected States, shall con-
2 tinue to develop and implement a procedure for fair com-
3 petitive bidding by Amtrak and non-Amtrak operators for
4 State-supported routes: *Provided*, That in the event a
5 State desires to select or selects a non-Amtrak operator
6 for the route, the State may make an agreement with
7 Amtrak to use facilities and equipment of, or have serv-
8 ices provided by, Amtrak under terms agreed to by the
9 State and Amtrak to enable the non-Amtrak operator to
10 provide the State-supported service: *Provided further*,
11 That if the parties cannot agree on terms, the Secretary
12 shall, as a condition of receipt of Federal grant funds,
13 order that the facilities and equipment be made available
14 and the services be provided by Amtrak under reasonable
15 terms and compensation: *Provided further*, That when
16 prescribing reasonable compensation to Amtrak, the Sec-
17 retary shall consider quality of service as a major factor
18 when determining whether, and the extent to which, the
19 amount of compensation shall be greater than the incre-
20 mental costs of using the facilities and providing the
21 services: *Provided further*, That the Secretary may repro-
22 gram up to \$2,500,000 from the Amtrak operating grant
23 funds for costs associated with the implementation of the
24 fair bid procedure and demonstration of competition
25 under this section.

1 SEC. 162. Section 24315(b) of title 49 U.S. Code,
2 is amended to read as follows:

3 “(b) AMTRAK ANNUAL REPORT AND BUDGET RE-
4 QUEST.—(1) Not later than February 15 of each year,
5 Amtrak shall submit to the President and Congress a com-
6 plete report of its operations, activities, and accomplish-
7 ments, including a statement of revenues and expenditures
8 for the prior fiscal year. The report—

9 “(A) shall include a discussion and accounting
10 of Amtrak’s success in meeting the goal of section
11 24902(b) of this title; and

12 “(B) may include recommendations for other
13 legislation.

14 “(2) Not later than May 1st of each year, Amtrak’s
15 Board of Directors shall submit to the Secretary of Trans-
16 portation Amtrak’s budget request for the fiscal year com-
17 mencing 17 months later.

18 “(3) The Secretary shall annually submit to Congress
19 an approved budget request for Amtrak as part of the
20 President’s annual budget request to Congress.

21 “(4) Amtrak shall not submit any other requests for
22 funding unless such requests have been approved by the
23 Secretary of Transportation.”.

24 SEC. 163. Notwithstanding any provisions of this or
25 any other Act, during the fiscal year ending September

1 30, 2005, and hereafter, the Federal Railroad Administra-
2 tion may use funds appropriated by this or any other Act
3 to provide for the installation of a broadband high speed
4 internet service connection, including necessary equip-
5 ment, for Federal Railroad Administration employees, and
6 to either pay directly recurring monthly charges or to re-
7 imburse a percentage of such monthly charges which are
8 paid by such inspectors: *Provided*, That the Federal Rail-
9 road Administration certifies that adequate safeguards
10 against private misuse exist, and that the service is nec-
11 essary for direct support of the agency's mission.

12 FEDERAL TRANSIT ADMINISTRATION

13 ADMINISTRATIVE EXPENSES

14 For necessary administrative expenses of the Fed-
15 eral Transit Administration's programs authorized by
16 chapter 53 of title 49, United States Code, \$15,100,000:
17 *Provided*, That no more than \$75,500,000 of budget au-
18 thority shall be available for these purposes: *Provided fur-*
19 *ther*, That of the funds available not to exceed \$424,565
20 shall be available for the Office of the Administrator; not
21 to exceed \$6,715,000 shall be available for the Office of
22 Administration; not to exceed \$4,061,000 shall be avail-
23 able for the Office of the Chief Counsel; not to exceed
24 \$1,200,000 shall be available for the Office of Commu-
25 nication and Congressional Affairs; not to exceed

1 \$7,600,000 shall be available for the Office of Program
2 Management; not to exceed \$6,700,000 shall be available
3 for the Office of Budget and Policy; not to exceed
4 \$2,750,000 shall be available for the Office of Civil
5 Rights; not to exceed \$4,000,000 shall be available for
6 the Office of Planning; not to exceed \$19,982,000 shall
7 be available for regional offices; and not to exceed
8 \$19,557,000 shall be available for the central account:
9 *Provided further*, That the Administrator is authorized to
10 transfer funds appropriated for an office of the Federal
11 Transit Administration: *Provided further*, That no appro-
12 priation for an office shall be increased or decreased by
13 more than a total of 3 percent by all such transfers: *Pro-*
14 *vided further*, That any change in funding totaling an
15 amount greater than 3 percent during the fiscal year
16 shall be submitted for approval to the House and Senate
17 Committees on Appropriations: *Provided further*, That
18 any funding transferred from the central account shall be
19 submitted for approval to the House and Senate Commit-
20 tees on Appropriations: *Provided further*, That none of
21 the funds provided or limited in this or any other Act
22 may be used to create a permanent office of transit secu-
23 rity under this heading: *Provided further*, That of the
24 funds in this Act available for the execution of contracts
25 under section 5327(c) of title 49, United States Code,

1 \$3,000,000 shall be reimbursed to the Department of
2 Transportation's Office of Inspector General for costs as-
3 sociated with audits and investigations of transit-related
4 issues, including reviews of new fixed guideway systems:
5 *Provided further*, That \$2,500,000 shall be for the Na-
6 tional transit database to remain available until ex-
7 pended: *Provided further*, That upon submission to the
8 Congress of the fiscal year 2006 President's budget, the
9 Secretary of Transportation shall transmit to Congress
10 the annual report on new starts, proposed allocations of
11 funds for fiscal year 2006: *Provided further*, That the
12 amount herein appropriated shall be reduced by \$20,000
13 per day for each day after initial submission of the Presi-
14 dent's budget that the report has not been submitted to
15 the Congress.

16 FORMULA GRANTS

17 For necessary expenses to carry out 49 U.S.C. 5307,
18 5308, 5310, 5311, 5327, and section 3038 of Public Law
19 105-178, \$767,800,000 to remain available until ex-
20 pended: *Provided*, That no more than \$4,039,000,000 of
21 budget authority shall be available for these purposes.

22 UNIVERSITY TRANSPORTATION RESEARCH

23 For necessary expenses to carry out 49 U.S.C. 5505,
24 \$1,200,000, to remain available until expended: *Provided*,
25 That no more than \$6,000,000 of budget authority shall
26 be available for these purposes.

1 TRANSIT PLANNING AND RESEARCH

2 For necessary expenses to carry out 49 U.S.C. 5303,
3 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and
4 5322, \$25,200,000, to remain available until expended:
5 *Provided*, That no more than \$126,000,000 of budget au-
6 thority shall be available for these purposes: *Provided fur-*
7 *ther*, That \$5,250,000 is available to provide rural trans-
8 portation assistance (49 U.S.C. 5311(b)(2)); \$4,000,000
9 is available to carry out programs under the National
10 Transit Institute (49 U.S.C. 5315); \$8,250,000 is avail-
11 able to carry out transit cooperative research programs
12 (49 U.S.C. 5313(a)); \$60,386,600 is available for metro-
13 politan planning (49 U.S.C. 5303, 5304, and 5305);
14 \$12,614,000 is available for State planning (49 U.S.C.
15 5313(b)); and \$35,500,000 is available for the national
16 planning and research program (49 U.S.C. 5314).

17 TRUST FUND SHARE OF EXPENSES

18 (LIQUIDATION OF CONTRACT AUTHORIZATION)

19 (HIGHWAY TRUST FUND)

20 Notwithstanding any other provision of law, for pay-
21 ment of obligations incurred in carrying out 49 U.S.C.
22 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334,
23 5505, and sections 3037 and 3038 of Public Law 105–
24 178, \$6,047,200,000, to remain available until expended,
25 and to be derived from the Mass Transit Account of the
26 Highway Trust Fund: *Provided*, That \$3,271,200,000

1 shall be paid to the Federal Transit Administration's for-
2 mula grants account: *Provided further*, That
3 \$100,800,000 shall be paid to the Federal Transit Ad-
4 ministration's transit planning and research account:
5 *Provided further*, That \$60,400,000 shall be paid to the
6 Federal Transit Administration's administrative expenses
7 account: *Provided further*, That \$4,800,000 shall be paid
8 to the Federal Transit Administration's university trans-
9 portation research account: *Provided further*, That
10 \$100,000,000 shall be paid to the Federal Transit Ad-
11 ministration's job access and reverse commute grants
12 program: *Provided further*, That \$2,510,000,000 shall be
13 paid to the Federal Transit Administration's capital in-
14 vestment grants account.

15 CAPITAL INVESTMENT GRANTS

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to carry out 49 U.S.C. 5308,
18 5309, 5318, and 5327, \$342,647,000, to remain available
19 until expended: *Provided*, That no more than
20 \$2,852,647,000 of budget authority shall be available for
21 these purposes: *Provided further*, That there shall be
22 available for fixed guideway modernization,
23 \$1,214,400,000; there shall be available for the replace-
24 ment, rehabilitation, and purchase of buses and related
25 equipment and the construction of bus-related facilities,
26 \$607,400,000, and there shall be available for new fixed

1 guideway systems \$1,030,827,000, which shall include
2 \$39,827,000 transferred from the “Federal Railroad Ad-
3 ministration, Pennsylvania Station Redevelopment Cor-
4 poration”, together with \$4,307,395 in unobligated bal-
5 ances made available in Public Law 106–69, \$26,259,689
6 in unobligated balances made available in Public Law
7 106–346, and \$127,347,021 in unobligated balances
8 made available in Public Law 107–87, to carry out sec-
9 tion 3037 of Public Law 105–178, as amended, to be
10 available as follows:

11 Atlanta, Georgia, North Springs Extension,
12 \$260,000;

13 Baltimore, Maryland, Central Light Rail Dou-
14 ble Track, \$29,010,000;

15 Chicago, Illinois, Douglas Branch Reconstruc-
16 tion, \$85,000,000;

17 Chicago, Illinois, Metra Commuter Rail Expans-
18 sions and Extensions, \$52,000,000;

19 Chicago, Illinois, Ravenswood Line Extension,
20 \$40,000,000;

21 Denver, Colorado, Southeast Corridor LRT,
22 \$80,000,000;

23 Fort Lauderdale, Florida, South Florida Com-
24 muter Rail Upgrades, \$11,210,000;

- 1 Las Vegas, Nevada, Resort Corridor Fixed
- 2 Guideway Project, \$36,800,000;
- 3 Los Angeles, California, Eastside Light Rail
- 4 Transit Project, \$60,000,000;
- 5 Los Angeles, California, North Hollywood Ex-
- 6 tension, \$660,000;
- 7 Minneapolis, Minnesota, Hiawatha Light Rail
- 8 Project, \$33,110,000;
- 9 New Orleans, Louisiana, Canal Street Corridor
- 10 Project, \$16,460,000;
- 11 New York, New York Long Island Rail Road
- 12 East Side Access, \$92,000,000;
- 13 Northern New Jersey Hudson-Bergen Light
- 14 Rail MOS1, \$310,000;
- 15 Northern New Jersey Hudson-Bergen Light
- 16 Rail MOS2, \$100,000,000;
- 17 Northern New Jersey Newark-Elizabeth Rail
- 18 Line MOS1, \$1,340,000;
- 19 Phoenix, Arizona, Central Phoenix/East Valley
- 20 Light Rail, \$69,000,000;
- 21 Pittsburgh, Pennsylvania, Stage II Light Rail,
- 22 \$1,121,000;
- 23 Portland, Oregon, Interstate Max Light Rail
- 24 Extension, \$23,480,000;

1 Salt Lake City, Utah, CBD to University LRT,
2 \$1,130,000;

3 Salt Lake City, Utah, Medical Center Exten-
4 sion, \$8,680,000;

5 San Diego, California, Mission Valley East
6 Light Rail Extension, \$81,640,000;

7 San Diego, California, Oceanside-Escondido
8 Rail Corridor, \$55,000,000;

9 San Francisco, California, BART Extension to
10 San Francisco International Airport, \$100,000,000;

11 San Juan, Puerto Rico, Tren Urbano Rapid
12 Transit System, \$54,820,000;

13 Seattle, Washington, Central Link Initial Seg-
14 ment, \$80,000,000;

15 St. Louis, Missouri, Metrolink St. Clair Exten-
16 sion, \$60,000;

17 Washington, DC/MD, Largo Metrorail Exten-
18 sion, \$75,430,000; and

19 Hawaii and Alaska Ferry Boats, \$10,296,000.

20 JOB ACCESS AND REVERSE COMMUTE GRANTS

21 For necessary expenses to carry out section 3037 of
22 the Federal Transit Act of 1998, \$50,000,000, to remain
23 available until expended: *Provided*, That no more than
24 \$150,000,000 of budget authority shall be available for
25 these purposes: *Provided further*, That up to \$300,000 of
26 the funds provided under this heading may be used by

1 the Federal Transit Administration for technical assist-
2 ance and support and performance reviews of the Job Ac-
3 cess and Reverse Commute Grants program.

4 GENERAL PROVISIONS—FEDERAL TRANSIT

5 ADMINISTRATION

6 SEC. 171. The limitations on obligations for the pro-
7 grams of the Federal Transit Administration shall not
8 apply to any authority under 49 U.S.C. 5338, previously
9 made available for obligation, or to any other authority
10 previously made available for obligation.

11 SEC. 172. Notwithstanding any other provision of
12 law, and except for fixed guideway modernization
13 projects, funds made available by this Act under “Fed-
14 eral Transit Administration, Capital investment grants”
15 for projects specified in this Act or identified in reports
16 accompanying this Act not obligated by September 30,
17 2007, and other recoveries, shall be made available for
18 other projects under 49 U.S.C. 5309.

19 SEC. 173. Notwithstanding any other provision of
20 law, any funds appropriated before October 1, 2004,
21 under any section of chapter 53 of title 49, United States
22 Code, that remain available for expenditure may be
23 transferred to and administered under the most recent
24 appropriation heading for any such section.

25 SEC. 174. Notwithstanding any other provision of
26 law, for the purpose of calculating the non-New Starts

1 share of the total project cost of both phases of San
2 Francisco Muni's Third Street Light Rail Transit project
3 for fiscal year 2005, the Secretary of Transportation
4 shall include all non-New Starts contributions made to-
5 wards Phase 1 of the two-phase project for engineering,
6 final design and construction, and also shall allow non-
7 New Starts funds expended on one element or phase of
8 the project to be used to meet the non-New Starts share
9 requirement of any element or phase of the project: *Pro-*
10 *vided further,* That none of the funds provided in this Act
11 for the San Francisco Muni Third Street Light Rail
12 Transit Project shall be obligated if the Federal Transit
13 Administration determines that the project is found to be
14 "not recommended" after evaluation and computation of
15 revised transportation system user benefit data.

16 SEC. 175. None of the funds in this Act shall be
17 available to any Federal transit grantee after February
18 1, 2004, involved directly or indirectly, in any activity
19 that promotes the legalization or medical use of any sub-
20 stance listed in schedule I of section 202 of the Con-
21 trolled Substances Act (21 U.S.C. 812 et seq.).

22 SEC. 176. From unobligated balances in the Federal
23 Transit Administration's Discretionary Grants account,
24 not to exceed \$72,792,311 shall be transferred as follows:
25 to the Federal Transit Administration's Formula Grants

1 account, not to exceed \$42,190,828; and to the Interstate
2 Transfer Grants—Transit account, not to exceed
3 \$30,601,483: *Provided*, That these unobligated balances
4 are used, together with Formula Grant funds that are
5 available for reapportionment in such account, to restore
6 obligation authority reduced due to a prior deficiency.

7 SEC. 177. Notwithstanding any other provision of
8 law, any unobligated funds designated to the Oklahoma
9 Transit Association on pages 1305 through 1307 of the
10 Joint Explanatory Statement of the Committee of Con-
11 ference for Public Law 108–7 may be made available to
12 the Metropolitan Tulsa Transit Authority and the Central
13 Oklahoma Transportation and Parking Authority for any
14 project or activity authorized under section 3037 of Public
15 Law 105–178 upon receipt of an application.

16 SAINT LAWRENCE SEAWAY DEVELOPMENT

17 CORPORATION

18 The Saint Lawrence Seaway Development Corpora-
19 tion is hereby authorized to make such expenditures,
20 within the limits of funds and borrowing authority avail-
21 able to the Corporation, and in accord with law, and to
22 make such contracts and commitments without regard to
23 fiscal year limitations as provided by section 104 of the
24 Government Corporation Control Act, as amended, as

1 may be necessary in carrying out the programs set forth
2 in the Corporation's budget for the current fiscal year.

3 OPERATIONS AND MAINTENANCE

4 (HARBOR MAINTENANCE TRUST FUND)

5 For necessary expenses for operations and mainte-
6 nance of those portions of the Saint Lawrence Seaway
7 operated and maintained by the Saint Lawrence Seaway
8 Development Corporation, \$15,900,000, to be derived
9 from the Harbor Maintenance Trust Fund, pursuant to
10 Public Law 99-662: *Provided*, That, of this amount,
11 \$1,500,000 shall be for the concrete replacement project
12 and related expenses at the Eisenhower and Snell Locks.

13 MARITIME ADMINISTRATION

14 MARITIME SECURITY PROGRAM

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

19 OPERATIONS AND TRAINING

20 For necessary expenses of operations and training
21 activities authorized by law, \$106,400,000, of which
22 \$23,753,000 shall remain available until September 30,
23 2005, for salaries and benefits of employees of the United
24 States Merchant Marine Academy; of which \$13,138,000
25 shall remain available until expended for capital improve-
26 ments at the United States Merchant Marine Academy;

1 and of which \$8,090,000 shall remain available until ex-
2 pended for the State Maritime Schools Schoolship Main-
3 tenance and Repair.

4 SHIP DISPOSAL

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

9 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

10 ACCOUNT

11 (INCLUDING TRANSFER OF FUNDS)

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

16 SHIP CONSTRUCTION

17 (RESCISSION)

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

20 GENERAL PROVISIONS—MARITIME ADMINISTRATION

21 SEC. 185. Notwithstanding any other provision of
22 this Act, the Maritime Administration is authorized to
23 furnish utilities and services and make necessary repairs
24 in connection with any lease, contract, or occupancy in-
25 volving Government property under control of the Mari-
26 time Administration, and payments received therefore

1 shall be credited to the appropriation charged with the
2 cost thereof: *Provided*, That rental payments under any
3 such lease, contract, or occupancy for items other than
4 such utilities, services, or repairs shall be covered into the
5 Treasury as miscellaneous receipts.

6 SEC. 186. No obligations shall be incurred during
7 the current fiscal year from the construction fund estab-
8 lished by the Merchant Marine Act, 1936, or otherwise,
9 in excess of the appropriations and limitations contained
10 in this Act or in any prior appropriations Act.

11 SEC. 187. None of the funds appropriated or other-
12 wise made available by this Act may be used to implement
13 or make an award pursuant to the National Defense Tank
14 Vessel Construction Assistance Program Request for Pro-
15 posals issued by the Maritime Administration on February
16 20, 2004.

17 RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

18 RESEARCH AND SPECIAL PROGRAMS

19 For expenses necessary to discharge the functions of
20 the Research and Special Programs Administration,
21 \$46,790,000, of which \$645,000 shall be derived from
22 the Pipeline Safety Fund, and of which \$3,025,000 shall
23 remain available until September 30, 2007: *Provided*,
24 That up to \$1,200,000 in fees collected under 49 U.S.C.
25 5108(g) shall be deposited in the general fund of the

1 Treasury as offsetting receipts: *Provided further*, That
2 there may be credited to this appropriation, to be avail-
3 able until expended, funds received from States, counties,
4 municipalities, other public authorities, and private
5 sources for expenses incurred for training, for reports
6 publication and dissemination, and for travel expenses in-
7 curred in performance of hazardous materials exemptions
8 and approvals functions.

9 PIPELINE SAFETY

10 (PIPELINE SAFETY FUND)

11 (OIL SPILL LIABILITY TRUST FUND)

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

1 EMERGENCY PREPAREDNESS GRANTS

2 (EMERGENCY PREPAREDNESS FUND)

3 For necessary expenses to carry out 49 U.S.C.
4 5127(c), \$200,000, to be derived from the Emergency
5 Preparedness Fund, to remain available until September
6 30, 2006: *Provided*, That not more than \$14,300,000
7 shall be made available for obligation in fiscal year 2004
8 from amounts made available by 49 U.S.C. 5116(i) and
9 5127(d) 2007: *Provided further*, That none of the funds
10 made available by 49 U.S.C. 5116(i), 5127(c), and
11 5127(d) shall be made available for obligation by individ-
12 uals other than the Secretary of Transportation, or his
13 designee.

14 OFFICE OF INSPECTOR GENERAL

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of Inspector
17 General to carry out the provisions of the Inspector Gen-
18 eral Act of 1978, as amended, \$58,000,000: *Provided*,
19 That the Inspector General shall have all necessary au-
20 thority, in carrying out the duties specified in the Inspec-
21 tor General Act, as amended (5 U.S.C. App. 3) to inves-
22 tigate allegations of fraud, including false statements to
23 the government (18 U.S.C. 1001), by any person or enti-
24 ty that is subject to regulation by the Department: *Pro-*
25 *vided further*, That the funds made available under this
26 heading shall be used to investigate, pursuant to section

1 41712 of title 49, United States Code: (1) unfair or de-
2 ceptive practices and unfair methods of competition by
3 domestic and foreign air carriers and ticket agents; and
4 (2) the compliance of domestic and foreign air carriers
5 with respect to item (1) of this proviso.

6 SURFACE TRANSPORTATION BOARD

7 SALARIES AND EXPENSES

8 For necessary expenses of the Surface Transpor-
9 tation Board, including services authorized by 5 U.S.C.
10 3109, \$20,771,000: *Provided*, That notwithstanding any
11 other provision of law, not to exceed \$1,250,000 from
12 fees established by the Chairman of the Surface Trans-
13 portation Board shall be credited to this appropriation as
14 offsetting collections and used for necessary and author-
15 ized expenses under this heading: *Provided further*, That
16 the sum herein appropriated from the general fund shall
17 be reduced on a dollar-for-dollar basis as such offsetting
18 collections are received during fiscal year 2005, to result
19 in a final appropriation from the general fund estimated
20 at no more than \$19,721,000.

21 GENERAL PROVISIONS—DEPARTMENT OF

22 TRANSPORTATION

23 (INCLUDING TRANSFERS OF FUNDS)

24 SEC. 188. During the current fiscal year applicable
25 appropriations to the Department of Transportation shall
26 be available for maintenance and operation of aircraft;

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

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

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

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

20 SEC. 192. (a) No recipient of funds made available
21 in this Act shall disseminate personal information (as de-
22 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
23 ment of motor vehicles in connection with a motor vehicle
24 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 acquisition 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 Treas-
20 ury or the depositary; and

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

23 (2) By inserting after paragraph (2) of subsection
24 (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 es-
6 tablished.”.

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 SEC. 216. None of the funds made available in this
4 Act to the Secretary of the Treasury may be used to pub-
5 lish, implement, administer, or enforce regulations that
6 permit financial institutions to accept the matricula con-
7 sular identification card as a form of identification.

8 TITLE III—EXECUTIVE OFFICE OF THE PRESI-
9 DENT AND FUNDS APPROPRIATED TO THE
10 PRESIDENT

11 COMPENSATION OF THE PRESIDENT

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

19 WHITE HOUSE OFFICE

20 SALARIES AND EXPENSES

21 For necessary expenses for the White House as au-
22 thorized by law, including not to exceed \$3,850,000 for
23 services as authorized by 5 U.S.C. 3109 and 3 U.S.C.
24 105; subsistence expenses as authorized by 3 U.S.C. 105,
25 which shall be expended and accounted for as provided in

1 that section; hire of passenger motor vehicles, news-
2 papers, periodicals, teletype news service, and travel (not
3 to exceed \$100,000 to be expended and accounted for as
4 provided by 3 U.S.C. 103); and not to exceed \$19,000 for
5 official entertainment expenses, to be available for alloca-
6 tion within the Executive Office of the President,
7 \$59,525,000: *Provided*, That \$8,345,395 of the funds ap-
8 propriated shall be available for reimbursements to the
9 White House Communications Agency.

10 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

11 OPERATING EXPENSES

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

18 REIMBURSABLE EXPENSES

19 For the reimbursable expenses of the Executive Res-
20 idence at the White House, such sums as may be nec-
21 essary: *Provided*, That all reimbursable operating ex-
22 penses of the Executive Residence shall be made in ac-
23 cordance with the provisions of this paragraph: *Provided*
24 *further*, That, notwithstanding any other provision of law,
25 such amount for reimbursable operating expenses shall be

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

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

1 WHITE HOUSE REPAIR AND RESTORATION

2 For the repair, alteration, and improvement of the
3 Executive Residence at the White House, \$1,900,000, to
4 remain available until expended, for required mainte-
5 nance, safety and health issues, and continued preventa-
6 tive maintenance.

7 COUNCIL OF ECONOMIC ADVISERS

8 SALARIES AND EXPENSES

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

12 OFFICE OF POLICY DEVELOPMENT

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of Policy Devel-
15 opment, including services as authorized by 5 U.S.C.
16 3109 and 3 U.S.C. 107, \$2,267,000.

17 NATIONAL SECURITY COUNCIL

18 SALARIES AND EXPENSES

19 For necessary expenses of the National Security
20 Council, including services as authorized by 5 U.S.C.
21 3109, \$8,932,000.

1 HOMELAND SECURITY COUNCIL

2 SALARIES AND EXPENSES

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

6 OFFICE OF ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Administra-
9 tion, including services as authorized by 5 U.S.C. 3109
10 and 3 U.S.C. 107, and hire of passenger motor vehicles,
11 \$92,696,000, of which \$12,075,000 shall remain avail-
12 able until expended for the Capital Investment Plan for
13 continued modernization of the information technology
14 infrastructure within the Executive Office of the Presi-
15 dent: *Provided*, That \$4,000,000 of Capital Investment
16 Plan funds may not be obligated until the Executive Of-
17 fice of the President has submitted a report to the Com-
18 mittees on Appropriations that includes an Enterprise
19 Architecture, as defined in OMB Circular A-130 and the
20 Federal Chief Information Officers Council guidance,
21 that is reviewed and approved by the Office of Manage-
22 ment and Budget, reviewed by the U.S. General Account-
23 ability Office, and approved by the Committees on Appro-
24 priations.

1 OFFICE OF MANAGEMENT AND BUDGET
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Management
4 and Budget, including hire of passenger motor vehicles
5 and services as authorized by 5 U.S.C. 3109 and to carry
6 out the provisions of chapter 35 of title 44, United States
7 Code, \$67,759,000, of which not to exceed \$1,500 shall
8 be available for official representation expenses: *Provided*,
9 That, as provided in 31 U.S.C. 1301(a), appropriations
10 shall be applied only to the objects for which appropria-
11 tions were made except as otherwise provided by law:
12 *Provided further*, That none of the funds appropriated in
13 this Act for the Office of Management and Budget may
14 be used for the purpose of reviewing any agricultural
15 marketing orders or any activities or regulations under
16 the provisions of the Agricultural Marketing Agreement
17 Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*,
18 That none of the funds made available for the Office of
19 Management and Budget by this Act may be expended
20 for the altering of the transcript of actual testimony of
21 witnesses, except for testimony of officials of the Office
22 of Management and Budget, before the Committees on
23 Appropriations or their subcommittees: *Provided further*,
24 That the preceding shall not apply to printed hearings re-
25 leased by the Committees on Appropriations: *Provided*

1 *further*, That none of the funds appropriated in this Act
2 may be available to pay the salary or expenses of any em-
3 ployee of the Office of Management and Budget who cal-
4 culates, prepares, or approves any tabular or other mate-
5 rial that proposes the sub-allocation of budget authority
6 or outlays by the Committees on Appropriations among
7 their subcommittees.

8 OFFICE OF NATIONAL DRUG CONTROL POLICY

9 SALARIES AND EXPENSES

10 For necessary expenses of the Office of National
11 Drug Control Policy; for research activities pursuant to
12 the Office of National Drug Control Policy Reauthoriza-
13 tion Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed
14 \$10,000 for official reception and representation ex-
15 penses; and for participation in joint projects or in the
16 provision of services on matters of mutual interest with
17 nonprofit, research, or public organizations or agencies,
18 with or without reimbursement, \$28,109,000; of which
19 \$1,350,000 shall remain available until expended for pol-
20 icy research and evaluation: *Provided*, That the Office is
21 authorized to accept, hold, administer, and utilize gifts,
22 both real and personal, public and private, without fiscal
23 year limitation, for the purpose of aiding or facilitating
24 the work of the Office.

1 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for the Counterdrug Tech-
4 nology Assessment Center for research activities pursuant
5 to the Office of National Drug Control Policy Reauthor-
6 ization Act of 1998 (21 U.S.C. 1701 et seq.),
7 \$30,000,000, which shall remain available until expended,
8 consisting of \$10,000,000 for counternarcotics research
9 and development projects, and \$20,000,000 for the con-
10 tinued operation of the technology transfer program: *Pro-*
11 *vided*, That the \$10,000,000 for counternarcotics re-
12 search and development projects shall be available for
13 transfer to other Federal departments or agencies.

14 FEDERAL DRUG CONTROL PROGRAMS

15 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses of the Office of National
18 Drug Control Policy's High Intensity Drug Trafficking
19 Areas Program, \$215,350,000, for drug control activities
20 consistent with the approved strategy for each of the des-
21 ignated High Intensity Drug Trafficking Areas, of which
22 not less than \$208,000,000 shall be provided as base
23 funding to High Intensity Drug Trafficking Areas: *Pro-*
24 *vided*, That no less than 51 percent shall be transferred
25 to State and local entities for drug control activities,
26 which shall be obligated within 120 days of the date of

1 the enactment of this Act: *Provided further*, That up to
2 49 percent, to remain available until September 30,
3 2006, may be transferred to Federal agencies and de-
4 partments at a rate to be determined by the Director:
5 *Provided further*, That \$2,000,000 shall be used for au-
6 diting services and associated activities, and at least
7 \$500,000 of the \$2,000,000 shall be used to develop and
8 implement a data collection system to measure the per-
9 formance of the High Intensity Drug Trafficking Areas
10 Program: *Provided further*, That High Intensity Drug
11 Trafficking Areas Programs designated as of September
12 30, 2004, shall be funded at no less than the fiscal year
13 2004 initial allocation levels unless the Director submits
14 to the House and Senate Committees on Appropriations,
15 and the Committees approve, justification for changes in
16 those levels based on clearly articulated priorities for the
17 High Intensity Drug Trafficking Areas Programs, as well
18 as published Office of National Drug Control Policy per-
19 formance measures of effectiveness: *Provided further*,
20 That a request shall be submitted to the House and Sen-
21 ate Committees on Appropriations for approval prior to
22 the obligation of funds of an amount in excess of the fis-
23 cal year 2005 budget request: *Provided further*, That
24 such request shall be made in compliance with the re-
25 programming guidelines.

1 OTHER FEDERAL DRUG CONTROL PROGRAMS
2 (INCLUDING TRANSFER OF FUNDS)

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

1 such activities: *Provided further*, That of the amounts ap-
2 propriated for a national media campaign, no less than
3 78 percent shall be used for the purchase of advertising
4 time and space for the national media campaign.

5 UNANTICIPATED NEEDS

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

11 SPECIAL ASSISTANCE TO THE PRESIDENT AND THE

12 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

13 SALARIES AND EXPENSES

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

21 OPERATING EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For the care, operation, refurnishing, improvement,
24 and to the extent not otherwise provided for, heating and
25 lighting, including electric power and fixtures, of the offi-
26 cial residence of the Vice President; the hire of passenger

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

7 TITLE IV—INDEPENDENT AGENCIES

8 ARCHITECTURAL AND TRANSPORTATION BARRIERS

9 COMPLIANCE BOARD

10 SALARIES AND EXPENSES

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

18 NATIONAL TRANSPORTATION SAFETY BOARD

19 SALARIES AND EXPENSES

20 (INCLUDING RESCISSION OF FUNDS)

21 For necessary expenses of the National Transpor-
22 tation Safety Board, including hire of passenger motor
23 vehicles and aircraft; services as authorized by 5 U.S.C.
24 3109, but at rates for individuals not to exceed the per
25 diem rate equivalent to the rate for a GS-15; uniforms,
26 or allowances therefor, as authorized by law (5 U.S.C.

1 5901–5902) \$76,925,000, of which not to exceed \$2,000
2 may be used for official reception and representation ex-
3 penses. Of the available unobligated balances made avail-
4 able under Public Law 106–246, \$8,000,000 are hereby
5 cancelled.

6 FEDERAL ELECTION COMMISSION

7 SALARIES AND EXPENSES

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

20 ELECTION ASSISTANCE COMMISSION

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out the Help Amer-
24 ica Vote Act of 2002 (HAVA), \$15,000,000, of which not
25 less than \$2,500,000 shall be transferred to the National
26 Institutes of Standards and Technology for election re-

1 form activities as authorized by HAVA: *Provided*, That
2 none of the funds under this heading may be used for
3 any member or employee of the Election Assistance Com-
4 mission for lobbying activities, if the lobbying relates to
5 the advocacy of a change in the date provided under Fed-
6 eral law for general elections for Federal office.

7 FEDERAL LABOR RELATIONS AUTHORITY

8 SALARIES AND EXPENSES

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

1 with this account, to be available without further appro-
2 priation for the costs of carrying out these conferences.

3 FEDERAL MARITIME COMMISSION

4 SALARIES AND EXPENSES

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

14 GENERAL SERVICES ADMINISTRATION

15 REAL PROPERTY ACTIVITIES

16 FEDERAL BUILDINGS FUND

17 LIMITATIONS ON AVAILABILITY OF REVENUE

18 (INCLUDING TRANSFER OF FUNDS)

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

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

24 New Construction:

25 California:

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

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

5 District of Columbia:

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

8 Maine:

9 Calais, Border Station, \$3,269,000

10 Madawaska, Border Station, \$1,760,000

11 Maryland:

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

14 Minnesota:

15 Warroad, Border Station, \$1,837,000

16 New York:

17 Alexandria Bay, Border Station,
18 \$8,884,000

19 Massena, Border Station, \$15,000,000

20 North Dakota:

21 Dunseith, Border Station, \$2,301,000

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

23 Texas:

24 El Paso, Paso Del Norte Border Station,
25 \$26,191,000

1 El Paso, United States Courthouse,
2 \$2,714,000

3 El Paso, Ysleta Border Station,
4 \$2,491,000

5 Vermont:

6 Derby Line, Border Station, \$3,348,000

7 Norton, Border Station, \$1,747,000

8 Richford, Border Station, \$1,545,000

9 Nonprospectus Construction, \$10,000,000

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

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

1 That the Administrator shall fund the following projects
2 from repair and alterations as the limitation will allow:

3 Repairs and Alterations:

4 District of Columbia:

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

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

8 Hoover FBI Building, \$10,242,000

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

10 New Executive Office Building, \$6,262,000

11 Steam Distribution System, \$2,000,000

12 Theodore Roosevelt Building, \$9,730,000

13 Georgia:

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

16 Atlanta, United States Court of Appeals,
17 \$32,004,000

18 Hawaii:

19 Hilo, Federal Building, \$5,133,000

20 Louisiana:

21 New Orleans, Boggs Federal Building,
22 \$22,581,000

23 New Orleans, Wisdom Courthouse of Ap-
24 peals, \$8,005,000

25 Maryland:

1 Baltimore, George H. Fallon Federal
2 Building, \$46,163,000
3 Suitland, National Record Center,
4 \$7,989,000
5 Woodlawn, Social Security Administration
6 Altmeyer Building, \$6,300,000
7 Minnesota:
8 St. Paul, Warren E. Burger Federal Build-
9 ing—Courthouse, \$36,644,000
10 Missouri:
11 Kansas City, Richard Bolling Federal
12 Building, \$40,048,000
13 New York:
14 New York, Foley Square Courthouse,
15 \$2,505,000
16 Queens, Joseph P. Addabbo Federal Build-
17 ing, \$5,455,000
18 Ohio:
19 Cincinnati, Potter Stewart Courthouse,
20 \$37,975,000
21 Cleveland, Celebreeze Federal Building,
22 \$37,375,000
23 Washington:
24 Seattle, William Nakamura Courthouse,
25 \$50,210,000

1 Special Emphasis Programs:

2 Chlorofluorocarbons Program, \$13,000,000

3 Energy Program, \$30,000,000

4 Glass Fragment Retention, \$20,000,000

5 Design Program, \$49,699,000

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

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

1 appropriated and expended on any projects in this or any
2 prior Act, under the heading repairs and alterations, may
3 be transferred to basic repairs and alterations or used to
4 fund authorized increases in prospectus projects: *Provided*
5 *further*, That all funds for repairs and alterations pro-
6 spectus projects shall expire on September 30, 2006 and
7 remain in the Federal Buildings Fund except funds for
8 projects as to which funds for design or other funds have
9 been obligated in whole or in part prior to such date: *Pro-*
10 *vided further*, That the amount provided in this or any
11 prior Act for basic repairs and alterations may be used
12 to pay claims against the Government arising from any
13 projects under the heading repairs and alterations or used
14 to fund authorized increases in prospectus projects; (3)
15 \$161,442,000 for installment acquisition payments includ-
16 ing payments on purchase contracts which shall remain
17 available until expended; (4) \$3,672,315,000 for rental of
18 space which shall remain available until expended; and (5)
19 \$1,709,522,000 for building operations which shall remain
20 available until expended: *Provided further*, That funds
21 available to the General Services Administration shall not
22 be available for expenses of any construction, repair, alter-
23 ation and acquisition project for which a prospectus, if re-
24 quired by the Public Buildings Act of 1959, as amended,
25 has not been approved, except that necessary funds may

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

1 GENERAL ACTIVITIES

2 GOVERNMENT-WIDE POLICY

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

12 OPERATING EXPENSES

13 For expenses authorized by law, not otherwise pro-
14 vided for, for Government-wide activities associated with
15 utilization and donation of surplus personal property; dis-
16 posal of real property; telecommunications, information
17 technology management, and related technology activities;
18 providing Internet access to Federal information and
19 services; agency-wide policy direction and management,
20 and Board of Contract Appeals; accounting, records man-
21 agement, and other support services incident to adjudica-
22 tion of Indian Tribal Claims by the United States Court
23 of Federal Claims; services as authorized by 5 U.S.C.
24 3109; and not to exceed \$7,500 for official reception and
25 representation expenses, \$82,175,000.

1 OFFICE OF INSPECTOR GENERAL

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

12 ELECTRONIC GOVERNMENT (E-GOV) FUND

13 (INCLUDING TRANSFER OF FUNDS)

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

1 to be undertaken has been submitted to the Committees
2 on Appropriations.

3 ALLOWANCES AND OFFICE STAFF FOR FORMER

4 PRESIDENTS

5 (INCLUDING TRANSFER OF FUNDS)

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

12 EXPENSES, PRESIDENTIAL TRANSITION

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

19 GENERAL PROVISIONS—GENERAL SERVICES

20 ADMINISTRATION

21 SEC. 401. The appropriate appropriation or fund
22 available to the General Services Administration shall be
23 credited with the cost of operation, protection, mainte-
24 nance, upkeep, repair, and improvement, included as part
25 of rentals received from Government corporations pursu-
26 ant to law (40 U.S.C. 129).

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

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

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

23 SEC. 405. None of the funds provided in this Act
24 may be used to increase the amount of occupiable square
25 feet, provide cleaning services, security enhancements, or

1 any other service usually provided through the Federal
2 Buildings Fund, to any agency that does not pay the rate
3 per square foot assessment for space and services as de-
4 termined by the General Services Administration in com-
5 pliance with the Public Buildings Amendments Act of
6 1972 (Public Law 92-313).

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

14 SEC. 407. Notwithstanding 40 U.S.C. 524, 571, and
15 572, the Administrator of General Services may sell the
16 Middle River Depot at Middle River, Maryland, and credit
17 the proceeds of such sale as offsetting collections to the
18 Federal Buildings Fund, to be available, in addition to
19 amounts otherwise appropriated for such Fund, for such
20 capital activities of the Fund as the Administrator may
21 deem appropriate.

22 SEC. 408. Section 572(a)(2)(A)(ii) of title 40, United
23 States Code, is amended by inserting the following before
24 the period: “, highest and best use of property studies,

1 utilization of property studies, deed compliance inspection,
2 and the expenses incurred in a relocation”.

3 SEC. 409. Notwithstanding any other provision of
4 law, the Administrator of General Services may convey,
5 by sale, lease, exchange or otherwise, including through
6 leaseback arrangements, real and related personal prop-
7 erty, or interests therein, and retain the net proceeds of
8 such dispositions in an account within the Federal Build-
9 ings Fund to be used for the General Services Administra-
10 tion’s real property capital needs: *Provided*, That all net
11 proceeds realized under this section shall only be expended
12 as authorized in annual appropriations acts: *Provided fur-*
13 *ther*, That for the purposes of this section, the term “net
14 proceeds” means the rental and other sums received less
15 the costs of the disposition, and the term “real property
16 capital needs” means any expenses necessary and incident
17 to the agency’s real property capital acquisitions, improve-
18 ments, and dispositions.

19 SEC. 410. LAND CONVEYANCE, NAHANT, MASSA-
20 CHUSETTS.—(a) CONVEYANCE AUTHORIZED.—Notwith-
21 standing any other provision of law, the Administrator of
22 the General Services Administration may sell all right,
23 title, and interest of the United States in and to a parcel
24 of real property, including improvements thereon, that is
25 located at Castle Road, Gardner Road and Goddard Drive

1 in Nahant, Massachusetts to the Town of Nahant. In the
2 event a binding sales contract is not executed within 30
3 days of enactment the Administrator shall commence with
4 a public, competitive sale of the property.

5 (b) CONSIDERATION.—As consideration for convey-
6 ance under subsection (a), the Town of Nahant shall pay,
7 in a single lump sum payment, \$2 million.

8 (c) DEPOSIT OF FUNDS.—Notwithstanding any other
9 provision of law, the Administrator may deposit the net
10 proceeds in the Real Property Relocation account of the
11 General Services Administration. In the event proceeds ex-
12 ceed \$2 million, the net amount in excess of \$2 million
13 shall be deposited in the United States Coast Guard Hous-
14 ing Fund established under 14 U.S.C. Sec. 687.

15 (d) DESCRIPTION OF PROPERTY.—The exact acreage
16 and legal description of the real property to be conveyed
17 under subsection (a) shall be determined by a survey satis-
18 factory to the Administrator. The cost of the survey shall
19 be borne by the purchaser.

20 (e) ADDITIONAL TERMS AND CONDITIONS.—The
21 Administrator may require such additional terms and con-
22 ditions in connection with the conveyance under subsection
23 (a) as the Administrator considers appropriate to protect
24 the interests of the United States.

1 MERIT SYSTEMS PROTECTION BOARD
2 SALARIES AND EXPENSES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out functions of the
5 Merit Systems Protection Board pursuant to Reorganiza-
6 tion Plan Numbered 2 of 1978 and the Civil Service Re-
7 form Act of 1978, including services as authorized by 5
8 U.S.C. 3109, rental of conference rooms in the District
9 of Columbia and elsewhere, hire of passenger motor vehi-
10 cles, and direct procurement of survey printing,
11 \$34,683,000 together with not to exceed \$2,620,000 for
12 administrative expenses to adjudicate retirement appeals
13 to be transferred from the Civil Service Retirement and
14 Disability Fund in amounts determined by the Merit Sys-
15 tems Protection Board.

16 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
17 NATIONAL ENVIRONMENTAL POLICY FOUNDATION
18 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
19 NATIONAL ENVIRONMENTAL POLICY TRUST FUND

20 For payment to the Morris K. Udall Scholarship and
21 Excellence in National Environmental Policy Trust Fund,
22 pursuant to the Morris K. Udall Scholarship and Excel-
23 lence in National Environmental and Native American
24 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),
25 \$1,984,000, to remain available until expended, of which
26 up to \$50,000 shall be used to conduct financial audits

1 pursuant to the Accountability of Tax Dollars Act of
2 2002 (Public Law 107–289), notwithstanding sections 8
3 and 9 of Public Law 102–259: *Provided*, That up to 60
4 percent of such funds may be transferred by the Morris
5 K. Udall Scholarship and Excellence in National Envi-
6 ronmental Policy Foundation for the necessary expenses
7 of the Native Nations Institute.

8 ENVIRONMENTAL DISPUTE RESOLUTION FUND

9 For payment to the Environmental Dispute Resolu-
10 tion Fund to carry out activities authorized in the Envi-
11 ronmental Policy and Conflict Resolution Act of 1998,
12 \$1,301,000, to remain available until expended.

13 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

14 OPERATING EXPENSES

15 For necessary expenses in connection with the ad-
16 ministration of the National Archives and Records Ad-
17 ministration (including the Information Security Over-
18 sight Office) and archived Federal records and related
19 activities, as provided by law, and for expenses necessary
20 for the review and declassification of documents, and for
21 the hire of passenger motor vehicles, \$264,185,000: *Pro-*
22 *vided*, That the Archivist of the United States is author-
23 ized to use any excess funds available from the amount
24 borrowed for construction of the National Archives facil-
25 ity, for expenses necessary to provide adequate storage
26 for holdings.

1 ELECTRONIC RECORDS ARCHIVES

2 For necessary expenses in connection with the devel-
3 opment of the electronic records archives, to include all
4 direct project costs associated with research, analysis, de-
5 sign, development, and program management,
6 \$35,914,000.

7 REPAIRS AND RESTORATION

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

11 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

12 COMMISSION

13 GRANTS PROGRAM

14 For necessary expenses for allocations and grants
15 for historical publications and records as authorized by
16 44 U.S.C. 2504, as amended, \$3,000,000, to remain
17 available until expended.

18 OFFICE OF GOVERNMENT ETHICS

19 SALARIES AND EXPENSES

20 For necessary expenses to carry out functions of the
21 Office of Government Ethics pursuant to the Ethics in
22 Government Act of 1978, as amended, and the Ethics
23 Reform Act of 1989, including services as authorized by
24 5 U.S.C. 3109, rental of conference rooms in the District
25 of Columbia and elsewhere, hire of passenger motor vehi-

1 cles, and not to exceed \$1,500 for official reception and
2 representation expenses, \$11,238,000.

3 OFFICE OF PERSONNEL MANAGEMENT

4 SALARIES AND EXPENSES

5 (INCLUDING TRANSFER OF TRUST FUNDS)

6 For necessary expenses to carry out functions of the
7 Office of Personnel Management pursuant to Reorganiza-
8 tion Plan Numbered 2 of 1978 and the Civil Service Re-
9 form Act of 1978, including services as authorized by 5
10 U.S.C. 3109; medical examinations performed for vet-
11 erans by private physicians on a fee basis; rental of con-
12 ference rooms in the District of Columbia and elsewhere;
13 hire of passenger motor vehicles; not to exceed \$2,500 for
14 official reception and representation expenses; advances
15 for reimbursements to applicable funds of the Office of
16 Personnel Management and the Federal Bureau of Inves-
17 tigation for expenses incurred under Executive Order No.
18 10422 of January 9, 1953, as amended; and payment of
19 per diem and/or subsistence allowances to employees
20 where Voting Rights Act activities require an employee to
21 remain overnight at his or her post of duty,
22 \$120,444,000, of which \$2,000,000 shall remain avail-
23 able until expended for the cost of the enterprise human
24 resources integration project, \$6,615,000 shall remain
25 available until expended for the cost of leading the gov-

1 ernment-wide initiative to modernize the Federal payroll
2 systems and service delivery; \$800,000 shall remain avail-
3 able until expended for the cost of the e-human resources
4 information system project; \$2,000,000 shall remain
5 available until expended for the cost of the e-clearance
6 project; and \$3,300,000 shall remain available until ex-
7 pended for the recruitment one stop project; and in addi-
8 tion \$128,462,000 for administrative expenses, to be
9 transferred from the appropriate trust funds of the Office
10 of Personnel Management without regard to other stat-
11 utes, including direct procurement of printed materials,
12 for the retirement and insurance programs, of which
13 \$27,640,000 shall remain available until expended for the
14 cost of automating the retirement recordkeeping systems:
15 *Provided*, That the provisions of this appropriation shall
16 not affect the authority to use applicable trust funds as
17 provided by sections 8348(a)(1)(B), and 9004(f)(1)(A)
18 and (2)(A) of title 5, United States Code: *Provided fur-*
19 *ther*, That no part of this appropriation shall be available
20 for salaries and expenses of the Legal Examining Unit of
21 the Office of Personnel Management established pursuant
22 to Executive Order No. 9358 of July 1, 1943, or any suc-
23 cessor unit of like purpose: *Provided further*, That the
24 President's Commission on White House Fellows, estab-
25 lished by Executive Order No. 11183 of October 3, 1964,

1 may, during fiscal year 2005, accept donations of money,
2 property, and personal services: *Provided further*, That
3 such donations, including those from prior years, may be
4 used for the development of publicity materials to provide
5 information about the White House Fellows, except that
6 no such donations shall be accepted for travel or reim-
7 bursement of travel expenses, or for the salaries of em-
8 ployees of such Commission.

9 OFFICE OF INSPECTOR GENERAL

10 SALARIES AND EXPENSES

11 (INCLUDING TRANSFER OF TRUST FUNDS)

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

1 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES
2 HEALTH BENEFITS

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

8 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE
9 LIFE INSURANCE

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

14 PAYMENT TO CIVIL SERVICE RETIREMENT AND
15 DISABILITY FUND

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

1 HUMAN CAPITAL PERFORMANCE FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For a human capital performance fund, as author-
4 ized by 5 U.S.C. 5408, \$12,514,000: *Provided*, That such
5 amounts as determined by the Director of the Office of
6 Personnel Management may be transferred to Federal
7 agencies to carry out the purposes of this fund as author-
8 ized by 5 U.S.C. 5403: *Provided further*, That no funds
9 shall be available for obligation or transfer to any Fed-
10 eral agency until the Director has notified the relevant
11 subcommittees of jurisdiction of the Committees on Ap-
12 propriations of the approval of a performance pay plan
13 for that agency, and the prior approval of such sub-
14 committees has been attained.

15 OFFICE OF SPECIAL COUNSEL
16 SALARIES AND EXPENSES

17 For necessary expenses to carry out functions of the
18 Office of Special Counsel pursuant to Reorganization
19 Plan Numbered 2 of 1978, the Civil Service Reform Act
20 of 1978 (Public Law 95-454), as amended, the Whistle-
21 blower Protection Act of 1989 (Public Law 101-12), as
22 amended, Public Law 103-424, and the Uniformed Serv-
23 ices Employment and Reemployment Act of 1994 (Public
24 Law 103-353), including services as authorized by 5
25 U.S.C. 3109, payment of fees and expenses for witnesses,
26 rental of conference rooms in the District of Columbia

1 and elsewhere, and hire of passenger motor vehicles;
2 \$15,449,000.

3 UNITED STATES POSTAL SERVICE

4 PAYMENT TO THE POSTAL SERVICE FUND

5 For payment to the Postal Service Fund for revenue
6 forgone on free and reduced rate mail, pursuant to sub-
7 sections (c) and (d) of section 2401 of title 39, United
8 States Code, \$61,709,000, which shall not be available
9 for obligation until October 1, 2005: *Provided*, That mail
10 for overseas voting and mail for the blind shall continue
11 to be free: *Provided further*, That 6-day delivery and
12 rural delivery of mail shall continue at not less than the
13 1983 level: *Provided further*, That none of the funds
14 made available to the Postal Service by this Act shall be
15 used to implement any rule, regulation, or policy of
16 charging any officer or employee of any State or local
17 child support enforcement agency, or any individual par-
18 ticipating in a State or local program of child support en-
19 forcement, a fee for information requested or provided
20 concerning an address of a postal customer: *Provided fur-*
21 *ther*, That none of the funds provided in this Act shall
22 be used to consolidate or close small rural and other
23 small post offices in fiscal year 2005.

1 UNITED STATES TAX COURT

2 SALARIES AND EXPENSES

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

8 TITLE V—GENERAL PROVISIONS

9 THIS ACT

10 (INCLUDING TRANSFERS OF FUNDS)

11 SEC. 501. Such sums as may be necessary for fiscal
12 year 2004 pay raises for programs funded in this Act
13 shall be absorbed within the levels appropriated in this
14 Act or previous appropriations Acts.

15 SEC. 502. None of the funds in this Act shall be
16 used for the planning or execution of any program to pay
17 the expenses of, or otherwise compensate, non-Federal
18 parties intervening in regulatory or adjudicatory pro-
19 ceedings funded in this Act.

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

24 SEC. 504. The expenditure of any appropriation
25 under this Act for any consulting service through pro-

1 curement contract pursuant to section 3109 of title 5,
2 United States Code, shall be limited to those contracts
3 where such expenditures are a matter of public record
4 and available for public inspection, except where other-
5 wise provided under existing law, or under existing Exec-
6 utive Order issued pursuant to existing law.

7 SEC. 505. For the purpose of any applicable law, for
8 fiscal years 2004 and 2005, the city of Norman, Okla-
9 homa, shall be considered to be part of the Oklahoma
10 City urbanized area.

11 SEC. 506. None of the funds made available in this
12 Act may be transferred to any department, agency, or in-
13 strumentality of the United States Government, except
14 pursuant to a transfer made by, or transfer authority
15 provided in, this Act or any other appropriations Act.

16 SEC. 507. None of the funds made available by this
17 Act shall be available for any activity or for paying the
18 salary of any Government employee where funding an ac-
19 tivity or paying a salary to a Government employee would
20 result in a decision, determination, rule, regulation, or
21 policy that would prohibit the enforcement of section 307
22 of the Tariff Act of 1930.

23 SEC. 508. No part of any appropriation contained in
24 this Act shall be available to pay the salary for any per-
25 son filling a position, other than a temporary position,

1 formerly held by an employee who has left to enter the
2 Armed Forces of the United States and has satisfactorily
3 completed his period of active military or naval service,
4 and has within 90 days after his release from such serv-
5 ice or from hospitalization continuing after discharge for
6 a period of not more than 1 year, made application for
7 restoration to his former position and has been certified
8 by the Office of Personnel Management as still qualified
9 to perform the duties of his former position and has not
10 been restored thereto.

11 SEC. 509. No funds appropriated pursuant to this
12 Act may be expended by an entity unless the entity
13 agrees that in expending the assistance the entity will
14 comply with sections 2 through 4 of the Act of March 3,
15 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy
16 America Act”).

17 SEC. 510. (a) PURCHASE OF AMERICAN-MADE
18 EQUIPMENT AND PRODUCTS.—Hereafter, in the case of
19 any equipment or products that may be authorized to be
20 purchased with financial assistance provided under this
21 Act, it is the sense of the Congress that entities receiving
22 such assistance should, in expending the assistance, pur-
23 chase only American-made equipment and products.

24 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In
25 providing financial assistance under this Act, the Sec-

1 retary of the Treasury shall provide to each recipient of
2 the assistance a notice describing the statement made in
3 subsection (a) by the Congress.

4 SEC. 511. Hereafter, if it has been finally deter-
5 mined by a court or Federal agency that any person in-
6 tentinally affixed a label bearing a “Made in America”
7 inscription, or any inscription with the same meaning, to
8 any product sold in or shipped to the United States that
9 is not made in the United States, such person shall be
10 ineligible to receive any contract or subcontract made
11 with funds provided pursuant to this Act, pursuant to the
12 debarment, suspension, and ineligibility procedures de-
13 scribed in sections 9.400 through 9.409 of title 48, Code
14 of Federal Regulations.

15 SEC. 512. Except as otherwise specifically provided
16 by law, not to exceed 50 percent of unobligated balances
17 remaining available at the end of fiscal year 2005 from
18 appropriations made available for salaries and expenses
19 for fiscal year 2005 in this Act, shall remain available
20 through September 30, 2006, for each such account for
21 the purposes authorized: *Provided*, That a request shall
22 be submitted to the Committees on Appropriations for
23 approval prior to the expenditure of such funds: *Provided*
24 *further*, That these requests shall be made in compliance
25 with reprogramming guidelines.

1 SEC. 513. None of the funds made available in this
2 Act may be used by the Executive Office of the President
3 to request from the Federal Bureau of Investigation any
4 official background investigation report on any individual,
5 except when—

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

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

12 SEC. 514. The cost accounting standards promul-
13 gated under section 26 of the Office of Federal Procure-
14 ment Policy Act (Public Law 93–400; 41 U.S.C. 422)
15 shall not apply with respect to a contract under the Fed-
16 eral Employees Health Benefits Program established
17 under chapter 89 of title 5, United States Code.

18 SEC. 515. For the purpose of resolving litigation and
19 implementing any settlement agreements regarding the
20 nonforeign area cost-of-living allowance program, the Of-
21 fice of Personnel Management may accept and utilize
22 (without regard to any restriction on unanticipated travel
23 expenses imposed in an appropriations Act) funds made
24 available to the Office pursuant to court approval.

1 SEC. 516. No funds appropriated or otherwise made
2 available under this Act shall be made available to any
3 person or entity that has been convicted of violating the
4 Buy American Act (41 U.S.C. 10a–10c).

5 SEC. 517. No funds appropriated by this Act shall
6 be available to pay for an abortion, or the administrative
7 expenses in connection with any health plan under the
8 Federal employees health benefits program which pro-
9 vides any benefits or coverage for abortions.

10 SEC. 518. The provision of section 517 shall not
11 apply where the life of the mother would be endangered
12 if the fetus were carried to term, or the pregnancy is the
13 result of an act of rape or incest.

14 SEC. 519. None of the funds provided in this Act,
15 provided by previous appropriations Acts to the agencies
16 or entities funded in this Act that remain available for
17 obligation or expenditure in fiscal year 2005, or provided
18 from any accounts in the Treasury derived by the collec-
19 tion of fees and available to the agencies funded by this
20 Act, shall be available for obligation or expenditure
21 through a reprogramming of funds that—

22 (1) creates a new program;

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

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

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

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

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

13 (7) creates or reorganizes a branch, division, of-
14 fice, bureau, board, commission, agency administra-
15 tion, or department different from the budget jus-
16 tifications submitted to the Committees on Appro-
17 priations;

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

20 SEC. 520. EXEMPTION FROM LIMITATIONS ON PRO-
21 CUREMENT OF FOREIGN INFORMATION TECHNOLOGY
22 THAT IS A COMMERCIAL ITEM.—In order to promote
23 Government access to commercial information technology,
24 the restriction on purchasing nondomestic articles, mate-
25 rials, and supplies set forth in the Buy American Act (41

1 U.S.C. 10a et seq.), shall not apply to the acquisition by
2 the Federal Government of information technology (as
3 defined in section 11101 of title 40, United States Code,
4 that is a commercial item (as defined in section 4(12) of
5 the Office of Federal Procurement Policy Act (41 U.S.C.
6 403(12)).

7 SEC. 521. It is the sense of the House of Represent-
8 atives that empowerment zones within cities should have
9 the necessary flexibility to expand to include relevant
10 communities so that empowerment zone benefits are equi-
11 tably distributed.

12 SEC. 522. It is the sense of the House of Represent-
13 atives that all census tracts contained in an empower-
14 ment zone, either fully or partially, should be equitably
15 accorded the same benefits.

16 SEC. 523. None of the funds made available in this
17 Act may be used to finalize, implement, administer, or
18 enforce—

19 (1) the proposed rule relating to the determina-
20 tion that real estate brokerage is an activity that is
21 financial in nature or incidental to a financial activ-
22 ity published in the Federal Register on January 3,
23 2001 (66 Fed. Reg. 307 et seq.); or

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

4 SEC. 524. It is the sense of Congress that, after
5 proper documentation, justification, and review, the De-
6 partment of Transportation should consider programs to
7 reimburse general aviation ground support services at
8 Ronald Reagan Washington National Airport, and air-
9 ports located within fifteen miles of Ronald Reagan
10 Washington National Airport, for their financial losses
11 due to Government actions after the terrorist attacks of
12 September 11, 2001.

13 SEC. 525. None of the funds made available under
14 this Act may be obligated or expended to establish or im-
15 plement a pilot program under which not more than 10
16 designated essential air service communities located in
17 proximity to hub airports are required to assume 10 per-
18 cent of their essential air subsidy costs for a 4-year pe-
19 riod commonly referred to as the EAS local participation
20 program.

21 TITLE VI—GENERAL PROVISIONS

22 DEPARTMENTS, AGENCIES, AND CORPORATIONS

23 SEC. 601. Funds appropriated in this or any other
24 Act may be used to pay travel to the United States for

1 the immediate family of employees serving abroad in
2 cases of death or life threatening illness of said employee.

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

14 SEC. 603. Unless otherwise specifically provided, the
15 maximum amount allowable during the current fiscal
16 year in accordance with section 16 of the Act of August
17 2, 1946 (60 Stat. 810), for the purchase of any pas-
18 senger motor vehicle (exclusive of buses, ambulances, law
19 enforcement, and undercover surveillance vehicles), is
20 hereby fixed at \$8,100 except station wagons for which
21 the maximum shall be \$9,100: *Provided*, That these lim-
22 its may be exceeded by not to exceed \$3,700 for police-
23 type vehicles, and by not to exceed \$4,000 for special
24 heavy-duty vehicles: *Provided further*, That the limits set
25 forth in this section may not be exceeded by more than

1 5 percent for electric or hybrid vehicles purchased for
2 demonstration under the provisions of the Electric and
3 Hybrid Vehicle Research, Development, and Demonstra-
4 tion Act of 1976: *Provided further*, That the limits set
5 forth in this section may be exceeded by the incremental
6 cost of clean alternative fuels vehicles acquired pursuant
7 to Public Law 101–549 over the cost of comparable con-
8 ventionally fueled vehicles.

9 SEC. 604. Appropriations of the executive depart-
10 ments and independent establishments for the current
11 fiscal year available for expenses of travel, or for the ex-
12 penses of the activity concerned, are hereby made avail-
13 able for quarters allowances and cost-of-living allowances,
14 in accordance with 5 U.S.C. 5922–5924.

15 SEC. 605. Unless otherwise specified during the cur-
16 rent fiscal year, no part of any appropriation contained
17 in this or any other Act shall be used to pay the com-
18 pensation of any officer or employee of the Government
19 of the United States (including any agency the majority
20 of the stock of which is owned by the Government of the
21 United States) whose post of duty is in the continental
22 United States unless such person: (1) is a citizen of the
23 United States; (2) is a person in the service of the United
24 States on the date of the enactment of this Act who,
25 being eligible for citizenship, has filed a declaration of in-

1 tention to become a citizen of the United States prior to
2 such date and is actually residing in the United States;
3 (3) is a person who owes allegiance to the United States;
4 (4) is an alien from Cuba, Poland, South Vietnam, the
5 countries of the former Soviet Union, or the Baltic coun-
6 tries lawfully admitted to the United States for perma-
7 nent residence; (5) is a South Vietnamese, Cambodian, or
8 Laotian refugee paroled in the United States after Janu-
9 ary 1, 1975; or (6) is a national of the People's Republic
10 of China who qualifies for adjustment of status pursuant
11 to the Chinese Student Protection Act of 1992: *Provided*,
12 That for the purpose of this section, an affidavit signed
13 by any such person shall be considered prima facie evi-
14 dence that the requirements of this section with respect
15 to his or her status have been complied with: *Provided*
16 *further*, That any person making a false affidavit shall be
17 guilty of a felony, and, upon conviction, shall be fined no
18 more than \$4,000 or imprisoned for not more than 1
19 year, or both: *Provided further*, That the above penal
20 clause shall be in addition to, and not in substitution for,
21 any other provisions of existing law: *Provided further*,
22 That any payment made to any officer or employee con-
23 trary to the provisions of this section shall be recoverable
24 in action by the Federal Government. This section shall
25 not apply to citizens of Ireland, Israel, or the Republic

1 of the Philippines, or to nationals of those countries al-
2 lied with the United States in a current defense effort,
3 or to international broadcasters employed by the United
4 States Information Agency, or to temporary employment
5 of translators, or to temporary employment in the field
6 service (not to exceed 60 days) as a result of emer-
7 gencies.

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

18 SEC. 607. In addition to funds provided in this or
19 any other Act, all Federal agencies are authorized to re-
20 ceive and use funds resulting from the sale of materials,
21 including Federal records disposed of pursuant to a
22 records schedule recovered through recycling or waste
23 prevention programs. Such funds shall be available until
24 expended for the following purposes:

1 (1) Acquisition, waste reduction and prevention,
2 and recycling programs as described in Executive
3 Order No. 13101 (September 14, 1998), including
4 any such programs adopted prior to the effective
5 date of the Executive order.

6 (2) Other Federal agency environmental man-
7 agement programs, including, but not limited to, the
8 development and implementation of hazardous waste
9 management and pollution prevention programs.

10 (3) Other employee programs as authorized by
11 law or as deemed appropriate by the head of the
12 Federal agency.

13 SEC. 608. Funds made available by this or any other
14 Act for administrative expenses in the current fiscal year
15 of the corporations and agencies subject to chapter 91 of
16 title 31, United States Code, shall be available, in addi-
17 tion to objects for which such funds are otherwise avail-
18 able, for rent in the District of Columbia; services in ac-
19 cordance with 5 U.S.C. 3109; and the objects specified
20 under this head, all the provisions of which shall be appli-
21 cable to the expenditure of such funds unless otherwise
22 specified in the Act by which they are made available:
23 *Provided*, That in the event any functions budgeted as
24 administrative expenses are subsequently transferred to

1 or paid from other funds, the limitations on administra-
2 tive expenses shall be correspondingly reduced.

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

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

16 SEC. 611. Funds made available by this or any other
17 Act to the Postal Service Fund (39 U.S.C. 2003) shall
18 be available for employment of guards for all buildings
19 and areas owned or occupied by the Postal Service and
20 under the charge and control of the Postal Service, and
21 such guards shall have, with respect to such property, the
22 powers of special policemen provided by the first section
23 of the Act of June 1, 1948, as amended (62 Stat. 281;
24 40 U.S.C. 318), and, as to property owned or occupied
25 by the Postal Service, the Postmaster General may take

1 the same actions as the Administrator of General Serv-
2 ices may take under the provisions of sections 2 and 3
3 of the Act of June 1, 1948, as amended (62 Stat. 281;
4 40 U.S.C. 318a and 318b), attaching thereto penal con-
5 sequences under the authority and within the limits pro-
6 vided in section 4 of the Act of June 1, 1948, as amend-
7 ed (62 Stat. 281; 40 U.S.C. 318c).

8 SEC. 612. None of the funds made available pursu-
9 ant to the provisions of this Act shall be used to imple-
10 ment, administer, or enforce any regulation which has
11 been disapproved pursuant to a resolution of disapproval
12 duly adopted in accordance with the applicable law of the
13 United States.

14 SEC. 613. (a) Notwithstanding any other provision
15 of law, and except as otherwise provided in this section,
16 no part of any of the funds appropriated for fiscal year
17 2005, by this or any other Act, may be used to pay any
18 prevailing rate employee described in section
19 5342(a)(2)(A) of title 5, United States Code—

20 (1) during the period from the date of expira-
21 tion of the limitation imposed by the comparable sec-
22 tion for previous fiscal years until the normal effec-
23 tive date of the applicable wage survey adjustment
24 that is to take effect in fiscal year 2005, in an
25 amount that exceeds the rate payable for the appli-

1 cable grade and step of the applicable wage schedule
2 in accordance with such section; and

3 (2) during the period consisting of the remain-
4 der of fiscal year 2005, in an amount that exceeds,
5 as a result of a wage survey adjustment, the rate
6 payable under paragraph (1) by more than the sum
7 of—

8 (A) the percentage adjustment taking ef-
9 fect in fiscal year 2005 under section 5303 of
10 title 5, United States Code, in the rates of pay
11 under the General Schedule; and

12 (B) the difference between the overall aver-
13 age percentage of the locality-based com-
14 parability payments taking effect in fiscal year
15 2005 under section 5304 of such title (whether
16 by adjustment or otherwise), and the overall av-
17 erage percentage of such payments which was
18 effective in the previous fiscal year under such
19 section.

20 (b) Notwithstanding any other provision of law, no
21 prevailing rate employee described in subparagraph (B)
22 or (C) of section 5342(a)(2) of title 5, United States
23 Code, and no employee covered by section 5348 of such
24 title, may be paid during the periods for which subsection
25 (a) is in effect at a rate that exceeds the rates that would

1 be payable under subsection (a) were subsection (a) ap-
2 plicable to such employee.

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

8 (d) Notwithstanding any other provision of law,
9 rates of premium pay for employees subject to this sec-
10 tion may not be changed from the rates in effect on Sep-
11 tember 30, 2004, except to the extent determined by the
12 Office of Personnel Management to be consistent with
13 the purpose of this section.

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

16 (f) For the purpose of administering any provision
17 of law (including any rule or regulation that provides pre-
18 mium pay, retirement, life insurance, or any other em-
19 ployee benefit) that requires any deduction or contribu-
20 tion, or that imposes any requirement or limitation on
21 the basis of a rate of salary or basic pay, the rate of sal-
22 ary or basic pay payable after the application of this sec-
23 tion shall be treated as the rate of salary or basic pay.

24 (g) Nothing in this section shall be considered to
25 permit or require the payment to any employee covered

1 by this section at a rate in excess of the rate that would
2 be payable were this section not in effect.

3 (h) The Office of Personnel Management may pro-
4 vide for exceptions to the limitations imposed by this sec-
5 tion if the Office determines that such exceptions are
6 necessary to ensure the recruitment or retention of quali-
7 fied employees.

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

23 SEC. 615. Notwithstanding section 1346 of title 31,
24 United States Code, or section 610 of this Act, funds
25 made available for the current fiscal year by this or any

1 other Act shall be available for the interagency funding
2 of national security and emergency preparedness tele-
3 communications initiatives which benefit multiple Federal
4 departments, agencies, or entities, as provided by Execu-
5 tive Order No. 12472 (April 3, 1984).

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

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

- 22 (1) the Central Intelligence Agency;
- 23 (2) the National Security Agency;
- 24 (3) the Defense Intelligence Agency;

1 (4) the offices within the Department of De-
2 fense for the collection of specialized national foreign
3 intelligence through reconnaissance programs;

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

6 (6) any agency, office, or unit of the Army,
7 Navy, Air Force, and Marine Corps, the Department
8 of Homeland Security, the Federal Bureau of Inves-
9 tigation and the Drug Enforcement Administration
10 of the Department of Justice, the Department of
11 Transportation, the Department of the Treasury,
12 and the Department of Energy performing intel-
13 ligence functions; and

14 (7) the Director of Central Intelligence.

15 SEC. 617. No department, agency, or instrumen-
16 tality of the United States receiving appropriated funds
17 under this or any other Act for the current fiscal year
18 shall obligate or expend any such funds, unless such de-
19 partment, agency, or instrumentality has in place, and
20 will continue to administer in good faith, a written policy
21 designed to ensure that all of its workplaces are free
22 from discrimination and sexual harassment and that all
23 of its workplaces are not in violation of title VII of the
24 Civil Rights Act of 1964, as amended, the Age Discrimi-

1 nation in Employment Act of 1967, and the Rehabilita-
2 tion Act of 1973.

3 SEC. 618. No part of any appropriation contained in
4 this or any other Act shall be available for the payment
5 of the salary of any officer or employee of the Federal
6 Government, who—

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

20 (2) removes, suspends from duty without pay,
21 demotes, reduces in rank, seniority, status, pay, or
22 performance of efficiency rating, denies promotion
23 to, relocates, reassigns, transfers, disciplines, or dis-
24 criminate in regard to any employment right, enti-
25 tlement, or benefit, or any term or condition of em-

1 ployment of, any other officer or employee of the
2 Federal Government, or attempts or threatens to
3 commit any of the foregoing actions with respect to
4 such other officer or employee, by reason of any
5 communication or contact of such other officer or
6 employee with any Member, committee, or sub-
7 committee of the Congress as described in paragraph
8 (1).

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

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

15 (2) contains elements likely to induce high lev-
16 els of emotional response or psychological stress in
17 some participants;

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

21 (4) contains any methods or content associated
22 with religious or quasi-religious belief systems or
23 “new age” belief systems as defined in Equal Em-
24 ployment Opportunity Commission Notice N-
25 915.022, dated September 2, 1988; or

1 (5) is offensive to, or designed to change, par-
2 ticipants' personal values or lifestyle outside the
3 workplace.

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

7 SEC. 620. No funds appropriated in this or any
8 other Act may be used to implement or enforce the agree-
9 ments in Standard Forms 312 and 4414 of the Govern-
10 ment or any other nondisclosure policy, form, or agree-
11 ment if such policy, form, or agreement does not contain
12 the following provisions: "These restrictions are con-
13 sistent with and do not supersede, conflict with, or other-
14 wise alter the employee obligations, rights, or liabilities
15 created by Executive Order No. 12958; section 7211 of
16 title 5, United States Code (governing disclosures to Con-
17 gress); section 1034 of title 10, United States Code, as
18 amended by the Military Whistleblower Protection Act
19 (governing disclosure to Congress by members of the
20 military); section 2302(b)(8) of title 5, United States
21 Code, as amended by the Whistleblower Protection Act
22 (governing disclosures of illegality, waste, fraud, abuse or
23 public health or safety threats); the Intelligence Identities
24 Protection Act of 1982 (50 U.S.C. 421 et seq.) (gov-
25 erning disclosures that could expose confidential Govern-

1 ment agents); and the statutes which protect against dis-
2 closure that may compromise the national security, in-
3 cluding sections 641, 793, 794, 798, and 952 of title 18,
4 United States Code, and section 4(b) of the Subversive
5 Activities Act of 1950 (50 U.S.C. 783(b)). The defini-
6 tions, requirements, obligations, rights, sanctions, and li-
7 abilities created by said Executive order and listed stat-
8 utes are incorporated into this agreement and are con-
9 trolling.”: *Provided*, That notwithstanding the preceding
10 paragraph, a nondisclosure policy form or agreement that
11 is to be executed by a person connected with the conduct
12 of an intelligence or intelligence-related activity, other
13 than an employee or officer of the United States Govern-
14 ment, may contain provisions appropriate to the par-
15 ticular activity for which such document is to be used.
16 Such form or agreement shall, at a minimum, require
17 that the person will not disclose any classified informa-
18 tion received in the course of such activity unless specifi-
19 cally authorized to do so by the United States Govern-
20 ment. Such nondisclosure forms shall also make it clear
21 that they do not bar disclosures to Congress or to an au-
22 thorized official of an executive agency or the Depart-
23 ment of Justice that are essential to reporting a substan-
24 tial violation of law.

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

10 SEC. 622. None of the funds appropriated by this or
11 any other Act may be used by an agency to provide a
12 Federal employee's home address to any labor organiza-
13 tion except when the employee has authorized such dis-
14 closure or when such disclosure has been ordered by a
15 court of competent jurisdiction.

16 SEC. 623. None of the funds made available in this
17 Act or any other Act may be used to provide any non-
18 public information such as mailing or telephone lists to
19 any person or any organization outside of the Federal
20 Government without the approval of the Committees on
21 Appropriations.

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

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

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

4 (2) includes a military department as defined
5 under section 102 of such title, the Postal Service,
6 and the Postal Rate Commission; and

7 (3) shall not include the General Accounting
8 Office.

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

18 SEC. 626. Notwithstanding 31 U.S.C. 1346 and sec-
19 tion 610 of this Act, funds made available for the current
20 fiscal year by this or any other Act to any department
21 or agency, which is a member of the Joint Financial
22 Management Improvement Program (JFMIP), shall be
23 available to finance an appropriate share of JFMIP ad-
24 ministrative costs, as determined by the JFMIP, but not

1 to exceed a total of \$800,000 including the salary of the
2 Executive Director and staff support.

3 SEC. 627. Notwithstanding 31 U.S.C. 1346 and sec-
4 tion 610 of this Act, the head of each Executive depart-
5 ment and agency is hereby authorized to transfer to or
6 reimburse “General Services Administration, government-
7 wide policy” with the approval of the Director of the Of-
8 fice of Management and Budget, funds made available
9 for the current fiscal year by this or any other Act, in-
10 cluding rebates from charge card and other contracts:
11 *Provided*, That these funds shall be administered by the
12 Administrator of General Services to support Govern-
13 ment-wide financial, information technology, procure-
14 ment, and other management innovations, initiatives, and
15 activities, as approved by the Director of the Office of
16 Management and Budget, in consultation with the appro-
17 priate interagency groups designated by the Director (in-
18 cluding the Chief Financial Officers Council and the
19 Joint Financial Management Improvement Program for
20 financial management initiatives, the Chief Information
21 Officers Council for information technology initiatives,
22 and the Federal Acquisition Council for procurement ini-
23 tiatives): *Provided further*, That the total funds trans-
24 ferred or reimbursed shall not exceed \$17,000,000: *Pro-*
25 *vided further*, That such transfers or reimbursements

1 may only be made 15 days following notification of the
2 Committees on Appropriations by the Director of the Of-
3 fice of Management and Budget.

4 SEC. 628. None of the funds made available in this
5 or any other Act may be used by the Office of Personnel
6 Management or any other department or agency of the
7 Federal Government to prohibit any agency from using
8 appropriated funds as they see fit to independently con-
9 tract with private companies to provide online employ-
10 ment applications and processing services.

11 SEC. 629. 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. 630. 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. 631. 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. 632. 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. 633. (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. 634. (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. 635. 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. 636. None of the funds made available under
12 this or any other Act for fiscal year 2005 shall be ex-
13 pended for the purchase of a product or service offered
14 by Federal Prison Industries, Inc. unless the agency
15 making such purchase determines that such offered prod-
16 uct or service provides the best value to the buying agen-
17 cy pursuant to governmentwide procurement regulations,
18 issued pursuant to section 25(c)(1) of the Office of Fed-
19 eral Procurement Act (41 U.S.C. 421(c)(1)) that impose
20 procedures, standards, and limitations of section 2410n
21 of title 10, United States Code.

22 SEC. 637. Each Executive department and agency
23 shall evaluate the creditworthiness of an individual before
24 issuing the individual a government purchase charge card
25 or government travel charge card. The department or

1 agency may not issue a government purchase charge card
2 or government travel charge card to an individual that ei-
3 ther lacks a credit history or is found to have an unsatis-
4 factory credit history as a result of this evaluation: *Pro-*
5 *vided*, That this restriction shall not preclude issuance of
6 a restricted-use charge, debit, or stored value card made
7 in accordance with agency procedures to (a) an individual
8 with an unsatisfactory credit history where such card is
9 used to pay travel expenses and the agency determines
10 there is no suitable alternative payment mechanism avail-
11 able before issuing the card, or (b) an individual who
12 lacks a credit history. Each Executive department and
13 agency shall establish guidelines and procedures for dis-
14 ciplinary actions to be taken against agency personnel for
15 improper, fraudulent, or abusive use of government
16 charge cards, which shall include appropriate disciplinary
17 actions for use of charge cards for purposes, and at es-
18 tablishments, that are inconsistent with the official busi-
19 ness of the Department or agency or with applicable
20 standards of conduct.

21 SEC. 638. Notwithstanding any other provision of
22 law, funds appropriated for official travel by Federal de-
23 partments and agencies may be used by such depart-
24 ments and agencies, if consistent with Office of Manage-
25 ment and Budget Circular A-126 regarding official travel

1 for Government personnel, to participate in the fractional
2 aircraft ownership pilot program.

3 SEC. 639. None of the funds provided in this Act
4 shall be used to implement or enforce regulations for lo-
5 cality pay areas in fiscal year 2005 that are inconsistent
6 with the recommendations of the Federal Salary Council
7 adopted on October 7, 2003.

8 SEC. 640. (a) Not later than 180 days after the en-
9 actment of this Act, the head of each Federal agency
10 shall submit a report to Congress on the amount of the
11 acquisitions made by the agency from entities that manu-
12 facture the articles, materials, or supplies outside of the
13 United States in that fiscal year.

14 (b) The report required by subsection (a) shall sepa-
15 rately indicate—

16 (1) the dollar value of any articles, materials, or
17 supplies purchased that were manufactured outside
18 of the United States;

19 (2) an itemized list of all waivers granted with
20 respect to such articles, materials, or supplies under
21 the Buy American Act (41 U.S.C. 10a et seq.); and

22 (3) a summary of the total procurement funds
23 spent on goods manufactured in the United States
24 versus funds spent on goods manufactured outside
25 of the United States.

1 (c) The head of each Federal agency submitting a
2 report under subsection (a) shall make the report publicly
3 available to the maximum extent practicable.

4 SEC. 641. Notwithstanding any other provision of
5 law, none of the funds appropriated or made available
6 under this Act or any other appropriations Act may be
7 used to implement or enforce restrictions or limitations
8 on the Coast Guard Congressional Fellowship Program,
9 or to implement the proposed regulations of the Office of
10 Personnel Management to add sections 300.311 through
11 300.316 to part 300 of title 5 of the Code of Federal
12 Regulations, published in the Federal Register, volume
13 68, number 174, on September 9, 2003 (relating to the
14 detail of executive branch employees to the legislative
15 branch).

16 SEC. 642. Subsection (e) of section 3716 of title 31,
17 United States Code, is amended to read as follows:

18 “(e)(1) Notwithstanding any other provision of law
19 (including 42 U.S.C. 407 and 1383(d)(1), 30 U.S.C.
20 923(b), and 45 U.S.C. 231(m), regulation, or administra-
21 tive limitation, no limitation shall terminate the period
22 within which an offset may be initiated or taken pursuant
23 to this section.

1 “(2) This section does not apply when a statute ex-
2 plicitly prohibits using administrative offset or setoff to
3 collect the claim or type of claim involved.”.

4 SEC. 643. Section 453(j) of the Social Security Act
5 (42 U.S.C. 653(j)), is amended by adding at the end the
6 following new paragraph:

7 “(7) INFORMATION COMPARISONS AND DISCLO-
8 SURE TO ASSIST IN FEDERAL DEBT COLLECTION.—

9 “(A) FURNISHING OF INFORMATION BY
10 THE SECRETARY OF THE TREASURY.—The Sec-
11 retary of the Treasury shall furnish to the Sec-
12 retary, on such periodic basis as determined by
13 the Secretary of the Treasury in consultation
14 with the Secretary, information in the custody
15 of the Secretary of the Treasury for comparison
16 with information in the National Directory of
17 New Hires, in order to obtain information in
18 such Directory with respect to persons—

19 “(i) who owe delinquent nontax debt
20 to the United States; and

21 “(ii) whose debt has been referred to
22 the Secretary of the Treasury in accord-
23 ance with 31 U.S.C. 3711(g).

24 “(B) REQUIREMENT TO SEEK MINIMUM
25 INFORMATION.—The Secretary of the Treasury

1 shall seek information pursuant to this section
2 only to the extent necessary to improve collec-
3 tion of the debt described in subparagraph (A).

4 “(C) DUTIES OF THE SECRETARY.—

5 “(i) INFORMATION DISCLOSURE.—The
6 Secretary, in cooperation with the Sec-
7 retary of the Treasury, shall compare in-
8 formation in the National Directory of
9 New Hires with information provided by
10 the Secretary of the Treasury with respect
11 to persons described in subparagraph (A)
12 and shall disclose information in such Di-
13 rectory regarding such persons to the Sec-
14 retary of the Treasury in accordance with
15 this paragraph, for the purposes specified
16 in this paragraph. Such comparison of in-
17 formation shall not be considered a match-
18 ing program as defined in 5 U.S.C. 552a.

19 “(ii) CONDITION ON DISCLOSURE.—

20 The Secretary shall make disclosures in ac-
21 cordance with clause (i) only to the extent
22 that the Secretary determines that such
23 disclosures do not interfere with the effec-
24 tive operation of the program under this
25 part. Support collection under section

1 466(b) of this title shall be given priority
2 over collection of any delinquent federal
3 nontax debt against the same income.

4 “(D) USE OF INFORMATION BY THE SEC-
5 RETARY OF THE TREASURY.—The Secretary of
6 the Treasury may use information provided
7 under this paragraph only for purposes of col-
8 lecting the debt described in subparagraph (A).

9 “(E) DISCLOSURE OF INFORMATION BY
10 THE SECRETARY OF THE TREASURY.—

11 “(i) PURPOSE OF DISCLOSURE.—The
12 Secretary of the Treasury may make a dis-
13 closure under this subparagraph only for
14 purposes of collecting the debt described in
15 subparagraph (A).

16 “(ii) DISCLOSURES PERMITTED.—
17 Subject to clauses (iii) and (iv), the Sec-
18 retary of the Treasury may disclose infor-
19 mation resulting from a data match pursu-
20 ant to this paragraph only to the Attorney
21 General in connection with collecting the
22 debt described in subparagraph (A).

23 “(iii) CONDITIONS ON DISCLOSURE.—
24 Disclosures under this subparagraph shall
25 be—

1 “(I) made in accordance with
2 data security and control policies es-
3 tablished by the Secretary of the
4 Treasury and approved by the Sec-
5 retary;

6 “(II) subject to audit in a man-
7 ner satisfactory to the Secretary; and

8 “(III) subject to the sanctions
9 under subsection (1)(2).

10 “(iv) ADDITIONAL DISCLOSURES.—

11 “(I) DETERMINATION BY SECRE-
12 TARIES.—The Secretary of the Treas-
13 ury and the Secretary shall determine
14 whether to permit disclosure of infor-
15 mation under this paragraph to per-
16 sons or entities described in subclause
17 (II), based on an evaluation made by
18 the Secretary of the Treasury (in con-
19 sultation with and approved by the
20 Secretary), of the costs and benefits
21 of such disclosures and the adequacy
22 of measures used to safeguard the se-
23 curity and confidentiality of informa-
24 tion so disclosed.

1 “(II) PERMITTED PERSONS OR
2 ENTITIES.—If the Secretary of the
3 Treasury and the Secretary determine
4 pursuant to subclause (I) that disclo-
5 sures to additional persons or entities
6 shall be permitted, information under
7 this paragraph may be disclosed by
8 the Secretary of the Treasury, in con-
9 nection with collecting the debt de-
10 scribed in subparagraph (A), to a con-
11 tractor or agent of either Secretary
12 and to the Federal agency that re-
13 ferred such debt to the Secretary of
14 the Treasury for collection, subject to
15 the conditions in clause (iii) and such
16 additional conditions as agreed to by
17 the Secretaries.

18 “(v) RESTRICTIONS ON REDISCLO-
19 SURE.—A person or entity to which infor-
20 mation is disclosed under this subpara-
21 graph may use or disclose such informa-
22 tion only as needed for collecting the debt
23 described in subparagraph (A), subject to
24 the conditions in clause (iii) and such addi-

1 tional conditions as agreed to by the Secre-
2 taries.

3 “(F) REIMBURSEMENT OF HHS COSTS.—

4 The Secretary of the Treasury shall reimburse
5 the Secretary, in accordance with subsection
6 (k)(3), for the costs incurred by the Secretary
7 in furnishing the information requested under
8 this paragraph. Any such costs paid by the Sec-
9 retary of the Treasury shall be considered costs
10 of implementing 31 U.S.C. 3711(g) in accord-
11 ance with 31 U.S.C. 3711(g)(6) and may be
12 paid from the account established pursuant to
13 31 U.S.C. 3711(g)(7).”.

14 SEC. 644. (a) IN GENERAL.—Section 6402 of the In-
15 ternal Revenue Code of 1986, is amended by redesignating
16 subsections (f) through (k) as subsections (g) through (l),
17 respectively, and by inserting after subsection (e) the fol-
18 lowing new subsection:

19 “(f) COLLECTION OF PAST-DUE, LEGALLY EN-
20 FORCEABLE STATE UNEMPLOYMENT COMPENSATION
21 DEBTS.—

22 “(1) IN GENERAL.—Upon receiving notice from
23 any State that a person owes a past-due, legally en-
24 forceable State unemployment compensation debt to

1 such State, the Secretary shall, under such condi-
2 tions as may be prescribed by the Secretary—

3 “(A) reduce the amount of any overpay-
4 ment payable to such person by the amount of
5 such unemployment compensation debt;

6 “(B) pay the amount by which such over-
7 payment is reduced under subparagraph (A) to
8 such State and notify such State of such per-
9 son’s name, taxpayer identification number, ad-
10 dress, and the amount collected; and

11 “(C) notify the person making such over-
12 payment that the overpayment has been re-
13 duced by an amount necessary to satisfy a past-
14 due, legally enforceable State unemployment
15 compensation debt. If an offset is made pursu-
16 ant to a joint return, the notice under subpara-
17 graph (B) shall include the names, taxpayer
18 identification numbers, and addresses of each
19 person filing such return.

20 “(2) PRIORITIES FOR OFFSET.—Any overpay-
21 ment by a person shall be reduced pursuant to this
22 subsection—

23 “(A) after such overpayment is reduced
24 pursuant to—

1 “(i) subsection (a) with respect to any
2 liability for any internal revenue tax on the
3 part of the person who made the overpay-
4 ment;

5 “(ii) subsection (c) with respect to
6 past-due support;

7 “(iii) subsection (d) with respect to
8 any past-due, legally enforceable debt owed
9 to a Federal agency; and

10 “(B) before such overpayment is credited
11 to the future liability for any Federal internal
12 revenue tax of such person pursuant to sub-
13 section (b). If the Secretary receives notice from
14 a State or States of more than one debt subject
15 to paragraph (1) and/or subsection (e) that is
16 owed by a person to such State or States, any
17 overpayment by such person shall be applied
18 against such debts in the order in which such
19 debts accrued.

20 “(3) NOTICE; CONSIDERATION OF EVIDENCE.—
21 No State may take action under this subsection until
22 such State—

23 “(A) notifies the person owing the past-due
24 legally enforceable State unemployment com-

1 pensation debt that the State proposes to take
2 action pursuant to this section;

3 “(B) gives such person at least 60 days to
4 present evidence that all or part of such liability
5 is not past-due or not legally enforceable;

6 “(C) considers any evidence presented by
7 such person and determines that an amount of
8 such debt is past-due and legally enforceable;
9 and

10 “(D) satisfies such other conditions as the
11 Secretary may prescribe to ensure that the de-
12 termination made under subparagraph (C) is
13 valid and that the State has made reasonable
14 efforts to obtain payment of such unemploy-
15 ment compensation debt.

16 “(4) PAST-DUE, LEGALLY ENFORCEABLE STATE
17 UNEMPLOYMENT COMPENSATION DEBT.—For pur-
18 poses of this subsection, the term ‘past-due, legally
19 enforceable State unemployment compensation debt’
20 means overpayments of unemployment compensation
21 assessed under the law of a State certified by the
22 Secretary of Labor pursuant to section 3304 of the
23 Internal Revenue Code, which have become final
24 under State law and remain uncollected.

1 “(5) REGULATIONS.—The Secretary shall issue
2 regulations prescribing the time and manner in
3 which States must submit notices of past-due, legally
4 enforceable State unemployment compensation debt
5 and the necessary information that must be con-
6 tained in or accompany such notices. The regula-
7 tions shall specify the minimum amount of debt to
8 which the reduction procedure established by para-
9 graph (1) may be applied. The regulations may re-
10 quire States to pay a fee to the Secretary, which
11 may be deducted from amounts collected, to reim-
12 burse the Secretary for the cost of applying such
13 procedure. Any fee paid to the Secretary pursuant to
14 the preceding sentence shall be used to reimburse
15 appropriations which bore all or part of the cost of
16 applying such procedure. The regulations may in-
17 clude a requirement that States submit notices of
18 past-due, legally enforceable State unemployment
19 compensation debt to the Secretary via the Secretary
20 of Labor in accordance with procedures established
21 by the Secretary of Labor. Such procedures may re-
22 quire States to pay a fee to the Secretary of Labor
23 to reimburse the Secretary of Labor for the costs of
24 applying this subsection. Any such fee shall be es-
25 tablished in consultation with the Secretary of the

1 Treasury. Any fee paid to the Secretary of Labor
2 may be deducted from amounts collected and shall
3 be used to reimburse the appropriation account
4 which bore all or part of the cost of applying this
5 subsection.

6 “(6) ERRONEOUS PAYMENT TO STATE.—Any
7 State receiving notice from the Secretary that an er-
8 roneous payment has been made to such State under
9 paragraph (1) shall pay promptly to the Secretary,
10 in accordance with such regulations as the Secretary
11 may prescribe, an amount equal to the amount of
12 such erroneous payment (without regard to whether
13 any other amounts payable to such State under such
14 paragraph have been paid to such State).”.

15 (b) Disclosure of certain information to States re-
16 questing refund offsets for past-due legally enforceable
17 State unemployment compensation debt.

18 (1) Paragraph (10) of section 6103(l) is amend-
19 ed by striking “(c), (d), or (e)” each place it appears
20 and inserting “(c), (d), (e) or (f)”.

21 (2) Paragraph (10)(A) of section 6103(l) is
22 amended by inserting “and to officers and employees
23 of the Department of Labor in connection with a re-
24 duction under subsection (f) of section 6402” after
25 the words “section 6402”.

1 (3) The heading of paragraph (10) is amended
2 by striking “subsection (c), (d), or (e) of section
3 6402” and inserting “subsection (c), (d), (e) or (f)
4 of section 6402”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) Subsection (a) of section 6402 is amended
7 by striking “(c), (d), and (e),” and inserting “(c),
8 (d), (e) and (f),”.

9 (2) Paragraph (2) of section 6402(d) is amend-
10 ed by striking “and before such overpayment is re-
11 duced pursuant to subsection (e)” and inserting
12 “and before such overpayment is reduced pursuant
13 to subsections (e) and (f)”.

14 (3) Subsection (g) of section 6402, as redesign-
15 ated by subsection (a), is amended by striking “(c),
16 (d) or (e)” and inserting “(c), (d), (e) or (f)”.

17 (4) Subsection (i) of section 6402, as redesign-
18 ated by subsection (a), is amended by striking
19 “subsection (c) or (e)” and inserting “subsection (c),
20 (e) or (f)”.

21 (d) EFFECTIVE DATE.—The amendments made by
22 this section shall be effective as to refunds payable under
23 section 6402 of the Internal Revenue Code on or after the
24 date of enactment.

1 SEC. 645. (a) The adjustment in rates of basic pay
2 for employees under the statutory pay systems that takes
3 effect in fiscal year 2005 under sections 5303 and 5304
4 of title 5, United States Code, shall be an increase of 3.5
5 percent, and this adjustment shall apply to civilian em-
6 ployees in the Department of Defense and the Department
7 of Homeland Security and such adjustments shall be effec-
8 tive as of the first day of the first applicable pay period
9 beginning on or after January 1, 2005.

10 (b) Notwithstanding section 613 of this Act, the ad-
11 justment in rates of basic pay for the statutory pay sys-
12 tems that take place in fiscal year 2005 under sections
13 5344 and 5348 of title 5, United States Code, shall be
14 no less than the percentage in paragraph (a) as employees
15 in the same location whose rates of basic pay are adjusted
16 pursuant to the statutory pay systems under section 5303
17 and 5304 of title 5, United States Code. Prevailing rate
18 employees at locations where there are no employees whose
19 pay is increased pursuant to section 5303 and 5304 of
20 title 5 and prevailing rate employees described in section
21 5343(a)(5) of title 5 shall be considered to be located in
22 the pay locality designated as “Rest of US” pursuant to
23 section 5304 of title 5 for purposes of this paragraph.

24 (c) Funds used to carry out this section shall be paid
25 from appropriations, which are made to each applicable

1 department or agency for salaries and expenses for fiscal
2 year 2005.

3 SEC. 646. (a) LIMITATION ON CONVERSION TO CON-
4 TRACTOR PERFORMANCE.—None of the funds appro-
5 priated by this Act or any other Act shall be available to
6 convert to contractor performance an activity or function
7 of an executive agency, that on or after the date of enact-
8 ment of this Act, is performed by more than 10 Federal
9 employees unless—

10 (1) the conversion is based on the result of a
11 public-private competition plan that includes a most
12 efficient and cost effective organization plan devel-
13 oped by such activity or function, in accordance with
14 Office of Management and Budget Circular A-76, as
15 implemented on May 29, 2003; and

16 (2) the Competitive Sourcing Official deter-
17 mines whether over all performance periods stated in
18 the solicitation of offers for performance of the ac-
19 tivity or function, the cost of performance of the ac-
20 tivity or function by a contractor would be less costly
21 to the executive agency by an amount that equals or
22 exceeds the lesser of—

23 (A) 10 percent of the most efficient organi-
24 zation's personnel-related costs for performance

1 of that activity or function by Federal employ-
2 ees; or

3 (B) \$10,000,000.

4 This Act may be cited as the “Transportation, Treas-
5 ury, and Independent Agencies Appropriations Act,
6 2005”.

Union Calendar No. 411

108TH CONGRESS
2^D SESSION

H.R. 5025

[Report No. 108-671]

A BILL

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

SEPTEMBER 8, 2004

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