

Union Calendar No. 341

108TH CONGRESS
2^D SESSION

H. R. 4755

[Report No. 108-577]

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 1, 2004

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

A BILL

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 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 Legislative Branch for the fiscal year ending September
6 30, 2005, and for other purposes, namely:

1 TITLE I—LEGISLATIVE BRANCH
2 APPROPRIATIONS
3 HOUSE OF REPRESENTATIVES
4 SALARIES AND EXPENSES

5 For salaries and expenses of the House of Represent-
6 atives, \$1,044,281,000, as follows:

7 HOUSE LEADERSHIP OFFICES

8 For salaries and expenses, as authorized by law,
9 \$18,678,000, including: Office of the Speaker,
10 \$2,708,000, including \$25,000 for official expenses of the
11 Speaker; Office of the Majority Floor Leader, \$2,027,000,
12 including \$10,000 for official expenses of the Majority
13 Leader; Office of the Minority Floor Leader, \$2,840,000,
14 including \$10,000 for official expenses of the Minority
15 Leader; Office of the Majority Whip, including the Chief
16 Deputy Majority Whip, \$1,741,000, including \$5,000 for
17 official expenses of the Majority Whip; Office of the Mi-
18 nority Whip, including the Chief Deputy Minority Whip,
19 \$1,303,000, including \$5,000 for official expenses of the
20 Minority Whip; Speaker's Office for Legislative Floor Ac-
21 tivities, \$470,000; Republican Steering Committee,
22 \$881,000; Republican Conference, \$1,500,000; Demo-
23 cratic Steering and Policy Committee, \$1,589,000; Demo-
24 cratic Caucus, \$792,000; nine minority employees,
25 \$1,409,000; training and program development—major-
26 ity, \$290,000; training and program development—minor-

1 ity, \$290,000; Cloakroom Personnel—majority, \$419,000;
2 and Cloakroom Personnel—minority, \$419,000.

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

6 For Members' representational allowances, including
7 Members' clerk hire, official expenses, and official mail,
8 \$521,195,000.

9 COMMITTEE EMPLOYEES

10 STANDING COMMITTEES, SPECIAL AND SELECT

11 For salaries and expenses of standing committees,
12 special and select, authorized by House resolutions,
13 \$114,299,000: *Provided*, That such amount shall remain
14 available for such salaries and expenses until December
15 31, 2006.

16 COMMITTEE ON APPROPRIATIONS

17 For salaries and expenses of the Committee on Ap-
18 propriations, \$24,926,000, including studies and examina-
19 tions of executive agencies and temporary personal serv-
20 ices for such committee, to be expended in accordance with
21 section 202(b) of the Legislative Reorganization Act of
22 1946 and to be available for reimbursement to agencies
23 for services performed: *Provided*, That such amount shall
24 remain available for such salaries and expenses until De-
25 cember 31, 2006.

1 SALARIES, OFFICERS AND EMPLOYEES

2 For compensation and expenses of officers and em-
3 ployees, as authorized by law, \$160,133,000, including:
4 for salaries and expenses of the Office of the Clerk, includ-
5 ing not more than \$13,000, of which not more than
6 \$10,000 is for the Family Room, for official representa-
7 tion and reception expenses, \$20,534,000; for salaries and
8 expenses of the Office of the Sergeant at Arms, including
9 the position of Superintendent of Garages, and including
10 not more than \$3,000 for official representation and re-
11 ception expenses, \$5,879,000; for salaries and expenses of
12 the Office of the Chief Administrative Officer,
13 \$116,034,000, of which \$7,500,000 shall remain available
14 until expended; for salaries and expenses of the Office of
15 the Inspector General, \$3,986,000; for salaries and ex-
16 penses of the Office of Emergency Planning, Preparedness
17 and Operations, \$1,000,000, to remain available until ex-
18 pended; for salaries and expenses of the Office of General
19 Counsel, \$962,000; for the Office of the Chaplain,
20 \$155,000; for salaries and expenses of the Office of the
21 Parliamentarian, including the Parliamentarian and
22 \$2,000 for preparing the Digest of Rules, \$1,673,000; for
23 salaries and expenses of the Office of the Law Revision
24 Counsel of the House, \$2,346,000; for salaries and ex-
25 penses of the Office of the Legislative Counsel of the

1 House, \$6,721,000; for salaries and expenses of the Office
2 of Interparliamentary Affairs, \$687,000; and for other au-
3 thorized employees, \$156,000.

4 ALLOWANCES AND EXPENSES

5 For allowances and expenses as authorized by House
6 resolution or law, \$205,050,000, including: supplies, mate-
7 rials, administrative costs and Federal tort claims,
8 \$4,350,000; official mail for committees, leadership of-
9 fices, and administrative offices of the House, \$410,000;
10 Government contributions for health, retirement, Social
11 Security, and other applicable employee benefits,
12 \$199,600,000; and miscellaneous items including pur-
13 chase, exchange, maintenance, repair and operation of
14 House motor vehicles, interparliamentary receptions, and
15 gratuities to heirs of deceased employees of the House,
16 \$690,000.

17 CHILD CARE CENTER

18 For salaries and expenses of the House of Represent-
19 atives Child Care Center, such amounts as are deposited
20 in the account established by section 312(d)(1) of the Leg-
21 islative Branch Appropriations Act, 1992 (2 U.S.C. 2112),
22 subject to the level specified in the budget of the Center,
23 as submitted to the Committee on Appropriations of the
24 House of Representatives.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN
3 MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE
4 USED FOR DEFICIT REDUCTION OR TO REDUCE THE
5 FEDERAL DEBT.—Notwithstanding any other provision of
6 law, any amounts appropriated under this Act for
7 “HOUSE OF REPRESENTATIVES—SALARIES AND
8 EXPENSES—MEMBERS' REPRESENTATIONAL ALLOW-
9 ANCES” shall be available only for fiscal year 2005. Any
10 amount remaining after all payments are made under such
11 allowances for fiscal year 2005 shall be deposited in the
12 Treasury and used for deficit reduction (or, if there is no
13 Federal budget deficit after all such payments have been
14 made, for reducing the Federal debt, in such manner as
15 the Secretary of the Treasury considers appropriate).

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

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

23 SEC. 102. NET EXPENSES OF TELECOMMUNI-
24 CATIONS REVOLVING FUND. (a) There is hereby estab-
25 lished in the Treasury of the United States a revolving

1 fund for the House of Representatives to be known as the
2 Net Expenses of Telecommunications Revolving Fund
3 (hereafter in this section referred to as the “Revolving
4 Fund”), consisting of funds deposited by the Chief Admin-
5 istrative Officer of the House of Representatives from
6 amounts provided by legislative branch offices to purchase,
7 lease, obtain, and maintain the data and voice tele-
8 communications services and equipment located in such
9 offices.

10 (b) Amounts in the Revolving Fund shall be used by
11 the Chief Administrative Officer without fiscal year limita-
12 tion to purchase, lease, obtain, and maintain the data and
13 voice telecommunications services and equipment of legis-
14 lative branch offices.

15 (c) The Revolving Fund shall be treated as a category
16 of allowances and expenses for purposes of section 101(a)
17 of the Legislative Branch Appropriations Act, 1993 (2
18 U.S.C. 95b(a)).

19 (d) Section 306 of the Legislative Branch Appropria-
20 tions Act, 1989 (2 U.S.C. 117f) is amended—

21 (1) by striking subsection (b) and redesignating
22 subsection (c) as subsection (b); and

23 (2) in subsection (b) (as so redesignated), by
24 striking “subsections (a) and (b)” and inserting
25 “subsection (a)”.

1 (e) Section 102 of the Legislative Branch Appropria-
2 tions Act, 2003 (2 U.S.C. 112g) is amended by adding
3 at the end the following new subsection:

4 “(e) This section shall not apply with respect to any
5 telecommunications equipment which is subject to cov-
6 erage under section 103 of the Legislative Branch Appro-
7 priations Act, 2005 (relating to the Net Expenses of Tele-
8 communications Revolving Fund).”.

9 (f) This section and the amendments made by this
10 section shall apply with respect to fiscal year 2005 and
11 each succeeding fiscal year, except that for purposes of
12 making deposits into the Revolving Fund under subsection
13 (a), the Chief Administrative Officer may deposit amounts
14 provided by legislative branch offices during fiscal year
15 2004 or any succeeding fiscal year.

16 SEC. 103. CONTRACT FOR EXERCISE FACILITY. (a)
17 IN GENERAL.—The Chief Administrative Officer of the
18 House of Representatives shall enter into a contract on
19 a competitive basis with a private entity for the manage-
20 ment, operation, and maintenance of the exercise facility
21 established for the use of employees of the House of Rep-
22 resentatives which is constructed with funds made avail-
23 able under this Act.

24 (b) USE OF FEES TO SUPPORT CONTRACT.—Any
25 amounts paid as fees for the use of the exercise facility

1 For other joint items, as follows:

2 OFFICE OF THE ATTENDING PHYSICIAN

3 For medical supplies, equipment, and contingent ex-
4 penses of the emergency rooms, and for the Attending
5 Physician and his assistants, including: (1) an allowance
6 of \$2,175 per month to the Attending Physician; (2) an
7 allowance of \$725 per month each to four medical officers
8 while on duty in the Office of the Attending Physician;
9 (3) an allowance of \$725 per month to two assistants and
10 \$580 per month each not to exceed 11 assistants on the
11 basis heretofore provided for such assistants; and (4)
12 \$1,680,000 for reimbursement to the Department of the
13 Navy for expenses incurred for staff and equipment as-
14 signed to the Office of the Attending Physician, which
15 shall be advanced and credited to the applicable appropria-
16 tion or appropriations from which such salaries, allow-
17 ances, and other expenses are payable and shall be avail-
18 able for all the purposes thereof, \$2,528,000, to be dis-
19 bursed by the Chief Administrative Officer of the House
20 of Representatives.

21 CAPITOL GUIDE SERVICE AND SPECIAL SERVICES

22 OFFICE

23 For salaries and expenses of the Capitol Guide Serv-
24 ice and Special Services Office, \$3,844,000, to be dis-
25 bursed by the Secretary of the Senate: *Provided*, That no

1 be transferred between the headings “SALARIES” and
2 “GENERAL EXPENSES” upon the approval of the Commit-
3 tees on Appropriations of the Senate and the House of
4 Representatives.

5 SEC. 1002. RELEASE OF SECURITY INFORMATION.

6 (a) AUTHORITY OF BOARD TO DETERMINE CONDITIONS
7 FOR RELEASE.—Notwithstanding any other provision of
8 law, any information in the possession of the United
9 States Capitol Police (whether developed by the Capitol
10 Police or obtained by the Capitol Police from another
11 source) that relates to actions taken by the Capitol Police
12 in response to an emergency situation, or to any other
13 counterterrorism and security preparedness measures
14 taken by the Capitol Police, may be released by the Capitol
15 Police to another entity only if the Capitol Police Board
16 determines, in consultation with other appropriate law en-
17 forcement officials and experts in security preparedness,
18 that the release of the information will not jeopardize the
19 physical security and safety of the facilities and properties
20 under the jurisdiction of the Capitol Police.

21 (b) RULE OF CONSTRUCTION REGARDING REQUESTS
22 FOR INFORMATION FROM CONGRESS.—Nothing in this
23 section may be construed to affect the ability of the House
24 of Representatives and the Senate (including any Member,
25 officer, or committee thereof) to obtain information from

1 the Capitol Police regarding the operations and activities
2 of the Capitol Police that affect the House of Representa-
3 tives and Senate.

4 (c) REGULATIONS.—The Capitol Police Board shall
5 promulgate regulations to carry out this section, with the
6 approval of the Committees on Appropriations of the
7 House of Representatives and Senate.

8 (d) EFFECTIVE DATE.—This section shall apply with
9 respect to fiscal year 2005 and each succeeding fiscal year.

10 SEC. 1003. SOLE AND EXCLUSIVE AUTHORITY OF
11 BOARD AND CHIEF TO DETERMINE RATES OF PAY. (a)
12 IN GENERAL.—The Capitol Police Board and the Chief
13 of the Capitol Police shall have the sole and exclusive au-
14 thority to determine the rates and amounts for each of
15 the following for members of the Capitol Police:

16 (1) The rate of basic pay (including the rate of
17 basic pay upon appointment), premium pay, spe-
18 cialty assignment and proficiency pay, and merit
19 pay.

20 (2) The rate of cost-of-living adjustments, com-
21 parability adjustments, and locality adjustments.

22 (3) The amount for recruitment and relocation
23 bonuses.

24 (4) The amount for retention allowances.

1 (5) The amount for educational assistance pay-
2 ments.

3 (b) NO REVIEW OR APPEAL PERMITTED.—The de-
4 termination of a rate or amount described in subsection
5 (a) may not be subject to review or appeal in any manner.

6 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion may be construed to affect—

8 (1) any authority provided under law for a com-
9 mittee of the House of Representatives or Senate, or
10 any other entity of the legislative branch, to review
11 or approve any determination of a rate or amount
12 described in subsection (a);

13 (2) any rate or amount described in subsection
14 (a) which is established under law; or

15 (3) the terms of any collective bargaining agree-
16 ment.

17 (d) EFFECTIVE DATE.—This section shall apply with
18 respect to fiscal year 2005 and each succeeding fiscal year.

19 SEC. 1004. (a) AUTHORITY TO SETTLE CLAIMS
20 UNDER FEDERAL TORT CLAIMS ACT.—For purposes of
21 section 2672 of title 28, United States Code (relating to
22 the administrative adjustment of claims), the United
23 States Capitol Police shall be considered a Federal agency
24 and the Capitol Police Board shall be considered the head
25 of the agency.

1 (b) RULES OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed—

3 (1) to affect any authority relating to the pay-
4 ment of claims under title 31, United States Code;
5 or

6 (2) to affect the payment of any award or set-
7 tlement under the Congressional Accountability Act
8 of 1995.

9 (c) EFFECTIVE DATE.—This section shall apply with
10 respect to fiscal year 2005 and each succeeding fiscal year.

11 SEC. 1005. DEPLOYMENT OUTSIDE OF JURISDIC-
12 TION. (a) REQUIREMENTS FOR PRIOR NOTICE AND AP-
13 PROVAL.—The Chief of the Capitol Police may not deploy
14 any officer outside of the areas established by law for the
15 jurisdiction of the Capitol Police unless—

16 (1) the Chief provides prior notification to the
17 Committees on Appropriations of the House of Rep-
18 resentatives and Senate of the costs anticipated to
19 be incurred with respect to the deployment; and

20 (2) the Capitol Police Board gives prior ap-
21 proval to the deployment.

22 (b) EXCEPTION FOR CERTAIN SERVICES.—Sub-
23 section (a) does not apply with respect to the deployment
24 of any officer for any of the following purposes:

1 of which \$305,000 shall remain available until September
2 30, 2006: *Provided*, That the Executive Director of the
3 Office of Compliance may, within the limits of available
4 appropriations, dispose of surplus or obsolete personal
5 property by interagency transfer, donation, or discarding.

6 ADMINISTRATIVE PROVISION

7 SEC. 1101. (a) The Executive Director of the Office
8 of Compliance may, in order to recruit or retain qualified
9 personnel, establish and maintain hereafter a program
10 under which the Office may agree to repay (by direct pay-
11 ments on behalf of the employee) all or a portion of any
12 student loan previously taken out by such employee.

13 (b) The Executive Director may, by regulation, make
14 applicable such provisions of section 5379 of title 5,
15 United States Code, as the Executive Director determines
16 necessary to provide for such program.

17 (c) The regulations shall provide the amount paid by
18 the Office may not exceed—

19 (1) \$6,000 for any employee in any calendar
20 year; or

21 (2) a total of \$40,000 in the case of any em-
22 ployee.

23 (d) The Office may not reimburse an employee for
24 any repayments made by such employee prior to the Office

1 entering into an agreement under this section with such
2 employee.

3 (e) Any amount repaid by, or recovered from, an indi-
4 vidual under this section and its implementing regulations
5 shall be credited to the appropriation account available for
6 salaries and expenses of the Office at the time of repay-
7 ment or recovery.

8 (f) This section shall apply to fiscal year 2005 and
9 each fiscal year thereafter.

10 CONGRESSIONAL BUDGET OFFICE

11 SALARIES AND EXPENSES

12 For salaries and expenses necessary for operation of
13 the Congressional Budget Office, including not more than
14 \$3,000 to be expended on the certification of the Director
15 of the Congressional Budget Office in connection with offi-
16 cial representation and reception expenses, \$34,790,000.

17 ARCHITECT OF THE CAPITOL

18 GENERAL ADMINISTRATION

19 For salaries for the Architect of the Capitol, and
20 other personal services, at rates of pay provided by law;
21 for surveys and studies in connection with activities under
22 the care of the Architect of the Capitol; for all necessary
23 expenses for the general and administrative support of the
24 operations under the Architect of the Capitol including the
25 Botanic Garden; electrical substations of the Capitol, Sen-

1 ate and House office buildings, and other facilities under
2 the jurisdiction of the Architect of the Capitol; including
3 furnishings and office equipment; including not more than
4 \$5,000 for official reception and representation expenses,
5 to be expended on the certification of the Architect of the
6 Capitol; for purchase or exchange, maintenance, and oper-
7 ation of a passenger motor vehicle, \$79,581,000, of which
8 \$1,500,000 shall remain available until September 30,
9 2009.

10 CAPITOL BUILDING

11 For all necessary expenses for the maintenance, care
12 and operation of the Capitol, \$18,185,000, of which
13 \$4,000,000 shall remain available until September 30,
14 2009.

15 CAPITOL GROUNDS

16 For all necessary expenses for care and improvement
17 of grounds surrounding the Capitol, the Senate and House
18 office buildings, and the Capitol Power Plant, \$7,033,000,
19 of which \$527,000 shall remain available until September
20 30, 2009.

21 HOUSE OFFICE BUILDINGS

22 For all necessary expenses for the maintenance, care
23 and operation of the House office buildings, \$65,130,000,
24 of which \$27,103,000 shall remain available until Sep-
25 tember 30, 2009.

CAPITOL POWER PLANT

1
2 For all necessary expenses for the maintenance, care
3 and operation of the Capitol Power Plant; lighting, heat-
4 ing, power (including the purchase of electrical energy)
5 and water and sewer services for the Capitol, Senate and
6 House office buildings, Library of Congress buildings, and
7 the grounds about the same, Botanic Garden, Senate ga-
8 rage, and air conditioning refrigeration not supplied from
9 plants in any of such buildings; heating the Government
10 Printing Office and Washington City Post Office, and
11 heating and chilled water for air conditioning for the Su-
12 preme Court Building, the Union Station complex, the
13 Thurgood Marshall Federal Judiciary Building and the
14 Folger Shakespeare Library, expenses for which shall be
15 advanced or reimbursed upon request of the Architect of
16 the Capitol and amounts so received shall be deposited
17 into the Treasury to the credit of this appropriation,
18 \$56,139,000, of which \$630,000 shall remain available
19 until September 30, 2009: *Provided*, That not more than
20 \$4,400,000 of the funds credited or to be reimbursed to
21 this appropriation as herein provided shall be available for
22 obligation during fiscal year 2005.

LIBRARY BUILDINGS AND GROUNDS

23
24 For all necessary expenses for the mechanical and
25 structural maintenance, care and operation of the Library

1 buildings and grounds, \$34,783,000, of which
2 \$18,110,000 shall remain available until September 30,
3 2009.

4 CAPITOL POLICE BUILDINGS AND GROUNDS

5 For all necessary expenses for the maintenance, care
6 and operation of buildings and grounds of the United
7 States Capitol Police, \$4,883,000.

8 BOTANIC GARDEN

9 For all necessary expenses for the maintenance, care
10 and operation of the Botanic Garden and the nurseries,
11 buildings, grounds, and collections; and purchase and ex-
12 change, maintenance, repair, and operation of a passenger
13 motor vehicle; all under the direction of the Joint Com-
14 mittee on the Library, \$5,932,000: *Provided*, That this ap-
15 propriation shall not be available for construction of the
16 National Garden.

17 MANAGEMENT AND OPERATION OF CAPITOL POWER

18 PLANT

19 SEC. 1201. (a) CONTRACT WITH PRIVATE ENTITY
20 FOR MANAGEMENT AND OPERATION OF THE CAPITOL
21 POWER PLANT.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the Committees on Appropriations of the House of
24 Representatives and Senate notify the Architect of
25 the Capitol that the Committees approve the imple-

1 mentation plan submitted under subsection (b), the
2 Architect shall enter into a contract with a private
3 entity for the management and operation of the
4 Capitol Power Plant.

5 (2) REQUIREMENTS FOR CONTRACT.—The con-
6 tract entered into under this subsection—

7 (A) shall be awarded on a competitive
8 basis;

9 (B) shall include such terms and condi-
10 tions as the Architect of the Capitol deems nec-
11 essary to ensure that the Capitol Power Plant
12 will continue to provide lighting, heating, power,
13 and air conditioning services to the United
14 States Capitol, Senate and House office build-
15 ings, the Supreme Court Building, and the
16 other facilities served by the Plant;

17 (C) shall be carried out in a manner con-
18 sistent with the implementation plan submitted
19 under subsection (b), as approved by the Com-
20 mittees on Appropriations of the House of Rep-
21 resentatives and Senate; and

22 (D) if the contract is a multiyear contract,
23 shall meet the requirements described in para-
24 graph (3).

1 (3) SPECIAL RULES FOR MULTIYEAR CON-
2 TRACT.—The Architect may enter into a contract
3 under this subsection which is a multiyear contract
4 subject to the following conditions:

5 (A) The Architect determines that—

6 (i) the need for the services provided
7 will continue over the period of the con-
8 tract;

9 (ii) the use of a multiyear contract
10 will yield substantial cost savings; and

11 (iii) the use of a multiyear contract
12 will not eliminate the ability of small busi-
13 nesses to compete for and enter into the
14 contract.

15 (B) For the first fiscal year for which the
16 contract will be in effect, there are sufficient
17 funds available for payments of the costs of the
18 contract during the year, including any termi-
19 nation and cancellation costs. Amounts avail-
20 able for paying termination and cancellation
21 costs shall remain available until the costs asso-
22 ciated with the termination and cancellation of
23 the contract are paid.

24 (C) The period covered by the contract is
25 not longer than 10 years.

1 (b) IMPLEMENTATION PLAN.—

2 (1) SUBMISSION TO COMMITTEES.—Not later
3 than 270 days after the date of the enactment of
4 this Act or 270 days after the date of the completion
5 of the West Refrigeration Plant (whichever occurs
6 later), the Architect of the Capitol shall submit to
7 the Committees on Appropriations of the House of
8 Representatives and Senate an implementation plan
9 for carrying out the requirements of this section.

10 (2) CONTENTS OF PLAN.—The implementation
11 plan shall include the following elements:

12 (A) A description of the steps the Architect
13 shall take to minimize the cost and ensure the
14 effectiveness of the operation of the Capitol
15 Power Plant.

16 (B) A description of how the Architect will
17 administer the competition for the contract en-
18 tered into under subsection (a) for the manage-
19 ment and operation of the Capitol Power Plant,
20 including the key logistic milestones that will
21 affect the competition.

22 (C) A description of the budgetary impact
23 of the contract and the proposed schedule of
24 the appropriations that will be required to cover
25 the costs of the contract.

1 (D) The actions to be taken by the Archi-
2 tect to ensure effective performance of the con-
3 tractor, including a description of the manage-
4 ment systems the Architect will use to monitor
5 and oversee the contractor's efforts, the antici-
6 pated performance standards that the con-
7 tractor will be measured against (including the
8 levels of plant capacity, efficiency of fuel and
9 deliveries of steam and chilled water, and emis-
10 sion levels) and such other standards that in
11 the Architect's judgment are needed to ensure
12 the efficient operation of the Plant.

13 (E) The steps to be taken to ensure system
14 operations and reliability by maintaining ade-
15 quate levels of facility maintenance and staff-
16 ing.

17 (F) The specifications of security measures
18 to be taken to ensure the safety and protection
19 of the Plant, including its utility distribution
20 systems, and the steps that will be taken to co-
21 ordinate these efforts with the United States
22 Capitol Police.

23 (G) The steps to be taken to continue the
24 multi-use fuel capability of the Plant.

1 (H) A description of a plan to manage the
2 transition to the contractor for the management
3 and operation of the facility, including steps to
4 be taken to mitigate the effect of the contract
5 on the Plant's existing employees.

6 (I) An analysis of the cost and feasibility
7 of incorporating a combined steam and elec-
8 trical power generation system for the Plant.

9 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion may be construed to limit the authority of the Archi-
11 tect of the Capitol to procure any services under any other
12 authority.

13 LIBRARY OF CONGRESS

14 SALARIES AND EXPENSES

15 For necessary expenses of the Library of Congress
16 not otherwise provided for, including development and
17 maintenance of the Library's catalogs; custody and custo-
18 dial care of the Library buildings; special clothing; clean-
19 ing, laundering and repair of uniforms; preservation of
20 motion pictures in the custody of the Library; operation
21 and maintenance of the American Folklife Center in the
22 Library; preparation and distribution of catalog records
23 and other publications of the Library; hire or purchase
24 of one passenger motor vehicle; and expenses of the Li-
25 brary of Congress Trust Fund Board not properly charge-

1 able to the income of any trust fund held by the Board,
2 \$373,225,000, of which not more than \$6,000,000 shall
3 be derived from collections credited to this appropriation
4 during fiscal year 2005, and shall remain available until
5 expended, under the Act of June 28, 1902 (chapter 1301;
6 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000
7 shall be derived from collections during fiscal year 2005
8 and shall remain available until expended for the develop-
9 ment and maintenance of an international legal informa-
10 tion database and activities related thereto: *Provided*,
11 That the Library of Congress may not obligate or expend
12 any funds derived from collections under the Act of June
13 28, 1902, in excess of the amount authorized for obliga-
14 tion or expenditure in appropriations Acts: *Provided fur-*
15 *ther*, That the total amount available for obligation shall
16 be reduced by the amount by which collections are less
17 than \$6,350,000: *Provided further*, That of the total
18 amount appropriated, \$12,481,000 shall remain available
19 until expended for acquisition of books, periodicals, news-
20 papers, and all other materials including subscriptions for
21 bibliographic services for the Library, including \$40,000
22 to be available solely for the purchase, when specifically
23 approved by the Librarian, of special and unique materials
24 for additions to the collections: *Provided further*, That of
25 the total amount appropriated, not more than \$12,000

1 may be expended, on the certification of the Librarian of
2 Congress, in connection with official representation and
3 reception expenses for the Overseas Field Offices: *Pro-*
4 *vided further*, That of the total amount appropriated,
5 \$250,000 shall remain available until expended, and shall
6 be transferred to the Abraham Lincoln Bicentennial Com-
7 mission for carrying out the purposes of Public Law 106-
8 173, of which \$10,000 may be used for official representa-
9 tion and reception expenses of the Abraham Lincoln Bi-
10 centennial Commission: *Provided further*, That of the total
11 amount appropriated, \$11,026,000 shall remain available
12 until expended for partial support of the National Audio-
13 Visual Conservation Center: *Provided further*, That of the
14 total amount appropriated, \$2,795,000 shall remain avail-
15 able until expended for the development and maintenance
16 of the Alternate Computer Facility.

17 COPYRIGHT OFFICE

18 SALARIES AND EXPENSES

19 For necessary expenses of the Copyright Office,
20 \$53,518,000, of which not more than \$26,981,000, to re-
21 main available until expended, shall be derived from collec-
22 tions credited to this appropriation during fiscal year 2005
23 under section 708(d) of title 17, United States Code: *Pro-*
24 *vided*, That the Copyright Office may not obligate or ex-
25 pend any funds derived from collections under such sec-

1 tion, in excess of the amount authorized for obligation or
2 expenditure in appropriations Acts: *Provided further*, That
3 not more than \$6,496,000 shall be derived from collections
4 during fiscal year 2005 under sections 111(d)(2),
5 119(b)(2), 802(h), 1005, and 1316 of such title: *Provided*
6 *further*, That the total amount available for obligation
7 shall be reduced by the amount by which collections are
8 less than \$33,477,000: *Provided further*, That not more
9 than \$100,000 of the amount appropriated is available for
10 the maintenance of an “International Copyright Institute”
11 in the Copyright Office of the Library of Congress for the
12 purpose of training nationals of developing countries in
13 intellectual property laws and policies: *Provided further*,
14 That not more than \$4,250 may be expended, on the cer-
15 tification of the Librarian of Congress, in connection with
16 official representation and reception expenses for activities
17 of the International Copyright Institute and for copyright
18 delegations, visitors, and seminars.

19 CONGRESSIONAL RESEARCH SERVICE

20 SALARIES AND EXPENSES

21 For necessary expenses to carry out the provisions
22 of section 203 of the Legislative Reorganization Act of
23 1946 (2 U.S.C. 166) and to revise and extend the Anno-
24 tated Constitution of the United States of America,
25 \$96,385,000: *Provided*, That no part of such amount may

1 be used to pay any salary or expense in connection with
2 any publication, or preparation of material therefor (ex-
3 cept the Digest of Public General Bills), to be issued by
4 the Library of Congress unless such publication has ob-
5 tained prior approval of either the Committee on House
6 Administration of the House of Representatives or the
7 Committee on Rules and Administration of the Senate.

8 BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED
9 SALARIES AND EXPENSES

10 For salaries and expenses to carry out the Act
11 of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.
12 135a), \$60,187,000, of which \$22,210,000 shall remain
13 available until expended.

14 ADMINISTRATIVE PROVISIONS

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

21 SEC. 1302. REIMBURSABLE AND REVOLVING FUND
22 ACTIVITIES. (a) IN GENERAL.—For fiscal year 2005, the
23 obligational authority of the Library of Congress for the
24 activities described in subsection (b) may not exceed
25 \$106,985,000.

1 (b) ACTIVITIES.—The activities referred to in sub-
2 section (a) are reimbursable and revolving fund activities
3 that are funded from sources other than appropriations
4 to the Library in appropriations Acts for the legislative
5 branch.

6 (c) TRANSFER OF FUNDS.—During fiscal year 2005,
7 the Librarian of Congress may temporarily transfer funds
8 appropriated in this Act, under the heading “LIBRARY
9 OF CONGRESS” under the subheading “SALARIES AND
10 EXPENSES” to the revolving fund for the FEDLINK Pro-
11 gram and the Federal Research Program established
12 under section 103 of the Library of Congress Fiscal Oper-
13 ations Improvement Act of 2000 (Public Law 106–481;
14 2 U.S.C. 182c): *Provided*, That the total amount of such
15 transfers may not exceed \$1,900,000: *Provided further*,
16 That the appropriate revolving fund account shall reim-
17 burse the Library for any amounts transferred to it before
18 the period of availability of the Library appropriation ex-
19 pires.

20 SEC. 1303. NATIONAL DIGITAL INFORMATION IN-
21 FRASTRUCTURE AND PRESERVATION PROGRAM. The first
22 proviso under the heading “LIBRARY OF CON-
23 GRESS—SALARIES AND EXPENSES” in chapter 9 of divi-
24 sion A of the Miscellaneous Appropriations Act, 2001, as
25 enacted into law by section 1(a)(4) of the Consolidated

1 Appropriations Act, 2001 (Public Law 106–554; 114 Stat.
2 2763A–194), as amended by section 1303 of the Legisla-
3 tive Branch Appropriations Act, 2003, is amended—

4 (1) by striking “other than money” and insert-
5 ing “other than money and pledges”; and

6 (2) by striking “March 31, 2005” and inserting
7 “March 31, 2010”.

8 GOVERNMENT PRINTING OFFICE

9 CONGRESSIONAL PRINTING AND BINDING

10 (INCLUDING TRANSFER OF FUNDS)

11 For authorized printing and binding for the Congress
12 and the distribution of Congressional information in any
13 format; printing and binding for the Architect of the Cap-
14 itol; expenses necessary for preparing the semimonthly
15 and session index to the Congressional Record, as author-
16 ized by law (section 902 of title 44, United States Code);
17 printing and binding of Government publications author-
18 ized by law to be distributed to Members of Congress; and
19 printing, binding, and distribution of Government publica-
20 tions authorized by law to be distributed without charge
21 to the recipient, \$88,800,000: *Provided*, That this appro-
22 priation shall not be available for paper copies of the per-
23 manent edition of the Congressional Record for individual
24 Representatives, Resident Commissioners or Delegates au-
25 thorized under section 906 of title 44, United States Code:

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

22 OFFICE OF SUPERINTENDENT OF DOCUMENTS
23 SALARIES AND EXPENSES
24 (INCLUDING TRANSFER OF FUNDS)

25 For expenses of the Office of Superintendent of Doc-
26 uments necessary to provide for the cataloging and index-

1 ing of Government publications and their distribution to
2 the public, Members of Congress, other Government agen-
3 cies, and designated depository and international exchange
4 libraries as authorized by law, \$32,524,000: Provided,
5 That amounts of not more than \$2,000,000 from current
6 year appropriations are authorized for producing and dis-
7 seminating Congressional serial sets and other related
8 publications for fiscal years 2003 and 2004 to depository
9 and other designated libraries: *Provided further*, That any
10 unobligated or unexpended balances in this account or ac-
11 counts for similar purposes for preceding fiscal years may
12 be transferred to the Government Printing Office revolv-
13 ing fund for carrying out the purposes of this heading,
14 subject to the approval of the Committees on Appropria-
15 tions of the House of Representatives and Senate.

16 GOVERNMENT PRINTING OFFICE REVOLVING FUND

17 The Government Printing Office may make such ex-
18 penditures, within the limits of funds available and in ac-
19 cord with the law, and to make such contracts and com-
20 mitments without regard to fiscal year limitations as pro-
21 vided by section 9104 of title 31, United States Code, as
22 may be necessary in carrying out the programs and pur-
23 poses set forth in the budget for the current fiscal year
24 for the Government Printing Office revolving fund: *Pro-*
25 *vided*, That not more than \$5,000 may be expended on

1 the certification of the Public Printer in connection with
2 official representation and reception expenses: *Provided*
3 *further*, That the revolving fund shall be available for the
4 hire or purchase of not more than 12 passenger motor
5 vehicles: *Provided further*, That expenditures in connection
6 with travel expenses of the advisory councils to the Public
7 Printer shall be deemed necessary to carry out the provi-
8 sions of title 44, United States Code: *Provided further*,
9 That the revolving fund shall be available for temporary
10 or intermittent services under section 3109(b) of title 5,
11 United States Code, but at rates for individuals not more
12 than the daily equivalent of the annual rate of basic pay
13 for level V of the Executive Schedule under section 5316
14 of such title: *Provided further*, That the revolving fund and
15 the funds provided under the headings “OFFICE OF SU-
16 PERINTENDENT OF DOCUMENTS” and “SALARIES AND
17 EXPENSES” together may not be available for the full-time
18 equivalent employment of more than 2,889 workyears (or
19 such other number of workyears as the Public Printer may
20 request, subject to the approval of the Committees on Ap-
21 propriations of the House of Representatives and Senate):
22 *Provided further*, That activities financed through the re-
23 volving fund may provide information in any format: *Pro-*
24 *vided further*, That not more than \$10,000 may be ex-
25 pended from the revolving fund in support of the activities

1 of the Benjamin Franklin Tercentenary Commission es-
2 tablished under the Benjamin Franklin Tercentenary
3 Commission Act (Public Law 107–202).

4 ADMINISTRATIVE PROVISION

5 SEC. 1401. DISCOUNT AUTHORITY OF SUPER-
6 INTENDENT OF DOCUMENTS. Section 1708 of title 44,
7 United States Code, is amended by striking “of not to ex-
8 ceed 25 percent may be allowed to book dealers and quan-
9 tity purchasers” and inserting “may be allowed as deter-
10 mined by the Superintendent of Documents”.

11 GENERAL ACCOUNTING OFFICE

12 SALARIES AND EXPENSES

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

1 Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under
2 regulations prescribed by the Comptroller General of the
3 United States, rental of living quarters in foreign coun-
4 tries, \$473,500,000: *Provided*, That not more than
5 \$5,000,000 of payments received under section 782 of title
6 31, United States Code, shall be available for use in fiscal
7 year 2005: *Provided further*, That not more than
8 \$2,500,000 of reimbursements received under section
9 9105 of title 31, United States Code, shall be available
10 for use in fiscal year 2005: *Provided further*, That this
11 appropriation and appropriations for administrative ex-
12 penses of any other department or agency which is a mem-
13 ber of the National Intergovernmental Audit Forum or a
14 Regional Intergovernmental Audit Forum shall be avail-
15 able to finance an appropriate share of either Forum's
16 costs as determined by the respective Forum, including
17 necessary travel expenses of non-Federal participants:
18 *Provided further*, That payments hereunder to the Forum
19 may be credited as reimbursements to any appropriation
20 from which costs involved are initially financed: *Provided*
21 *further*, That this appropriation and appropriations for ad-
22 ministrative expenses of any other department or agency
23 which is a member of the American Consortium on Inter-
24 national Public Administration (ACIPA) shall be available
25 to finance an appropriate share of ACIPA costs as deter-

1 mined by the ACIPA, including any expenses attributable
2 to membership of ACIPA in the International Institute of
3 Administrative Sciences.

4 PAYMENT TO THE OPEN WORLD LEADERSHIP
5 CENTER TRUST FUND

6 For a payment to the Open World Leadership Center
7 Trust Fund for financing activities of the Open World
8 Leadership Center, \$6,750,000.

9 TITLE II—GENERAL PROVISIONS

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

18 SEC. 202. FISCAL YEAR LIMITATION. No part of the
19 funds appropriated in this Act shall remain available for
20 obligation beyond fiscal year 2005 unless expressly so pro-
21 vided in this Act.

22 SEC. 203. RATES OF COMPENSATION AND DESIGNA-
23 TION. Whenever in this Act any office or position not spe-
24 cifically established by the Legislative Pay Act of 1929
25 (46 Stat. 32 et seq.) is appropriated for or the rate of

1 compensation or designation of any office or position ap-
2 propriated for is different from that specifically estab-
3 lished by such Act, the rate of compensation and the des-
4 ignation in this Act shall be the permanent law with re-
5 spect thereto: *Provided*, That the provisions in this Act
6 for the various items of official expenses of Members, offi-
7 cers, and committees of the Senate and House of Rep-
8 resentatives, and clerk hire for Senators and Members of
9 the House of Representatives shall be the permanent law
10 with respect thereto.

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

19 SEC. 205. AWARDS AND SETTLEMENTS. Such sums
20 as may be necessary are appropriated to the account de-
21 scribed in subsection (a) of section 415 of the Congres-
22 sional Accountability Act of 1995 (2 U.S.C. 1415(a)) to
23 pay awards and settlements as authorized under such sub-
24 section.

1 SEC. 206. COSTS OF LBFMC. Amounts available for
2 administrative expenses of any legislative branch entity
3 which participates in the Legislative Branch Financial
4 Managers Council (LBFMC) established by charter on
5 March 26, 1996, shall be available to finance an appro-
6 priate share of LBFMC costs as determined by the
7 LBFMC, except that the total LBFMC costs to be shared
8 among all participating legislative branch entities (in such
9 allocations among the entities as the entities may deter-
10 mine) may not exceed \$2,000.

11 SEC. 207. LANDSCAPE MAINTENANCE. The Architect
12 of the Capitol, in consultation with the District of Colum-
13 bia, is authorized to maintain and improve the landscape
14 features, excluding streets and sidewalks, in the irregular
15 shaped grassy areas bounded by Washington Avenue, SW
16 on the northeast, Second Street SW on the west, Square
17 582 on the south, and the beginning of the I-395 tunnel
18 on the southeast.

19 SEC. 208. TRANSFER OF FUNDS. None of the funds
20 made available in this Act may be transferred to any de-
21 partment, agency, or instrumentality of the United States
22 Government, except pursuant to a transfer made by, or
23 transfer authority provided in, this Act or any other ap-
24 propriation Act.

1 SEC. 209. eTRAVEL SERVICE. Notwithstanding any
2 other provision of law, no entity within the legislative
3 branch shall be required to use the eTravel Service estab-
4 lished by the Administrator of General Services for official
5 travel by officers or employees of the entity during fiscal
6 year 2005 or any succeeding fiscal year.

7 SEC. 210. VOLUNTARY SEPARATION INCENTIVE PAY-
8 MENTS. (a) AUTHORITY TO OFFER PAYMENTS.—Notwith-
9 standing any other provision of law, the head of any office
10 in the legislative branch may establish a program under
11 which voluntary separation incentive payments may be of-
12 fered to eligible employees of the office to encourage such
13 employees to separate from service voluntarily (whether by
14 retirement or resignation), in accordance with this section.

15 (b) AMOUNT AND ADMINISTRATION OF PAYMENTS.—
16 A voluntary separation incentive payment made under this
17 section—

18 (1) shall be paid in a lump sum after the em-
19 ployee's separation;

20 (2) shall be equal to the lesser of—

21 (A) an amount equal to the amount the
22 employee would be entitled to receive under sec-
23 tion 5595(c) of title 5, United States Code, if
24 the employee were entitled to payment under

1 such section (without adjustment for any pre-
2 vious payment made); or

3 (B) an amount determined by the head of
4 the office involved, not to exceed \$25,000;

5 (3) may be made only in the case of an em-
6 ployee who voluntarily separates (whether by retire-
7 ment or resignation) under this section;

8 (4) shall not be a basis for payment, and shall
9 not be included in the computation, of any other
10 type of Government benefit;

11 (5) shall not be taken into account in deter-
12 mining the amount of any severance pay to which
13 the employee may be entitled under section 5595 of
14 title 5, United States Code, based on any other sepa-
15 ration; and

16 (6) shall be paid from appropriations or funds
17 available for the payment of the basic pay of the em-
18 ployee.

19 (c) PLAN.—

20 (1) PLAN REQUIRED FOR MAKING PAYMENTS.—

21 No voluntary separation incentive payment may be
22 paid under this section with respect to an office un-
23 less the head of the office submits a plan described
24 in paragraph (2) to each applicable Committee de-

1 scribed in paragraph (3), and each applicable Com-
2 mittee approves the plan.

3 (2) CONTENTS OF PLAN.—A plan described in
4 this paragraph with respect to an office is a plan
5 containing the following information:

6 (A) The specific positions and functions to
7 be reduced or eliminated.

8 (B) A description of which categories of
9 employees will be offered incentives.

10 (C) The time period during which incen-
11 tives may be paid.

12 (D) The number and amounts of voluntary
13 separation incentive payments to be offered.

14 (E) A description of how the office will op-
15 erate without the eliminated positions and func-
16 tions.

17 (3) APPLICABLE COMMITTEE.—For purposes of
18 this subsection, the “applicable Committee” with re-
19 spect to an office means—

20 (A) in the case of an office of the House
21 of Representatives, the Committee on House
22 Administration of the House of Representatives;
23 and

24 (B) in the case of any other office, the
25 Committee on House Administration of the

1 House of Representatives and the Committee
2 on Rules and Administration of the Senate.

3 (d) EXCLUSION OF CERTAIN OFFICES.—This section
4 shall not apply—

5 (1) to any office of the Senate or to any em-
6 ployee of such an office; or

7 (2) to any office which is an Executive agency
8 under section 105 of title 5, United States Code, or
9 any employee of such an office.

10 (e) ELIGIBLE EMPLOYEE DEFINED.—

11 (1) IN GENERAL.—In this section, an “eligible
12 employee” is an employee (as defined in section
13 2105, United States Code) or a Congressional em-
14 ployee (as defined in section 2107, United States
15 Code) who—

16 (A) is serving under an appointment with-
17 out time limitation; and

18 (B) has been currently employed for a con-
19 tinuous period of at least 3 years.

20 (2) EXCLUSIONS.—An “eligible employee” does
21 not include any of the following:

22 (A) A reemployed annuitant under sub-
23 chapter III of chapter 83 or 84 of title 5,
24 United States Code, or another retirement sys-
25 tem for employees of the Government.

1 (B) An employee having a disability on the
2 basis of which such employee is or would be eli-
3 gible for disability retirement under subchapter
4 III of chapter 83 or 84 of title 5, United States
5 Code, or another retirement system for employ-
6 ees of the Government.

7 (C) An employee who is in receipt of a de-
8 cision notice of involuntary separation for mis-
9 conduct or unacceptable performance.

10 (D) An employee who has previously re-
11 ceived any voluntary separation incentive pay-
12 ment from the Federal Government under this
13 section or any other authority.

14 (E) An employee covered by statutory re-
15 employment rights who is on transfer employ-
16 ment with another organization.

17 (F) Any employee who—

18 (i) during the 36-month period pre-
19 ceding the date of separation of that em-
20 ployee, performed service for which a stu-
21 dent loan repayment benefit was or is to be
22 paid under section 5379 of title 5, United
23 States Code, or any other authority;

24 (ii) during the 24-month period pre-
25 ceding the date of separation of that em-

1 employee, performed service for which a re-
2 recruitment or relocation bonus was or is to
3 be paid under section 5753 of such title or
4 any other authority; or

5 (iii) during the 12-month period pre-
6 ceding the date of separation of that em-
7 ployee, performed service for which a re-
8 tention bonus was or is to be paid under
9 section 5754 of such title or any other au-
10 thority.

11 (f) REPAYMENT FOR INDIVIDUALS RETURNING TO
12 GOVERNMENT EMPLOYMENT.—

13 (1) IN GENERAL.—Subject to paragraph (2), an
14 employee who has received a voluntary separation in-
15 centive payment under this section and accepts em-
16 ployment with the Government of the United States
17 within 5 years after the date of the separation on
18 which the payment is based shall be required to
19 repay the entire amount of the incentive payment to
20 the office that paid the incentive payment.

21 (2) WAIVER FOR INDIVIDUALS POSSESSING
22 UNIQUE ABILITIES.—(A) If the employment is with
23 an Executive agency (as defined by section 105 of
24 title 5, United States Code), the Director of the Of-
25 fice of Personnel Management may, at the request

1 of the head of the agency, waive the repayment re-
2 quired under this subsection if the individual in-
3 volved possesses unique abilities and is the only
4 qualified applicant available for the position.

5 (B) If the employment is with an entity in the
6 legislative branch, the head of the entity or the ap-
7 pointing official may waive the repayment required
8 under this subsection if the individual involved pos-
9 sesses unique abilities and is the only qualified appli-
10 cant available for the position.

11 (C) If the employment is with the judicial
12 branch, the Director of the Administrative Office of
13 the United States Courts may waive the repayment
14 required under this subsection if the individual in-
15 volved possesses unique abilities and is the only
16 qualified applicant available for the position.

17 (3) TREATMENT OF PERSONAL SERVICES CON-
18 TRACTS.—For purposes of paragraph (1) (but not
19 paragraph (2)), the term “employment” includes
20 employment under a personal services contract with
21 the United States.

22 (g) EFFECTIVE DATE.—This section shall take effect
23 July 1, 2005, and shall apply with respect to fiscal year
24 2005 and each succeeding fiscal year.

1 SEC. 211. COMPENSATION LIMITATION. None of the
2 funds contained in this Act or any other Act may be used
3 to pay the salary of any officer or employee of the legisla-
4 tive branch during fiscal year 2005 or any succeeding fis-
5 cal year to the extent that the aggregate amount of com-
6 pensation paid to the employee during the year (including
7 base salary, performance awards and other bonus pay-
8 ments, and incentive payments, but excluding the value
9 of any in-kind benefits and payments) exceeds the annual
10 rate of pay for a Member of the House of Representatives
11 or a Senator.

12 SEC. 212. CAPITOL GROUNDS ENCLOSURE. None of
13 the funds contained in this Act may be used to study, de-
14 sign, plan, or otherwise further the construction or consid-
15 eration of a fence to enclose the perimeter of the grounds
16 of the United States Capitol.

17 This Act may be cited as the “Legislative Branch Ap-
18 propriations Act, 2005”.

Union Calendar No. 341

108TH CONGRESS
2^D SESSION

H. R. 4755

[Report No. 108-577]

A BILL

Making appropriations for the Legislative Branch
for the fiscal year ending September 30, 2005,
and for other purposes.

JULY 1, 2004

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