In the Senate of the United States,
October 20, 2005.

Resolved, That the bill from the House of Representa-
tives (H.R. 3058) entitled “An Act making appropriations for
the Departments of Transportation, Treasury, and Housing
and Urban Development, the Judiciary, District of Columbia,
and independent agencies for the fiscal year ending Sep-
tember 30, 2006, and for other purposes.”, do pass with the
following

AMENDMENT:

Strike out all after the enacting clause and insert:

DIVISION A—TRANSPORTATION, TREASURY, THE
JUDICIARY, HOUSING AND URBAN DEVELOP-
MENT, AND RELATED AGENCIES APPROPRIA-
TIONS ACT, 2006

That the following sums are appropriated, out of any
money in the Treasury not otherwise appropriated, for the
Departments of Transportation, Treasury, the Judiciary,
and Housing and Urban Development, and related agencies
for the fiscal year ending September 30, 2006, and for other
purposes, namely:
TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $86,000,000, of which not to exceed $2,198,000 shall be available for the immediate Office of the Secretary; not to exceed $698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,183,000 shall be available for the Office of the General Counsel; not to exceed $12,650,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $8,585,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,293,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $22,031,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,910,000 shall be available for the Office of Public Affairs; not to exceed $1,442,000 shall be available for the Office of the Executive Secretariat; not to exceed $697,000 shall be available for the Board of Contract Appeals; not to exceed $2,033,000 for the Office of Intelligence and Security; not to exceed $11,895,000 shall be available for the Office of the Chief Information Officer;
and not to exceed $3,120,000 shall be available for the Office of Emergency Transportation: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds made available in this Act may be used to enforce the restriction in section 29(a) of the International Air Transportation Competition Act of 1979 against the operation of flights between Love Field, Texas, and one or more points within the State of Missouri: Provided further, That the Secretary of Transportation shall amend each air carrier’s certificate of public convenience and necessity to authorize the carrier operations consistent with the limitations of the
preceding proviso: Provided further, That the Secretary of Transportation, in consultation with the Secretary of Health and Human Services and the Administrator of the Federal Aviation Administration, not later than 60 days after the date of enactment of this Act, shall establish procedures with airport directors located at United States airports that have incoming flights from any country that has had cases of avian flu and with air carriers that provide such flights to deal with situations where a passenger on one of the flights has symptoms of avian flu.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,550,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $15,000,000, of which $2,000,000 may be made available to provide a grant to the Louisiana Department of Transportation and Development to establish a program under which the Louisiana Department of Transportation and Development shall provide grants to parish and municipal governments in the State of Louisiana that experience a significant spike in population because of an unexpected influx of hurricane evacuees, as determined by the Lou-
isiana Department of Transportation and Development, to quickly implement smart and innovative plans to alleviate traffic congestion and to address increased transportation demands in the affected communities.

**WORKING CAPITAL FUND**

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $120,014,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

**MINORITY BUSINESS RESOURCE CENTER PROGRAM**

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in sec-
tion 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2007: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $60,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended.

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation’s new headquarters building and related services, $50,000,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations
and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,026,000,000, of which $5,686,500,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,627,010,000 shall be available for air traffic organization activities; not to exceed $956,242,000 shall be available for aviation regulation and certification activities; not to exceed $11,759,000 shall be available for commercial space transportation activities; not to exceed $50,983,000 shall be available for financial services activities; not to exceed $69,943,000 shall be available for human resources program activities; not to exceed $150,744,000 shall be available for region and center operations and regional coordination activities; not to exceed $141,909,000 shall be available for staff offices; and not to exceed $36,112,000 shall be available for information services: Provided, That not to exceed 2 percent of any budget activity, except for aviation regulation and certification budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may

† HR 3058 EAS
increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 710 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $7,500,000 shall be for the contract tower cost-sharing program: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Pro-
vided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: Provided further, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card. In addition, $150,000,000 is for costs associated with the flight service station transition.

FACILITIES AND EQUIPMENT
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States
Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $2,448,000,000, of which $2,024,579,000 shall remain available until September 30, 2008, and of which $423,421,000 shall remain available until September 30, 2006: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2007 President’s budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2007 through 2011, with total funding for each year of the plan constrained to the funding targets for those
years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $134,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2008: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and
systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,390,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,500,000,000 in fiscal year 2006, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, not more than $71,096,000 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be available to carry out the Small Community Air Service Development Program, to remain available until expended: Provided further, That not later than December 31, 2015, the owner or operator of an airport certificated under 49 U.S.C. 44706 shall improve the airport’s runway safety areas to comply with the
Federal Aviation Administration design standards required by 14 CFR part 139: Provided further, That the Federal Aviation Administration shall report annually to the Congress on the agency’s progress toward improving the runway safety areas at 49 U.S.C. 44706 airports.

GRANTS-IN-AID FOR AIRPORTS
(AIRPORT AND AIRWAY TRUST FUND)
(RESCISSION OF CONTRACT AUTHORIZATION)

Of the amounts authorized for the fiscal year ending September 30, 2006 and prior years under sections 48103 and 48112 of title 49, United States Code, $1,174,000,000 are rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: Provided, That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.
Sec. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2006.

Sec. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on “below-market” rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

Sec. 104. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2006, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may
be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

Sec. 105. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

Sec. 106. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking “2005,” each place it appears and inserting “2006,”.

(b) Section 44303(b) of such title is amended by striking “2005,” and inserting “2006,”.

(c) Section 47114(c)(1)(F) of title 49, United States Code, is amended by striking “and 2005” each place it appears in the text and in the heading and inserting “, 2005, and 2006”.

Sec. 107. Notwithstanding any provision of law, the Secretary of Transportation is authorized and directed to make project grants under chapter 471 of title 49, United States Code, from funds available for fiscal year 2006 and thereafter under 49 U.S.C. 48103, for the cost of acquisition of land, or reimbursement of the cost of land if purchased prior to enactment of this provision and prior to a grant agreement, for non-exclusive use aeronautical purposes on an airport layout plan that has been approved by the Secretary on January 23, 2004, pursuant to section 49 U.S.C.
47107(a)(16), for any small hub airport as defined in 49 U.S.C. 47102, and had scheduled or chartered direct international flights totaling at least 200 million pounds gross aircraft landed weight for calendar year 2002.

Sec. 108. (a) Section 47108 of title 49, United States Code, is amended in subsection (e) by adding the following new paragraph at the end:

“(3) Changes to Nonhub Primary Status.— If the status of a nonhub primary airport changes to a small hub primary airport at a time when the airport has received discretionary funds under this chapter for a terminal development project in accordance with section 47110(d)(2), and the project is not yet completed, the project shall remain eligible for funding from the discretionary fund and the small airport fund to pay costs allowable under section 47110(d). Such project shall remain eligible for such funds for three fiscal years after the start of construction of the project, or if the Secretary determines that a further extension of eligibility is justified, until the project is completed.”.

(b) Conforming Amendment.—Section 47110(d)(2)(A) is amended by striking “(A) the” and inserting “(A) except as provided in section 47108(e)(3), the”.
Sec. 109. None of the funds appropriated or otherwise made available in this Act may be used by the Federal Aviation Administration for ARAC consolidation of Fort Sill, Oklahoma into OKC TRACON: Provided, That $3,000,000 of the fund appropriated under the heading “FACILITIES AND EQUIPMENT” shall be available for ARAC operation and maintenance at Fort Sill, Oklahoma.

Sec. 110. Section 40128(e) of title 49, United States Code, is amended by adding at the end the following: “For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.”. Nothing in this provision shall allow exemption from overflight rules for the Grand Canyon.

Sec. 111. Extension of Requirement for Air Carriers To Honor Tickets for Suspended Air Passenger Service.

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note) is amended by striking “November 19, 2005.” and inserting “November 30, 2006.”.

Sec. 112. (a)(1) This section shall apply to an employee of the Federal Aviation Administration, who—

(A) would be involuntarily separated as a result of the reorganization of the Flight Services Unit fol-
owing the outsourcing of flight service duties to a contractor;

(B) was not eligible by October 3, 2005 for an immediate annuity under a Federal retirement system; and

(C) assuming continued Federal employment, would attain eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code, not later than October 4, 2007.

(2) Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending October 4, 2007, an employee described under paragraph (1) may, with the approval of the Administrator of the Federal Aviation Administration or the designee of the Administrator, accept an assignment to such contractor within 14 days after the date of enactment of this section.

(3) Except as provided in subsection (c), an employee appointed under paragraph (1)—

(A) shall be a temporary Federal employee for the duration of the assignment;

(B) notwithstanding such temporary status, shall retain previous enrollment or participation in Federal employee benefits programs under chapters 83, 84, 87, and 89 of title 5, United States Code; and
(C) shall be considered to have not had a break in service for purposes of chapters 83, 84, and sections 8706(b) and 8905(b) of title 5, United States Code, except no service credit or benefits shall be extended retroactively.

(4) An assignment and temporary appointment under this section shall terminate on the earlier of—

(A) October 4, 2007; or

(B) the date on which the employee first becomes eligibility for an immediate annuity under section 8336(d) or 8414(b) of title 5, United States Code.

(5) Such funds as may be necessary are authorized for the Federal Aviation Administration to pay the salary and benefits of an employee assigned under this section, but no funds are authorized to reimburse the employing contractor for the salary and benefits of an employee so assigned.

(b) An employee who is being involuntarily separated as a result of the reorganization of the Flight Services Unit following the outsourcing of flight service duties to a contractor, and is eligible to use annual leave under the conditions of section 6302(g) of title 5, United States Code, may use such leave to—

(1) qualify for an immediate annuity or to meet the age or service requirements for an enhanced annu-
ity that the employee could qualify for under sections 8336, 8412, or 8414; or

(2) to meet the requirements under section 8905(b) of title 5, United States Code, to qualify to continue health benefits coverage after retirement from service.

(c)(1) Nothing in this section shall—

(A) affect the validity or legality of the reduction-in-force actions of the Federal Aviation Administration effective October 3, 2005; or

(B) create any individual rights of actions regarding such reduction-in-force or any other actions related to or arising under the competitive sourcing of flight services.

(2) An employee subject to this section shall not be—

(A) covered by chapter 71 of title 5, United States Code, while on the assignment authorized by this section; or

(B) subject to section 208 of title 18, United States Code.

(3) Temporary employees assigned under this section shall not be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly referred to as the Federal Tort Claims Act). Chapter 171 of title 28, United States Code (commonly referred to as the Federal
Tort Claims Act) and any other Federal tort liability statute shall not apply to an employee who is assigned to a contractor under subsection (a).

SEC. 113. (a) In this section:


(2) The term “County” means Clark County, Nevada.

(3)(A) The term “helicopter tour” means a commercial helicopter tour operated for profit.

(B) The term “helicopter tour” does not include a helicopter tour that is carried out to assist a Federal, State, or local agency.

(4) The term “Secretary” means the Secretary of the Interior.


(b) As soon as practicable after the date of enactment of this Act, the Secretary shall convey to the County, subject
to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) The parcel of land to be conveyed under subsection (b) is the parcel of approximately 229 acres of land depicted as tract A on the map entitled “Clark County Public Heliport Facility” and dated May 3, 2004.

(d)(1) The parcel of land conveyed under subsection (b)—

(A) shall be used by the County for the operation of a heliport facility under the conditions stated in paragraphs (2), (3), and (4); and

(B) shall not be disposed of by the County.

(2)(A) Any operator of a helicopter tour originating from or concluding at the parcel of land described in subsection (c) shall pay to the Clark County Department of Aviation a $3 conservation fee for each passenger on the helicopter tour if any portion of the helicopter tour occurs over the Conservation Area.

(B)(i) Not earlier than 10 years after the date of enactment of this Act and every 10 years thereafter, the Secretary shall conduct a review to determine whether to raise the amount of the conservation fee.

(ii) After conducting a review under clause (i) and providing an opportunity for public comment, the Sec-
retary may raise the amount of the conservation fee in an
amount determined to be appropriate by the Secretary, but
by not more than 50 percent of the amount of the conserva-
tion fee in effect on the day before the date of the increase.

(3)(A) The amounts collected under paragraph (2)
shall be deposited in a special account in the Treasury of
the United States.

(B) Of the amounts deposited under subparagraph
(A)—

(i) 2/3 of the amounts shall be available to the
Secretary, without further appropriation, for the
management of cultural, wildlife, and wilderness re-
sources on public land in the State of Nevada; and
(ii) 1/3 of the amounts shall be available to the
Director of the Bureau of Land Management, without
further appropriation, for the conduct of Bureau of
Land Management operations for the Conservation
Area and the Red Rock Canyon National Conserva-
tion Area.

(4)(A) Except for safety reasons, any helicopter tour
originating or concluding at the parcel of land described
in subsection (c) that flies over the Conservation Area shall
not fly—

(i) over any area in the Conservation Area ex-
cept the area that is between 3 and 5 miles north of
the latitude of the southernmost boundary of the Conservation Area;

(ii) lower than 1,000 feet over the eastern segments of the boundary of the Conservation Area; or

(iii) lower than 500 feet over the western segments of the boundary of the Conservation Area.

(B) The Administrator of the Federal Aviation Administration shall establish a special flight rules area and any operating procedures that the Administrator determines to be necessary to implement subparagraph (A).

(5) If the County ceases to use any of the land described in subsection (c) for the purpose described in paragraph (1)(A) and under the conditions stated in paragraph (2)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) the County shall be responsible for any reclamation necessary to revert the parcel to the United States.

(e) The Secretary shall require, as a condition of the conveyance under subsection (b), that the County pay the administrative costs of the conveyance, including survey costs and any other costs associated with the transfer of title.
Federal Highway Administration

Limitation on Administrative Expenses

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $364,638,000, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

Federal-aid Highways

(Limitation on Obligations)

(Highway Trust Fund)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,194,259,000 for Federal-aid highways and highway safety construction programs for fiscal year 2006: Provided, That within the $40,194,259,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $408,491,420 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2005: Provided further, That this limitation on transportation research programs shall not
apply to any authority previously made available for obligation.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $40,194,259,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

FEDERAL-AID HIGHWAYS

HIGHWAY TRUST FUND

(RESCISION)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $2,300,000,000 are rescinded: Provided, That such rescission shall not apply to the funds distributed in accordance with 23 U.S.C. 133(d)(1) and the first sentence of 23 U.S.C. 133(d)(3)(A) or to the funds apportioned to the program authorized under section 163 of title 23, United States Code.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for the Appalachian Development Highway System as authorized under section 1069(y)
of Public Law 102–240, as amended, $80,000,000, to re-
main available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY
ADMINISTRATION

SEC. 120. (a) For fiscal year 2006, the Secretary of
Transportation shall—

(1) not distribute from the obligation limitation
for Federal-aid highways amounts authorized for ad-
ministrative expenses and programs funded from the
administrative takedown authorized by section
104(a)(1)(A) of title 23, United States Code, for the
highway use tax evasion program, and for the Bureau
of Transportation Statistics;

(2) not distribute an amount from the obligation
limitation for Federal-aid highways that is equal to
the unobligated balance of amounts made available
from the Highway Trust Fund (other than the Mass
Transit Account) for Federal-aid highways and high-
way safety programs for the prior fiscal years the
funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid
highways less the aggregate of amounts not dis-
tributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be
appropriated for Federal-aid highways and high-
way safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965 and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of
the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

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

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

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.
(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year); and (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution
of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program
under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

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

Sec. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be
subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. Bypass Bridge at Hoover Dam. (a) In General.—Subject to subsection (b), the Secretary of Transportation may expend from any funds appropriated for expenditure in accordance with title 23, United States Code, for payment of debt service by the States of Arizona and Nevada on notes issued for the bypass bridge project at Hoover Dam, pending appropriation or replenishment for that project.

(b) Reimbursement.—Funds expended under subsection (a) shall be reimbursed from the funds made available to the States of Arizona and Nevada for payment of debt service on notes issued for the bypass bridge project at Hoover Dam.

SEC. 123. None of the funds made available in this Act shall be available for the development or dissemination by the Federal Highway Administration of any version of a programmatic agreement which regards the Dwight D. Eisenhower National System of Interstate and Defense Highways as eligible for inclusion on the National Register of Historic Places.

SEC. 124. Bus Axle Weight Exemption. Section 1023 of the Intermodal Surface Transportation Efficiency
Act of 1991 (23 U.S.C. 127 note; 105 Stat. 1951) is amended by striking subsection (h) and inserting the following:

“(h) OVER-THE-ROAD BUS AND PUBLIC TRANSIT VEHICLE EXEMPTION.—

“(1) IN GENERAL.—The second sentence of section 127 of title 23, United States Code (relating to axle weight limitations for vehicles using the Dwight D. Eisenhower System of Interstate and Defense Highways), shall not apply to—

“(A) any over-the-road bus (as defined in section 301 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12181)); or

“(B) any vehicle that is regularly and exclusively used as an intrastate public agency transit passenger bus.

“(2) STATE ACTION.—No State or political subdivision of a State, or any political authority of 2 or more States, shall impose any axle weight limitation on any vehicle described in paragraph (1) in any case in which such a vehicle is using the Dwight D. Eisenhower System of Interstate and Defense Highways.”.

SEC. 125. Notwithstanding any other provision of law, access to the I–5 “Transit Only” ramps at NE 163rd in Shoreline, Washington shall be expanded to include King County Solid Waste Division transfer vehicles upon
the determination of the Federal Highway Administrator that necessary safety improvements have been completed.

Federal Motor Carrier Safety Administration

Motor Carrier Safety Operations and Programs

(Liquidation of Contract Authorization)

(Limitation on Obligations)

(Highway Trust Fund)

For payment of obligations incurred in the implementation, execution and administration of the motor carrier safety program, motor carrier safety research, motor carrier outreach and education, $211,400,000, to be derived from the Highway Trust Fund, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds under this heading shall be available for the implementation, execution or administration of programs the obligations for which are in excess of $211,400,000, for “Motor Carrier Safety Operations and Programs”, of which $9,600,000, to remain available until September 30, 2009, is for the research and technology program; and of which up to $6,800,000 shall be available to make grants to, or enter into contracts with, States, local government, or other persons for the commercial vehicle analysis reporting system, and the Federal share payable under such grants shall be 100 percent.
MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out sections 31102, 31106, and 31309 of title 23, United States Code, $278,620,000 to be derived from the Highway Trust Fund and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $278,620,000 for “Motor Carrier Safety Grants”, of which $193,620,000 shall be available for Motor Carrier Safety Assistance Program grants to States; of which $33,000,000 shall be available for Border Enforcement grants to States; $4,000,000 shall be available for Performance and Registration Information System Management grants to States; $23,000,000 shall be available for the Commercial Driver’s License and Driver Improvement Program grants to States; and $25,000,000 shall be available for Commercial Vehicle Information Systems and Networks grants to States: Provided further, That for grants made to States for implementation of section 210 of the Motor Carrier Safety Improvement Act of 1999 (113 Stat. 1764–1765), and for grants to States, local governments, or other entities for commercial driver’s license pro-

† HR 3058 EAS
gram improvements, the Federal share payable under such
grants shall be 100 percent: Provided further, That from
amounts provided under this heading for grants to States
or local governments for audits of new entrant motor car-
riers, the Secretary of Transportation may withhold such
funds from a State or local government that is unable to
use government employees to conduct new entrant motor
carrier audits and may transfer such funds to “Motor Car-
rier Safety Operations and Programs” to conduct audits
in those jurisdictions.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER
SAFETY ADMINISTRATION

Sec. 130. Funds appropriated or limited in this Act
shall be subject to the terms and conditions stipulated in
section 350 of Public Law 107–87, including that the Sec-
retary submit a report to the House and Senate Appropria-
tions Committees annually on the safety and security of
transportation into the United States by Mexico-domiciled
motor carriers.

Sec. 131. None of the funds appropriated or otherwise
made available by this Act may be used to implement or
enforce any provisions of the Final Rule, issued on April
16, 2003 (Docket No. FMCSA–97–2350), with respect to ei-
ther of the following:
(1) The operators of utility service vehicles, as that term is defined in section 395.2 of title 49, Code of Federal Regulations.

(2) Maximum daily hours of service for drivers engaged in the transportation of property or passengers to or from a motion picture or television production site located within a 100-air mile radius of the work reporting location of such drivers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, 49 U.S.C. 301, and part C of subtitle VI of 49 U.S.C., $226,688,000, to be derived from the Highway Trust Fund: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $226,688,000 for programs authorized under such sections: Provided further, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards
(treadwear, traction, and temperature resistance) already in effect.

NATIONAL DRIVER REGISTER
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund and remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $4,000,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS
(LIQUIDATION OF CONTRACT AUTHORIZATION)
(LIMITATION ON OBLIGATIONS)
(HIGHWAY TRUST FUND)

for office furnishings and fixtures for State, local or private
buildings or structures: Provided further, That not to exceed
$500,000 of the funds made available for section 410 “Alco-
hol-Impaired Driving Countermeasures Grants” shall be
available for technical assistance to the States.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY
TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law,
States may use funds provided in this Act under section
402 of title 23, United States Code, to produce and place
highway safety public service messages in television, radio,
cinema, and print media, and on the Internet in accord-
ance with guidance issued by the Secretary of Transpor-
tation: Provided, That any State that uses funds for such
public service messages shall submit to the Secretary a re-
port describing and assessing the effectiveness of the mes-
sages: Provided further, That $1,000,000 of the funds allo-
cated under section 157 of title 23, United States Code, shall
be used as directed by the National Highway Traffic Safety
Administrator to purchase national paid advertising (in-
cluding production and placement) to support national
safety belt mobilizations: Provided further, That, of the
funds allocated under section 163 of title 23, United States
Code, $6,000,000 shall be used as directed by the Adminis-
trator to support national impaired driving mobilizations
and enforcement efforts, and $14,000,000 shall be used as
directed by the Administrator to purchase national paid
advertising (including production and placement) to sup-
port such national impaired driving mobilizations and en-
forcement efforts.

SEC. 141. Notwithstanding any other provision of law,
for fiscal year 2006 the Secretary of Transportation is au-
thorized to use amounts made available to carry out section
157 of title 23, United States Code, to make innovative
project allocations, not to exceed the prior year’s amounts
for such allocations, before making incentive grants for use
of seat belts.

SEC. 142. Notwithstanding any other provision of law,
not to exceed $130,000 of the funds made available under
sections 403 of title 23 U.S.C. and 7212(a)(9) of the High-
way Safety Grant Program Reauthorization Act of 2005
to pay administrative and related operating expenses under
23 U.S.C. 402 shall be available to the National Highway
Traffic Safety Administration for travel and related ex-
penses for State management reviews and highway safety
staff core competency development training.

SEC. 143. For an additional amount for the National
Highway Traffic Safety Administration under the heading
“OPERATIONS AND RESEARCH”, $6,000,000, to carry out
the provisions of section 10307(c) of Public Law 109–59.
FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $146,000,000, of which $13,856,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $41,000,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding:

Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2006.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101
and 26102, $11,500,000, to remain available until expended.

ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, $20,000,000, for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make a grant to the National Railroad Passenger Corporation ("Corporation") for the operation and capital expenses of intercity passenger rail service, $1,450,000,000, to remain available until expended: Provided, That the Corporation may impose a passenger service surcharge on each ticket issued equivalent to 5 percent of the value of said ticket for all tickets issued for travel in the Northeast Corridor, or route segment, between Washington, DC and Boston, MA and equivalent to 2 percent of the value of said ticket price for all tickets issued for travel on a route outside the Northeast Corridor, the proceeds of which shall be used for capital investments: Provided further, That the Corporation shall not impose said surcharge if it finds that such a surcharge shall have a deleterious impact on ridership and revenues: Provided further, That of the funds provided under this section, not less than $5,000,000 shall be expended for the de-
development and implementation of a managerial cost accounting system, which includes average and marginal unit cost capability: Provided further, That within 30 days of development of the managerial cost accounting system, the Department of Transportation Inspector General shall review and comment to the Secretary of Transportation and the House and Senate Committees on Appropriations, upon the strengths and weaknesses of the system and how it best can be implemented to improve decision making by the Board of Directors and management of the Corporation.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Notwithstanding any other provision of law, from funds made available to the Federal Railroad Administration under the heading “Next Generation High-Speed Rail” in the Consolidated Appropriations Act of 2005 (Public Law 108–447), the Secretary of Transportation shall award a grant in the amount of $500,000 to the Maine Department of Transportation for Safety and Mitigation Rail Relocation in Auburn, Maine.

SEC. 151. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Illinois statewide highway-rail crossing safety program on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Illi-
nois Commerce Commission for the Public Education and Enforcement Research (PEERS) program to improve rail-grade crossing safety through education and enforcement initiatives.

Sec. 152. Notwithstanding any existing Federal legislation, from funds available to the Federal Railroad Administration under the heading of “Next Generation High-Speed Rail” in the Consolidated Appropriations Act of 2004, Public Law 108–199; the Secretary of Transportation may award a grant of $1,000,000 to the New Orleans Regional Planning Commission, New Orleans, Louisiana for site planning and an update of the Master Plan for the Union Passenger Terminal, located at New Orleans, Louisiana.

Sec. 153. Notwithstanding any other provision of law, funds made available to the Federal Railroad Administration for the Spokane Region High Speed Rail Corridor Study on page 1420 of the Joint Explanatory Statement of the Committee of Conference for Public Law 108–447 (House Report 108–792) shall be made available to the Washington State Department of Transportation for track and grade crossing improvements under the Bridging the Valley project between Spokane County, Washington and Kootenai County, Idaho.
For necessary administrative expenses of the Federal Transit Administration’s programs authorized by chapter 53 of title 49, United States Code, $13,411,000: Provided, That no more than $79,544,000 of budget authority shall be available for these purposes: Provided further, That of the funds available not to exceed $925,000 shall be available for the Office of the Administrator; not to exceed $6,800,000 shall be available for the Office of Administration; not to exceed $4,200,000 shall be available for the Office of the Chief Counsel; not to exceed $1,300,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,500,000 shall be available for the Office of Program Management; not to exceed $7,200,000 shall be available for the Office of Budget and Policy; not to exceed $4,700,000 shall be available for the Office of Demonstration and Innovation; not to exceed $3,000,000 shall be available for the Office of Civil Rights; not to exceed $4,200,000 shall be available for the Office of Planning; not to exceed $21,000,000 shall be available for regional offices; and not to exceed $16,219,000 shall be available for the central account: Provided further, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: Provided further, That
no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: Provided further, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation’s Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: Provided further, That up to $2,500,000 for the National transit database shall remain available until expended: Provided further, That upon submission to the Congress of the fiscal year 2007 President’s budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2007.
FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $734,117,000, to remain available until expended: Provided, That no more than $4,354,191,000 of budget authority shall be available for these purposes.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $981,000, to remain available until expended: Provided, That no more than $5,818,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $26,350,000, to remain available until expended: Provided, That no more than $156,287,000 of budget authority shall be available for these purposes: Provided further, That $5,208,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), $3,967,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), $8,992,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), $104,004,000 is available for State and metropolitan planning; and $34,116,000 is available for the national planning and research program (49 U.S.C. 5314).
TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $6,824,667,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: Provided, That $3,620,074,000 shall be paid to the Federal Transit Administration’s formula grants account: Provided further, That $129,937,000 shall be paid to the Federal Transit Administration’s transit planning and research account: Provided further, That $66,133,000 shall be paid to the Federal Transit Administration’s administrative expenses account: Provided further, That $4,837,000 shall be paid to the Federal Transit Administration’s university transportation research account: Provided further, That $101,292,000 shall be paid to the Federal Transit Administration’s job access and reverse commute grants program: Provided further, That $2,902,394,000 shall be paid to the Federal Transit Administration’s Capital Investment Grants account.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $588,578,000, to remain available
up until expended: Provided, That no more than $3,490,972,000 of budget authority shall be available for these purposes: Provided further, That there shall be available for fixed guideway modernization, $1,307,473,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $796,977,000, and there shall be available for new fixed guideway systems $1,386,522,000, to be available as follows:

- Alaska and Hawaii ferry projects, $10,296,000;
- Baltimore Central Light Rail Double Track Project, Maryland, $12,420,000;
- Central Phoenix/East Valley LRT, Arizona, $90,000,000;
- Charlotte South Corridor Light Rail Project, North Carolina, $55,000,000;
- City of Miami Streetcar, Florida, $2,000,000;
- City of Rock Hill Trolley Study, South Carolina, $400,000;
- Commuter Rail, Albuquerque to Santa Fe, New Mexico, $500,000;
- Commuter Rail, Utah, $9,000,000;
- CORRIDORone Regional Rail Project, Pennsylvania, $1,500,000;
- CTA Douglas Blue Line, Illinois, $45,150,000;
CTA Ravenswood Brown Line, Illinois, $40,000,000;

Dallas Northwest/Southeast Light Rail MOS, Texas, $12,000,000;

Dulles Corridor Rapid Transit Project, Virginia, $26,000,000;

East Corridor Commuter Rail, Nashville, Tennessee, $6,000,000;

East Side Access Project, New York, $340,000,000;

Euclid Corridor Transportation Project, Ohio, $24,774,513;

Gainesville-Haymarket VRE Service Extension, Virginia, $1,450,000;

Hartford-New Britain Busway, Connecticut, $6,000,000;

Hudson-Bergen Light Rail MOS 2, New Jersey, $100,000,000;

Kansas City, MO, Southtown BRT, $12,300,000;

Metra, Illinois, $42,180,000;

Metro Gold Line Eastside Light Rail Extension, California, $80,000,000;

Houston METRO, Texas, $12,000,000;

Mid-Coast Light Rail Transit Extension, California, $7,160,000;
Mid-Jordan Light Rail Transit Line, Utah, $500,000;
Mission Valley East, California, $7,700,000;
New Jersey Trans-Hudson Midtown Corridor, New Jersey, $3,315,000;
North Corridor Interstate MAX Light Rail Project, Oregon, $18,110,000;
North Shore Connector, Pennsylvania, $55,000,000;
Northeast Corridor Commuter Rail Project, Delaware, $1,425,000;
Northstar Corridor Commuter Rail Project, Minnesota, $2,000,000;
Oceanside Escondido Rail Project, California, $12,210,000;
Regional Fixed Guideway Project, Nevada, $3,000,000;
Rhode Island Integrated Commuter Rail Project, Rhode Island, $6,000,000;
San Francisco BART Extension to San Francisco International Airport, California, $81,860,000;
San Francisco Muni Third Street Light Rail Project, California, $10,000,000;
San Juan Tren Urbano, Puerto Rico, $10,200,000;
Schuylkill Valley Metro, Pennsylvania, $2,000,000;

Seattle Sound Transit, Washington, $80,000,000;

Second Avenue Subway, New York, $25,000,000;

Silicon Valley Rapid Transit Corridor Project, Santa Clara County, California, $5,000,000;

Silver Line Phase III, Massachusetts, $4,000,000;

Sounder Commuter Rail, Washington, $5,000,000;

Southeast Corridor Multi-Modal Project (T-REX), Colorado, $80,000,000;

Triangle Transit Authority Regional Rail System (Raleigh-Durham), North Carolina, $18,000,000;

Washington County Commuter Rail Project, Oregon, $15,000,000;

West Corridor Light Rail, Colorado, $5,000,000.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $20,541,000, to remain available until expended: Provided, That no more than $121,833,000 of budget authority shall be available for these purposes: Provided further, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and
support and performance reviews of the Job Access and Re-
verse Commute Grants program.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

ADMINISTRATION

SEC. 160. The limitations on obligations for the pro-
grams of the Federal Transit Administration shall not
apply to any authority under 49 U.S.C. 5338, previously
made available for obligation, or to any other authority pre-
viously made available for obligation.

SEC. 161. Notwithstanding any other provision of law,
and except for fixed guideway modernization projects, funds
made available by this Act under “Federal Transit Admin-
istration, Capital investment grants” for projects specified
in this Act or identified in reports accompanying this Act
not obligated by September 30, 2008, and other recoveries,
shall be made available for other projects under 49 U.S.C.
5309.

SEC. 162. Notwithstanding any other provision of law,
any funds appropriated before October 1, 2005, under any
section of chapter 53 of title 49, United States Code, that
remain available for expenditure may be transferred to and
administered under the most recent appropriation heading
for any such section.

SEC. 163. Notwithstanding any other provision of law,
any Office of Management and Budget Circular or any pol-
icy, directive, or regulation, funds made available from the
Mass Transit Account of the Highway Trust Fund in this Act may not be deposited in the General Fund of the United States Treasury: Provided, That obligations incurred to carry out any Federal Transit program, project or activity shall be liquidated first from amounts appropriated for that program, project or activity from the General Fund of the United States Treasury until the appropriated amount is depleted.

SEC. 164. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading “Federal Transit Administration, Capital Investment Grants” in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 165. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $3,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the State of Hawaii to initiate and operate a passenger ferryboat services demonstration project to test the viability of different intra-island and inter-island ferry
boat routes and technology: Provided further, That notwith-
standing 49 U.S.C. 5302(a)(7), funds made available for
Alaska or Hawaii ferry boats may be used to acquire pas-
senger ferry boats and to provide passenger ferry transpor-
tation services within areas of the State of Hawaii under
the control or use of the National Park Service.

SEC. 166. Amounts made available from the bus cat-
egory of the Capital Investment Grants Account or Discre-
tionary Grants Account in this or any other previous Ap-
propriations Act that remain unobligated or unexpended in
a grant for a multimodal transportation facility in Bur-
lington, Vermont, may be used for site-preparation and de-
sign purposes of a multimodal transportation facility in
a different location within Burlington, Vermont, than origi-
nally intended notwithstanding previous expenditures in-
curred such purposes at the original location.

SEC. 167. Notwithstanding any other provision of law,
funds designated in the conference report accompanying
Public Law 108–447 and Public Law 108–199 for the King
County Metro Park and Ride on First Hill, Seattle, Wash-
ington, shall be available to the Swedish Hospital parking
garage, Seattle, Washington, subject to the same conditions
and requirements of section 125 of division H of Public
The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9101–9110), as may be necessary in carrying out the programs set forth in the Corporation’s budget for the current fiscal year.

**OPERATIONS AND MAINTENANCE**

*(HARBOR MAINTENANCE TRUST FUND)*

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

**MARITIME ADMINISTRATION**

**MARITIME SECURITY PROGRAM**

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.
OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $118,649,000 of which $23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $13,033,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $8,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $21,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $4,726,000, which shall be transferred to and merged with the appropriation for Operations and Training.
NATIONAL DEFENSE TANK VESSEL CONSTRUCTION PROGRAM

For necessary expenses to carry out the program of financial assistance for the construction of new product tank vessels as authorized by section 53101 of title 46, United States Code, as amended, $25,000,000, to remain available until expended.

SHIP CONSTRUCTION
(RESCISSION)

Of the unobligated balances available under this heading, $2,071,280 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Sec. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

Sec. 171. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 App. U.S.C. 1101
et seq.), or otherwise, in excess of the appropriations and
limitations contained in this Act or in any prior appro-
priations Act.

**PIPELINE AND HAZARDOUS MATERIALS SAFETY**

**ADMINISTRATION**

**ADMINISTRATIVE EXPENSES**

For necessary administrative expenses of the Pipeline
and Hazardous Materials Safety Administration,
$16,877,000, of which $645,000 shall be derived from the
Pipeline Safety Fund.

**HAZARDOUS MATERIALS SAFETY**

For expenses necessary to discharge the hazardous ma-
terials safety functions of the Pipeline and Hazardous Ma-
terials Safety Administration, $26,138,000, of which
$1,847,000 shall remain available until September 30,
2008: Provided, That up to $1,200,000 in fees collected
under 49 U.S.C. 5108(g) shall be deposited in the general
fund of the Treasury as offsetting receipts: Provided further,
That there may be credited to this appropriation, to be
available until expended, funds received from States, coun-
ties, municipalities, other public authorities, and private
sources for expenses incurred for training, for reports pub-
lication and dissemination, and for travel expenses incurred
in performance of hazardous materials exemptions and ap-
provals functions.
For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990 (Public Law 101–380), $73,165,000, of which $15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which $58,165,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2008: Provided, That not less than $1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: Provided, That not more than $14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): Provided further, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for
obligation by individuals other than the Secretary of Trans-
portation, or his designee.

Research and Innovative Technology
Administration

Research and Development

For necessary expenses of the Research and Innovative
Technology Administration, $4,326,000, of which
$1,000,000 shall remain available until September 30,
2008: Provided, That there may be credited to this appro-
priation, to be available until expended, funds received from
States, counties, municipalities, other public authorities,
and private sources for expenses incurred for training.

Office of Inspector General

Salaries and Expenses

For necessary expenses of the Office of Inspector Gen-
eral to carry out the provisions of the Inspector General
Act of 1978, as amended, $62,499,000: Provided, That the
Inspector General shall have all necessary authority, in car-
rying out the duties specified in the Inspector General Act,
as amended (5 U.S.C. App. 3), to investigate allegations
of fraud, including false statements to the government (18
U.S.C. 1001), by any person or entity that is subject to
regulation by the Department: Provided further, That the
funds made available under this heading shall be used to
investigate, pursuant to section 41712 of title 49, United
States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $24,388,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than $23,138,000.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION (INCLUDING TRANSFERS OF FUNDS)

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire
of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

Sec. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

Sec. 182. None of the funds in this Act shall be available for salaries and expenses of more than 109 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

Sec. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

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

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration’s “Federal-Aid Highways” account, the Federal Transit Administration’s “Transit Planning and Research” account, and to the Federal Railroad Administration’s “Safety and Operations” account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 187. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of
intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administra
tions from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That no notification shall involve funds that are not available for obligation.

Sec. 188. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transpor
tation from travel management centers, charge card pro-
grams, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Depart-
ment of Transportation and allocated to elements of the De-
partment of Transportation using fair and equitable cri-
teria and such funds shall be available until expended.

Sec. 189. Amounts made available in this or any other Act that the Secretary determines represent improper pay-
ments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—
(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

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

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term “improper payments”, has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

Sec. 190. The Secretary of Transportation is authorized to transfer the unexpended balances available for the
bonding assistance program from “Office of the Secretary, Salaries and expenses” to “Minority Business Outreach”.

**Sec. 191.** None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

**Sec. 192.** Funds provided in this Act for the Working Capital Fund shall be reduced by $1,000,000, which limits fiscal year 2006 Working Capital Fund obligational authority for elements of the Department of Transportation funded in this Act to no more than $119,014,000: Provided, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Working Capital Fund.

**Sec. 193.** For the purpose of any applicable law, for fiscal years 2004 and 2005, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City urbanized area.

SEC. 195. Item number 4596 of the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking “Corning Preserve improvements Phase II” and inserting “Transportation Center, Corning, NY”.

SEC. 196. Item number 512 of the table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended by striking “Corning, NY, Phase II Corning Preserve Transportation Enhancement Project” and inserting “Transportation Center Enhancements, Corning, NY”.

SEC. 197. Section 14711(c) of title 49, United States Code, is amended by—

(1) striking “; and” at the end of paragraph (1) and inserting “;”;

(2) striking the period at the end of paragraph (2) and inserting “; and”; and

(3) inserting the following after paragraph (2):

“(3) be substituted, upon the filing of a motion with the court, for the State as parens patriae in the action.”.
SEC. 198. Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (A), by striking “title 40” and all that follows through the period and inserting “title 40.”;

(2) by striking subparagraph (B);

(3) by redesignating subparagraphs (C) through (F) as subparagraphs (B) through (E), respectively;

(4) in subparagraph (E) (as redesignated by paragraph (3)), in the first sentence, by striking “subparagraph (E)” and inserting “subparagraph (D)”;

and

(5) by striking subparagraph (G).

SEC. 199. (a) In addition to amounts available to carry out section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) as of the date of enactment of this Act, of the amounts made available by this Act, $1,000,000 may be used by the Secretary of Transportation and the Secretary of Homeland Security to jointly—

(1) complete the review and assessment of catastrophic hurricane evacuation plans under that section; and
(2) submit to Congress, not later than June 1, 2006, the report described in subsection (d) of that section.

(b) Section 10204 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended—

(1) in subsection (a)—

(A) by inserting after “evacuation plans” the following: “(including the costs of the plans)”; and

(B) by inserting “and other catastrophic events” before “impacting”;

(2) in subsection (b), by striking “and local” and inserting “parish, county, and municipal”; and

(3) in subsection (c)—

(A) in paragraph (1), by inserting “safe and” before “practical”;

(B) in paragraph (2), by inserting after “States” the following: “and adjoining jurisdictions”;

(C) in paragraph (3), by striking “and” after the semicolon at the end;

(D) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:
“(5) the availability of food, water, restrooms, fueling stations, and shelter opportunities along the evacuation routes;

“(6) the time required to evacuate under the plan; and

“(7) the physical and mental strains associated with the evacuation.”.

This title may be cited as the “Department of Transportation Appropriations Act, 2006”.

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $197,591,000, of which not to exceed $8,642,366 is for executive direction program activities; not to exceed $7,851,946 is for general counsel program activities; not to exceed $32,010,626 is for economic policies and programs activities; not to exceed $27,220,470 is for financial policies and programs activities; pursuant to section 3004(b) of the Exchange Rates and International Economic
Policy Coordination Act of 1988 (22 U.S.C. 5304(b)), not to exceed $1,000,000 is for the Secretary of the Treasury, in conjunction with the President, to implement said subsection as it pertains to governments and trade violations involving currency manipulation and other trade violations; not to exceed $39,938,449 is for financial crimes policies and programs activities; not to exceed $16,843,447 is for Treasury-wide management policies and programs activities; and not to exceed $65,083,696 is for administration programs activities: Provided, That of the amount appropriated for financial crimes policies and programs activities, $22,032,016 is for the Office of Foreign Assets Control and shall support no less than 125 full time equivalent positions: Provided further, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any program activity shall be increased or decreased by more than 2.5 percent by all such transfers: Provided further, That any change in funding greater than 2.5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That of the amount appropriated under this heading, not to exceed $3,000,000,
to remain available until September 30, 2007, for information technology modernization requirements; not to exceed $100,000 for official reception and representation expenses; and not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: Provided further, That of the amount appropriated under this heading, $5,173,000, to remain available until September 30, 2007, is for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department’s offices and bureaus to conduct audits: Provided further, That this transfer authority shall be in addition to any other provided in this Act.

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

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $24,412,000, to remain available until September 30, 2008: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department’s offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer
authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement “Internal Revenue Service, Information Systems” or “Internal Revenue Service, Business Systems Modernization”.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $16,722,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses;
and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $133,286,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,942,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $10,000,000, to remain available until September 30, 2008.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement,
$73,630,000 of which not to exceed $6,944,000 shall remain available until September 30, 2008; and of which $8,521,000 shall remain available until September 30, 2007: Provided, That funds appropriated in this account may be used to procure personal services contracts.

**Financial Management Service**

**Salaries and Expenses**

For necessary expenses of the Financial Management Service, $236,243,000, of which not to exceed $9,220,000 shall remain available until September 30, 2008, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

**Alcohol and Tobacco Tax and Trade Bureau**

**Salaries and Expenses**

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $91,126,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.
For necessary expenses connected with any public-debt issues of the United States, $179,923,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2006 appropriation from the General Fund estimated at $176,923,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.
at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $55,000,000, to remain available until September 30, 2007, of which $4,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, and up to $13,500,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.
UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2006 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $36,900,000.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,136,578,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.
TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,725,756,000, of which not to exceed $1,000,000 shall remain available until September 30, 2008, for research: Provided, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief
Act of 1997 (Public Law 105–33): Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,597,717,000, of which $75,000,000 shall remain available until September 30, 2007.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $199,000,000, to remain available until September 30, 2008, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service’s enterprise ar-
chitecture, including the modernization blueprint; (3) con-
forms with the Internal Revenue Service's enterprise life
cycle methodology; (4) is approved by the Internal Revenue
Service, the Department of the Treasury, and the Office of
Management and Budget; (5) has been reviewed by the Gov-
ernment Accountability Office; and (6) complies with the
acquisition rules, requirements, guidelines, and systems ac-
quisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insur-
ance tax credit included in the Trade Act of 2002 (Public
Law 107–210), $20,210,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE
SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 200. Not to exceed 5 percent of any appropriation
made available in this Act to the Internal Revenue Service
or not to exceed 3 percent of appropriations under the head-
ing “Tax Law Enforcement” may be transferred to any
other Internal Revenue Service appropriation upon the ad-
vance approval of the Committees on Appropriations.

SEC. 201. The Internal Revenue Service shall main-
tain a training program to ensure that Internal Revenue
Service employees are trained in taxpayers’ rights, in deal-
ing courteously with the taxpayers, and in cross-cultural
relations.
Sec. 202. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

Sec. 203. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

Sec. 204. None of the funds made available in this Act may be used to reduce taxpayer services until the Treasury Inspector General for Tax Administration completes a study detailing the impact of the IRS’s reductions on taxpayer compliance and taxpayer services, and the IRS’s plans for providing adequate alternative services, and submits such study to the Committees on Appropriations of the House of Representatives and the Senate.

Sec. 205. Of the funds made available by this Act to the Internal Revenue Service, not less than $6,447,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions,
$446,000,000 shall be available for enhanced tax enforcement.

Sec. 206. Not later than 90 days after the date of enactment of this Act, the IRS Commissioner shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate on tax enforcement, which includes estimates for the entire tax enforcement program and for the tax enforcement initiative of tax enforcement spending, tax enforcement workload indicators, direct tax enforcement revenue, and an explanation of the methodology and accuracy of the estimates provided.

Sec. 207. Of the funds made available by this Act to the Internal Revenue Service, not less than $166,249,000 shall be available for operating expenses of the Taxpayer Advocate Service.

Sec. 208. The Internal Revenue Service shall submit its fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

Sec. 209. Section 3 under the heading “Administrative Provisions—Internal Revenue Service” of title I of Public Law 103–329 is amended by striking the last proviso.
ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.
Sec. 212. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration’s appropriation upon the advance approval of the Committees on Appropriations: Provided, That no transfer may increase or decrease any such appropriation by more than 2 percent.

Sec. 213. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

Sec. 214. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

Sec. 215. The Secretary of the Treasury may transfer funds from Financial Management Services, Salaries and Expenses to Debt Collection Fund as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.
Sec. 216. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking “7 years” and inserting “8 years”.

Sec. 217. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

Sec. 218. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

Sec. 219. Not later than 60 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a report describing how statutory provisions addressing currency manipulation by America’s trading partners contained in, and relating to,
title 22 U.S.C. 5304, 5305, and 286y can be better clarified administratively to provide for improved and more predictable evaluation, and to enable the problem of currency manipulation to be better understood by the American people and the Congress.

SEC. 220. None of the funds appropriated or otherwise made available by this or any other Act or source to the Secretary of the Treasury may be expended to develop, study, or implement any plan to reallocate the resources of, or merge the Financial Crimes Enforcement Network into the Departmental Offices—Salaries and Expenses, or any other office within the Department of the Treasury.

SEC. 221. By not later than June 30, 2006, the Internal Revenue Service, in consultation with the National Taxpayer Advocate, shall report on the uses of the Debt Indicator tool, the debt collection offset practice, and recommendations that could reduce the amount of time required to deliver tax refunds. In addition, the report shall study whether the Debt Indicator facilitates the use of refund anticipation loan (RALs), evaluate alternatives to RALs, and examine the feasibility of debit cards being used to distribute refunds.

SEC. 222. APPLICATION OF ARBITRAGE BOND REGULATIONS TO CERTAIN STATE REVOLVING FUNDS.
Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to provide a legal basis for the application of section 1.148–1(c) of the United States Treasury Regulations (regarding arbitrage bond regulations) to the reserve funds held by the Clean Water and Safe Drinking Water State revolving funds which generally contain replacement proceeds but not bond proceeds.

SEC. 223. The Internal Revenue Service shall provide taxpayers with free individual tax electronic preparation and filing services only through the Free File program and the Internal Revenue Service’s Taxpayer Assistance Centers, Tax Counseling for the Elderly, and volunteer income tax assistance programs.

SEC. 224. PROHIBITION ON FUNDING OF FEDERAL CONTRACTS WITH EXPATRIATED ENTITIES.—(a) IN GENERAL.—None of the funds appropriated or otherwise made available by this Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—
(1) In general.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) Report to congress.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) Exception.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 225. It is the sense of Congress that the Secretary of the Treasury should place al-Manar, a global satellite television operation, on the Specially Designated Global Terrorist list.

This title may be cited as the “Department of the Treasury Appropriations Act, 2006”.

TITLE III—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE (INCLUDING TRANSFERS OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing act of 1937, as amended (42 U.S.C. 1437
et seq.) (“the Act” herein), not otherwise provided for, $15,636,064,000, to remain available until expended, of which $11,436,064,000 shall be available on October 1, 2005 and $4,200,000,000 shall be available on October 1, 2006: Provided, That the amounts made available under this heading are provided as follows:

(1) $14,089,756,000 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2006 funding cycle shall provide renewal funding for each public housing agency based verified voucher management system (VMS) lease and cost data for the most recent 12 months for which data are available, prior to prorations, and by applying the 2006 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection, HOPE VI vouchers or vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: Provided fur-
ther, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency’s allocation otherwise established pursuant to this paragraph: Provided further, That the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous proviso: Provided further, That up to $45,000,000 shall be available only (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency and verification by HUD, whose allocation under this heading for contract renewals for the calendar year 2005 funding cycle were based on verified VSM leasing and cost data averaged for the months of May, June, and July of 2004 and solely because of temporarily low leasing levels during the 3-month period did not accurately reflect leasing levels and costs for the 2004 fiscal year of the agencies, and (2) for adjustments for public housing agencies that experienced a significant in-
crease, as determined by the Secretary, in renewal costs resulting from portability under section 8(r) of the United States Housing Act of 1937 of tenant-based rental assistance: Provided further, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency’s authorized level of units under contract;

(2) $192,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance: Provided, That no more than $12,000,000 can be used for
section 8 assistance to cover the cost of judgments and
settlement agreements;

(3) $48,000,000 for family self-sufficiency coordi-
nators under section 23 of the Act;

(4) $5,900,000 shall be transferred to the Work-
ing Capital Fund;

(5) $1,295,408,000 for administrative and other
expenses of public housing agencies in administering
the section 8 tenant-based rental assistance program,
of which up to $10,000,000 shall be available to the
Secretary to allocate to public housing agencies that
need additional funds to administer their section 8
programs: Provided, That $1,271,000,000 of the
amount provided in this paragraph shall be allocated
for the calendar year 2006 funding cycle on a pro
rata basis to public housing agencies based on the
amount public housing agencies were eligible to re-
ceive in calendar year 2005: Provided further, That
all amounts provided under this paragraph shall be
only for activities related to the provision of tenant-
based rental assistance authorized under section 8 in-
cluding related development activities; and

(6) $5,000,000 shall be transferred to the Afford-
able Housing and Economic Development Technical
Assistance Board.
Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading “Annual contributions for assisted housing” for fiscal year 2005 and prior years, $1,500,000,000 are rescinded, to be effected by the Secretary no later than September 30, 2006: Provided, That, to the extent there are not adequate funds for the rescission from said unobligated balances under the headings “Housing Certificate Fund” or “Annual Contribution for Assisted Housing”, additional funds shall first be rescinded of up to 10 percent of the funding available under the heading of “Salaries and Expenses” in title III and funding available under the heading of “Office of Management and Budget” in title V: Provided further, That should additional funds be needed once the aforementioned rescissions are effectuated to meet the requirements of this paragraph, then, and only then, shall additional funds needed for the rescission be derived from any unobligated funds under any heading under title III: Provided further, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: Provided further, That any obligated balances of contract au-
thority from fiscal year 1974 and prior that have been ter-
minated shall be cancelled: Provided further, That no
amounts recaptured from amounts appropriated in prior
years under this heading or the heading “Annual contribu-
tions for assisted housing” and no carryover of such appro-
priated amounts for project-based assistance shall be avail-
able for the calendar year 2006 funding cycle for activities
provided for under the heading “Tenant-based rental assis-
tance”.

PROJECT-BASED RENTAL ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of
project-based subsidy contracts under the United States
Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.)
(“the Act” herein), not otherwise provided for,
$5,072,100,000, to remain available until expended: Pro-
vided, That the amounts made available under this heading
are provided as follows:

(1) $4,918,100,000 for expiring or terminating
section 8 project-based subsidy contracts (including
section 8 moderate rehabilitation contracts), for
amendments to section 8 project-based subsidy con-
tracts (including section 8 moderate rehabilitation
contracts), for contracts entered into pursuant to sec-
tion 441 of the McKinney-Vento Homeless Assistance
Act, for renewal of section 8 contracts for units in
projects that are subject to approved plans of action
under the Emergency Low Income Housing Preserva-
tion Act of 1987 or the Low-Income Housing Preser-
vation and Resident Homeownership Act of 1990, and
for administrative and other expenses associated with
project-based activities and assistance funded under
this paragraph.

(2) up to $147,200,000 for performance-based
contract administrators for section 8 project-based as-
sistance with any unused funds available to preserve
section 8 housing.

(3) $1,800,000 shall be transferred to the Work-
ing Capital Fund: Provided further, That amounts
recaptured under this heading, the heading, “Annual
Contributions for Assisted Housing”, or the heading,
“Housing Certificate Fund”, for project-based section
8 activities may be used for renewals of or amend-
ments to section 8 project-based subsidy contracts or
for performance-based contract administrators, not-
withstanding the purposes for which such amounts
were appropriated.

(4) amounts recaptured under this heading, the
heading “Annual Contributions for Assisted Hous-
ing”, or the heading “Housing Certificate Fund” may
be used for renewals of or amendments to section 8
project-based contracts, notwithstanding the purposes
for which such amounts were appropriated.

(5) $5,000,000 shall be transferred to the Afford-
able Housing and Economic Development Technical
Assistance Board.

PUBLIC HOUSING CAPITAL FUND
(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to
carry out capital and management activities for public
housing agencies, as authorized under section 9 of the
United States Housing Act of 1937, as amended (42 U.S.C.
1437g) (the “Act”) $2,327,200,000, to remain available
until September 30, 2009: Provided, That notwithstanding
any other provision of law or regulation, during fiscal year
2006, the Secretary may not delegate to any Department
official other than the Deputy Secretary and the Assistant
Secretary for Public and Indian Housing any authority
under paragraph (2) of section 9(j) regarding the extension
of the time periods under such section: Provided further,
That for purposes of such section 9(j), the term “obligate”
means, with respect to amounts, that the amounts are sub-
ject to a binding agreement that will result in outlays, im-
mediately or in the future: Provided further, That of the
total amount provided under this heading, up to
$11,000,000 shall be for carrying out activities under sec-
tion 9(h) of such Act: Provided further, That $13,230,000
shall be transferred to the Working Capital Fund: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to $17,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 205 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen emergencies and natural disasters occurring in fiscal year 2006: Provided further, That of the total amount provided under this heading, $45,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: Provided further, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That of the total amount provided under this heading up to $20,000,000 shall be available for the demolition, relocation, and site remediation of obsolete and severely distressed public housing units: Provided further, That of the total amount provided under this heading, $15,000,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as
amended, of which up to $1,000,000 may be used for technical assistance in connection with such grants as authorized in section 9(h)(8) of such Act: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis: Provided further, That notwithstanding section 9(d)(1)(E) of the United States Housing Act of 1937, any Neighborhood Networks computer center established with funding made available under this heading in this or any other Act, shall be available for use by residents of public housing and residents of other housing assisted with funding made available under this title in this Act or any other Act.

PUBLIC HOUSING OPERATING FUND

(INCLUDES TRANSFER OF FUNDS)

For 2006 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,557,300,000: Provided, That for fiscal year 2006 and all fiscal years thereafter, the Secretary shall provide assistance under this heading to public housing agencies on a calendar year basis: Provided further, That, in fiscal year 2006 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management.
of public housing for any year prior to the current year of such Act: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, as amended, $150,000,000, to remain available until September 30, 2007, of which the Secretary may use up to $4,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.
For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $622,000,000, to remain available until expended, of which $2,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $4,500,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; and of which $2,600,000 shall be transferred to the Working Capital Fund: Provided, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,926,000:
Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for “Salaries and Expenses”, to be used only for the administrative costs of these guarantees: Provided further, That of the total amount provided under this heading $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $5,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $145,345,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph shall be transferred to and merged with the appropriation for “Salaries and Expenses”, to be used only for the administrative costs of these guarantees.
NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND

PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $37,403,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph shall be transferred to and merged with the appropriation for “Salaries and Expenses”, to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $287,000,000, to remain available until September 30, 2007, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2008: Provided, That the Secretary shall renew
all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section:

Provided further, That the Secretary may use up to $2,200,000 of the funds under this heading for training, oversight, and technical assistance activities.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $24,000,000 to remain available until expended, which amount shall be competitively awarded by September 1, 2006, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,323,610,000, to remain available until September 30, 2008, unless otherwise specified: Provided, That of the amount provided, $3,767,410,000 is for carrying out the community development block grant program under title I of the Housing and
Community Development Act of 1974, as amended (the “Act” herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the third paragraph and amounts made available in the second paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Act) shall be expended for planning and management development and administration: Provided further, That $69,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 205 of this Act), up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety; $4,200,000 shall be for a grant to the National Council of La Raza; $3,000,000 shall be for a grant to the Housing Assistance Council; $2,000,000 shall be for a grant to the National American Indian Housing Council; $32,400,000 shall be for grants pursuant to section 107 of the Act, of which $8,800,000 shall be for the Native Hawaiian block grant authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996, to remain available until
expended, of which $500,000 shall be for training and technical assistance; $3,000,000 shall be transferred to the Working Capital Fund; $15,000,000 shall be for grants pursuant to the Self Help Homeownership Opportunity Program; $30,000,000 shall be for Capacity Building for Community Development and Affordable Housing for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), as in effect immediately before June 12, 1997, with not less than $5,000,000 of the funding to be used in rural areas, including tribal areas, and of which $5,000,000 shall be for capacity building activities administered by Habitat for Humanity International; $55,000,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That no more than 8 percent of any grant award under the YouthBuild program may be used for administrative costs: Provided further, That of the amount made available for YouthBuild not less than $4,000,000 is for grants to establish
YouthBuild programs in underserved and rural areas and
$1,000,000 is to be made available for a grant to
YouthBuild USA for capacity building for community de-
velopment and affordable housing activities as specified in
section 4 of the HUD Demonstration Act of 1993, as
amended: Provided further, That $10,000,000 shall be
transferred to the Affordable Housing and Economic Devel-
opment Technical Assistance Board.

Of the amount made available under this heading,
$290,000,000 shall be available for grants for the Economic
Development Initiative (EDI) to finance a variety of tar-
targeted economic investments in accordance with the terms
and conditions specified in the statement of managers ac-
companying this Act: Provided, That none of the funds pro-
vided under this paragraph may be used for program oper-
ations.

Of the amount made available under this heading,
$40,000,000 shall be available for neighborhood initiatives
that are utilized to improve the conditions of distressed and
blighted areas and neighborhoods, to stimulate investment,
economic diversification, and community revitalization in
areas with population outmigration or a stagnating or de-
clining economic base, or to determine whether housing ben-
efits can be integrated more effectively with welfare reform
initiatives: Provided, That amounts made available under

† HR 3058 EAS
this paragraph shall be provided in accordance with the
terms and conditions specified in the statement of managers
accompanying this Act.

The referenced statement of the managers under the
heading “Community Development Fund” in title II of di-
vision G of Public Law 108–199 is deemed to be amended
with respect to item #181 striking “Volusia County” and
inserting “Lively Arts Center in Volusia County”.

The referenced statement of the managers under the
heading “Community Development Fund” in title II of di-
vision G of Public Law 108–199 is deemed to be amended
with respect to item number 216 by striking “for construc-
tion” and inserting “for planning, design, and engineer-
ing”.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM
ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, $6,000,000, to remain
available until September 30, 2007, as authorized by section
108 of the Housing and Community Development Act of
1974, as amended: Provided, That such costs, including the
cost of modifying such loans, shall be as defined in section
502 of the Congressional Budget Act of 1974, as amended:
Provided further, That these funds are available to subsidize
total loan principal, any part of which is to be guaranteed,
not to exceed $275,000,000, notwithstanding any aggregate
limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

In addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000 shall be transferred to and merged with the appropriation for “Salaries and expenses”.

**BROWNFIELDS REDEVELOPMENT**

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $15,000,000, to remain available until September 30, 2007.

**HOME INVESTMENT PARTNERSHIPS PROGRAM**

**(INCLUDING TRANSFERS OF FUNDS)**

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,850,000,000, to remain available until September 30, 2008: Provided, That of the total amount provided in this paragraph, up to $42,000,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968, and $2,000,000 shall be transferred to the Working Capital Fund: Provided further, That $5,000,000 shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.
In addition to amounts otherwise made available under this heading, $50,000,000, to remain available until September 30, 2008, for assistance to homebuyers as authorized under title I of the American Dream Downpayment Act.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,415,000,000, of which $1,395,000,000 shall remain available until September 30, 2008, and of which $20,000,000 shall remain available until expended: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: Provided further, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: Provided further, That the Secretary shall renew on an an-
nual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children’s Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $11,674,000 of the total amount provided under this heading shall be available for the national homeless data analysis project and technical assistance: Provided further, That $1,000,000 of the total amount provided under this heading shall be transferred to the Working Capital Fund: Provided further, That $5,000,000 of the total amount provided under this heading shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Re-
new account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2006.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFERS OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $742,000,000, to remain available until September 30, 2009, of which amount $53,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $30,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: Provided, That of the amount made available under this heading, $10,000,000 shall be made available to carry out section 203 of Public Law 108–186: Provided further, That of the amount made
available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That $450,000 of the total amount made available under this heading shall be transferred to the Working Capital Fund: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That $2,500,000 of the total amount made available under this heading shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFERS OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the
Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $240,000,000: Provided, That $450,000 shall be transferred to the Working Capital Fund: Provided further, That renewal of tenant-based assistance contracts shall be renewed from funding made available under the heading Tenant-Based Rental Assistance: Provided further, That of the amount provided under this heading, the Secretary may make available up to $5,000,000 for incremental tenant-based rental assistance, as authorized by section 811 of such Act (which assistance is 5 years in duration): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real E-
tate Assessment Center Inspections and inspection-related activities associated with Section 811 Capital Advance Projects: Provided further, That $2,500,000 of the total amount provided under this heading shall be transferred to the Affordable Housing and Economic Development Technical Assistance Board.

AFFORDABLE HOUSING AND ECONOMIC DEVELOPMENT TECHNICAL ASSISTANCE BOARD (TRANSFER OF FUNDS)

To carry out a technical assistance program to assist local nonprofits that participate in programs administered by the Department of Housing and Urban Development, $45,000,000 of funds transferred from within this title: Provided, That these funds shall be made available to a board made up of national nonprofits consisting of LISC, the Enterprise Foundation, and the Centre for Management and Technology: Provided further, That the board shall be assisted by an advisory board consisting of nonprofits with diverse knowledge and expertise with regard to affordable housing and economic development: Provided further, That these funds shall be used by this board to assist local nonprofits in preserving and expanding the stock of low-income housing and in developing economic development activities in accordance with the requirements of programs administered by the Department of Housing and Urban Develop-
ment: Provided further, That direct administrative costs
shall not exceed 10 percent of the total appropriation.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the
Housing and Urban Development Act of 1965 (12 U.S.C.
1701s) and section 236(f)(2) of the National Housing Act
(12 U.S.C. 1715z–1) in State-aided, non-insured rental
housing projects, $26,400,000, to remain available until ex-
pended.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncom-
mitted balances of excess rental charges as of September 30,
2005, and any collections made during fiscal year 2006 and
all subsequent fiscal years, shall be transferred to the Flexi-
ble Subsidy Fund, as authorized by section 236(g) of the
National Housing Act, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National
Manufactured Housing Construction and Safety Standards
Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to
$13,000,000 to remain available until expended, to be de-

erived from the Manufactured Housing Fees Trust Fund:
Provided, That not to exceed the total amount appropriated
under this heading shall be available from the general fund
of the Treasury to the extent necessary to incur obligations
and make expenditures pending the receipt of collections to
the Fund pursuant to section 620 of such Act: Provided fur-
ther, That the amount made available under this heading
from the general fund shall be reduced as such collections
are received during fiscal year 2006 so as to result in a
final fiscal year 2006 appropriation from the general fund
estimated at not more than $0 and fees pursuant to such
section 620 shall be modified as necessary to ensure such
a final fiscal year 2006 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2006, commitments to guarantee
loans to carry out the purposes of section 203(b) of the Na-
tional Housing Act, as amended, shall not exceed a loan
principal of $185,000,000,000.

During fiscal year 2006, obligations to make direct
loans to carry out the purposes of section 204(g) of the Na-
tional Housing Act, as amended, shall not exceed
$50,000,000: Provided, That the foregoing amount shall be
for loans to nonprofit and governmental entities in connec-
tion with sales of single family real properties owned by
the Secretary and formerly insured under the Mutual Mort-
gage Insurance Fund.
For administrative expenses necessary to carry out the
guaranteed and direct loan program, $355,000,000, of
which not to exceed $351,000,000 shall be transferred to the
appropriation for “Salaries and expenses”; and not to ex-
ceed $4,000,000 shall be transferred to the appropriation
for “Office of Inspector General”. In addition, for adminis-
trative contract expenses, $62,600,000, of which
$18,281,000 shall be transferred to the Working Capital
Fund: Provided, That to the extent guaranteed loan com-
mitments exceed $65,500,000,000 on or before April 1, 2006,
an additional $1,400 for administrative contract expenses
shall be available for each $1,000,000 in additional guaran-
teed loan commitments (including a pro rata amount for
any amount below $1,000,000), but in no case shall funds
made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sec-
tions 238 and 519 of the National Housing Act (12 U.S.C.
1715z–3 and 1735c), including the cost of loan guarantee
modifications, as that term is defined in section 502 of the
Congressional Budget Act of 1974, as amended, $8,800,000,
to remain available until expended: Provided, That com-
mitments to guarantee loans shall not exceed
$35,000,000,000 in total loan principal, any part of which
is to be guaranteed.
Gross obligations for the principal amount of direct
loans, as authorized by sections 204(g), 207(l), 238, and
519(a) of the National Housing Act, shall not exceed
$50,000,000, of which not to exceed $30,000,000 shall be for
bridge financing in connection with the sale of multifamily
real properties owned by the Secretary and formerly in-
sured under such Act; and of which not to exceed
$20,000,000 shall be for loans to nonprofit and govern-
mental entities in connection with the sale of single-family
real properties owned by the Secretary and formerly in-
sured under such Act.

In addition, for administrative expenses necessary to
carry out the guaranteed and direct loan programs,
$231,400,000, of which $211,400,000 shall be transferred to
the appropriation for “Salaries and Expenses”; and of
which $20,000,000 shall be transferred to the appropriation
for “Office of Inspector General”.

In addition, for administrative contract expenses nec-
essary to carry out the guaranteed and direct loan pro-
grams, $71,900,000, of which $10,800,000 shall be trans-
ferred to the Working Capital Fund: Provided, That to the
extent guaranteed loan commitments exceed $8,426,000,000
on or before April 1, 2006, an additional $1,980 for admin-
istrative contract expenses shall be available for each
$1,000,000 in additional guaranteed loan commitments
over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

**Government National Mortgage Association**

**Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account**

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2007.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $11,360,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $11,360,000, shall be transferred to the appropriation for “Salaries and expenses”.

**Policy Development and Research**

**Research and Technology**

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section
1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $48,000,000, to remain available until September 30, 2007:

Provided, That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: Provided further, That of the amounts made available for PATH under this heading, $2,500,000 shall not be subject to the requirements of section 305 of this title.

**Fair Housing and Equal Opportunity**

**Fair Housing Activities**

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $46,000,000, to remain available until September 30, 2007, of which $20,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

**Office of Lead Hazard Control**

**Lead Hazard Reduction**

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint
Hazard Reduction Act of 1992, $167,000,000, to remain available until September 30, 2007, of which $9,900,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs, as identified by the Secretary as having: (1) the highest number of occupied pre-1940 units of rental housing; and (2) a disproportionately high number of documented cases of lead-poisoned children: Provided further, That each
grantee receiving funds under the previous proviso shall
target those privately owned units and multifamily build-
ings that are occupied by low-income families as defined
under section 3(b)(2) of the United States Housing Act of
1937: Provided further, That not less than 90 percent of
the funds made available under this paragraph shall be used
exclusively for abatement, inspections, risk assessments,
temporary relocations and interim control of lead-based
hazards as defined by 42 U.S.C. 4851: Provided further,
That each recipient of funds provided under the first pro-
viso shall make a matching contribution in an amount not
less than 25 percent: Provided further, That each applicant
shall submit a detailed plan and strategy that demonstrates
adequate capacity that is acceptable to the Secretary to
carry out the proposed use of funds pursuant to a Notice
of Funding Availability.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative
expenses of the Department of Housing and Urban Develop-
ment, not otherwise provided for, including purchase of uni-
forms, or allowances therefor, as authorized by 5 U.S.C.
5901–5902; hire of passenger motor vehicles; services as au-
thorized by 5 U.S.C. 3109; and not to exceed $25,000 for
official reception and representation expenses,
$1,145,195,000, of which $562,400,000 shall be provided from the various funds of the Federal Housing Administration, $11,360,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be from the Community Development Loan Guarantee program, $150,000 shall be provided by transfer from the “Native American housing block grants” account, $250,000 shall be provided by transfer from the “Indian housing loan guarantee fund program” account and $35,000 shall be transferred from the “Native Hawaiian housing loan guarantee fund” account: Provided, That funds made available under this heading shall only be allocated in the manner specified in the report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: Provided further, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: Provided further, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: Pro-
vided further, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: Provided further, That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: Provided further, That $20,000,000 may be transferred to the Working Capital Fund: Provided further, That the Secretary shall fill 7 out of 10 vacancies at the GS–14 and
GS–15 levels until the total number of GS–14 and GS–15 positions in the Department has been reduced from the number of GS–14 and GS–15 positions on the date of enactment of Public Law 106–377 by 21/2 percent.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation of both Department-wide and program-specific information systems, and for program-related development activities, $265,000,000, to remain available until September 30, 2007: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $106,000,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: Provided, That the Inspector General shall
have independent authority over all personnel issues within this office.

Office of Federal Housing Enterprise Oversight

Salaries and Expenses

(Including Transfer of Funds)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $60,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: Provided, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

Administrative Provisions

Sec. 300. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts
of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

Sec. 301. None of the amounts made available under this Act may be used during fiscal year 2006 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

Sec. 302. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2006 that are allocated under such section, the Secretary of Housing and Urban Development
shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2006 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2006 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2006, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey
Metropolitan Division (hereafter “metropolitan division”) of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area’s or division’s amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division’s high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area’s or division’s amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division’s high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.
(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

SEC. 303. (a) During fiscal year 2006, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan specified in subsection (b) of this section, notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

(b) The counties specified in this subsection are Oakland County, Macomb County, Wayne County, and Washtenaw County, in the State of Michigan.
Sec. 304. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title III of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

Sec. 305. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

Sec. 306. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.
SEC. 307. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2006 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 308. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs
associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2006, HUD shall transmit this information to the Committees by March 15, 2006 for 30 days of review.

SEC. 309. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 310. Notwithstanding any other provision of law, in fiscal year 2006, in managing and disposing of any multifamily property that is owned or held by the Secretary, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property, and the contract for such payments shall be renewable by the owner under the provisions of section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note). To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the
tenants of that property, contract for project-based rental
assistance payments with an owner or owners of other exist-
ing housing properties or provide other rental assistance.

SEC. 311. (a) Notwithstanding any other provision of
law, the amount allocated for fiscal year 2006 under section
854(c) of the AIDS Housing Opportunity Act (42 U.S.C.
12903(c)), to the City of Wilmington, Delaware, on behalf
of the Wilmington, Delaware-Maryland-New Jersey Metropo-


tal Division (hereafter “metropolitan division”), shall
be adjusted by the Secretary of Housing and Urban Devel-
opment by allocating to the State of New Jersey the propor-
tion of the metropolitan division’s amount that is based on
the number of cases of AIDS reported in the portion of the
metropolitan division that is located in New Jersey, and
adjusting for the proportion of the metropolitan division’s
high incidence bonus if this area in New Jersey also has
a higher than average per capita incidence of AIDS. The
State of New Jersey shall use amounts allocated to the State
under this subsection to carry out eligible activities under
section 855 of the AIDS Housing Opportunity Act (42
U.S.C. 12904) in the portion of the metropolitan division
that is located in New Jersey.

(b) Notwithstanding any other provision of law, the
Secretary of Housing and Urban Development shall allocate
to Wake County, North Carolina, the amounts that other-

† HR 3058 EAS
wise would be allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.
Sec. 312. The Department of Housing and Urban Development shall submit the Department’s fiscal year 2007 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

Sec. 313. Incremental vouchers previously made available under the heading “Housing Certificate Fund” or renewed under the heading, “Tenant-Based Rental Assistance,” for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

Sec. 314. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to pro-
vide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 315. For this fiscal year and each fiscal year hereafter, the portion of any athletic scholarship assistance that is available for housing costs shall be considered adjusted income for purposes of section 3(b)(5) of the United States Housing Act of 1937.

SEC. 316. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2004.

SEC. 317. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for this fiscal year and each fiscal year thereafter, the Secretary may authorize the transfer of project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one multifamily housing project to another multifamily housing project.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) the number of low-income and very low-income units and the net dollar amount of Federal ass-
istance provided by the transferring project shall re-
main the same in the receiving project;

(2) the transferring project shall, as determined
by the Secretary, be either physically obsolete or eco-
nomically non-viable;

(3) the receiving project shall meet or exceed ap-
licable physical standards established by the Sec-
retary;

(4) the owner or mortgagor of the transferring
project shall notify and consult with the tenants re-
siding in the transferring project and provide a cer-
tification of approval by all appropriate local govern-
mental officials;

(5) the tenants of the transferring project who re-
main eligible for assistance to be provided by the re-
ceiving project shall not be required to vacate their
units in the transferring project until new units in
the receiving project are available for occupancy;

(6) if either the transferring project or the receiv-
ing project meets the condition specified in subsection
(c)(2)(A), any lien on the receiving project resulting
from additional financing obtained by the owner shall
be subordinate to any FHA-insured mortgage lien
transferred to, or placed on, such project by the Sec-
retary;
(7) if the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions; and

(8) any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(c) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act,

(B) housing that has project-based assistance attached to the structure,

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by
section 801 of the Cranston-Gonzales National Affordable Housing Act,

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act, or,

(E) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) additional assistance payments under section 236(f)(2) of the National Housing Act; and,

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;
(4) the term “receiving project” means the multifamily housing project to which the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project; and,

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 318. (a) EXTENSION.—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and
(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before September 30, 2006.

(b) TERMS.—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency’s existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work Agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

c) EXTENSION PERIOD.—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency’s existing Moving to Work Demonstration Agreement.

d) BREACH OF AGREEMENT.—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.
SEC. 319. Incremental vouchers previously made available under the heading, “Housing Certificate Fund” or renewed under the heading, “Tenant-Based Rental Assistance”, for family unification shall, to the extent practicable, continue to be provided for family unification.

SEC. 320. Section 421 of the Housing and Community Development Act of 1987 (12 U.S.C. §1715z–4a) is amended—

(1) in subsection (a)(1)(A), by inserting after “is” the following: “or, at the time of the violations, was”; and

(2) in subsection (a)(1)(C), by inserting after “held” the following: “or, at the time of the violations, was insured or held”.

SEC. 321. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other struc-
tures designated for use by the general public or which have
other common-carrier or public-utility functions that serve
the general public and are subject to regulation and over-
sight by the government, and projects for the removal of
blight (including areas identified by units of local govern-
ment for recovery from natural disasters) or brownsfields
as defined in the Small Business Liability Relief and
Brownsfields Revitalization Act (Public Law 107–118)
shall be considered a public use for purposes of eminent do-
main: Provided further, That the Government Account-
ability Office, in consultation with the National Academy
for Public Administration, organizations representing State
and local governments, and property rights organizations,
shall conduct a study to be submitted to the Congress within
12 months of the enactment of this Act on the nationwide
use of eminent domain, including the procedures used and
the results accomplished on a state-by-state basis as well
as the impact on individual property owners and on the
affected communities.

Sec. 322. (a) No assistance shall be provided under
section 8 of the United States Housing Act of 1937 (42
U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of
higher education (as defined under section 102 of the
Higher Education Act of 1965 (20 U.S.C. 1002));
(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child; and

(6) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual.

(c) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue final regulations to carry out the provisions of this section.

Sec. 323. Limitation on Funding For Conferences.

Of the funds made available for the Department of Housing and Development under the heading “Management
and Administration, Salaries and Expenses” in this title, not to exceed $3,000,000 shall be available for expenses related to conferences, including for conference programs, staff time, travel costs, and related expenses.

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2006”.

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $60,730,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $5,624,000, which shall remain available until expended.
United States Court of Appeals for the Federal Circuit

Salaries and Expenses

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $23,489,000.

United States Court of International Trade

Salaries and Expenses

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $15,480,000.

Courts of Appeals, District Courts, and Other Judicial Services

Salaries and Expenses

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,374,959,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space
alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $3,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employ-
ment, as authorized by 28 U.S.C. 1875(d); and for nec-
essary training and general administrative expenses,
$710,785,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28
U.S.C. 1871 and 1876; compensation of jury commissioners
as authorized by 28 U.S.C. 1863; and compensation of com-
misioners appointed in condemnation cases pursuant to
rule 71A(h) of the Federal Rules of Civil Procedure (28
U.S.C. Appendix Rule 71A(h)), $61,318,000, to remain
available until expended: Provided, That the compensation
of land commissioners shall not exceed the daily equivalent
of the highest rate payable under section 5332 of title 5,
United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, in-
cident to the provision of protective guard services for
United States courthouses and other facilities housing Fed-
eral court operations, and the procurement, installation,
and maintenance of security systems and equipment for
United States courthouses and other facilities housing Fed-
eral court operations, including building ingress-egress con-
trol, inspection of mail and packages, directed security pa-
trols, perimeter security, basic security services provided by
the Federal Protective Service, and other similar activities
as authorized by section 1010 of the Judicial Improvement
and Access to Justice Act (Public Law 100–702), $372,426,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $72,198,000, of which not to exceed $8,500 is authorized for official reception and representation expenses and of which up to $1,000,000 shall be made available to the National Academy of Public Administrators for a review of the financial and management procedures of the Federal Judiciary.
FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $22,350,000; of which $1,800,000 shall remain available through September 30, 2007, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIAiry TRUST FUNDS

For payment to the Judicial Officers’ Retirement Fund, as authorized by 28 U.S.C. 377(o), $36,800,000; to the Judicial Survivors’ Annuities Fund, as authorized by 28 U.S.C. 376(c), $600,000; and to the United States Court of Federal Claims Judges’ Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $14,700,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.
ADMINISTRATIVE PROVISIONS—THE JUDICIARY

SEC. 400. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 401. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and Other Judicial Services, Defender Services” and “Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners”, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 705 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 402. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative
Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 403. Within 90 days of enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology fund.

SEC. 404. Pursuant to section 140 of Public Law 97–92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2006, to receive a salary adjustment in accordance with 28 U.S.C. 461.

SEC. 405. The existing judgeship for the eastern district of Missouri authorized by section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650, 104 Stat. 5089) as amended by Public Law 105–53, as of the effective date of this Act, shall be extended. The first vacancy in the office of district judge in this district occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created by section 203(c) shall not be filled.

SEC. 406. Not later than 180 days after enactment of this Act, GAO shall provide the Committees on Appropria-
tions with a report regarding the potential impact on the
Federal Judiciary of recent increases in Homeland Security
funding to enhance border security and enforce our nation’s
immigration laws.

SEC. 407. (a) Section 604 of title 28, United States
Code, is amended by adding section (4) at the end of section
“(g)”: “(4) The Director is hereby authorized:

“(A) to enter into contracts for the acquisition of severable services for a period that begins
in one fiscal year and ends in the next fiscal
year to the same extent as the head of an executive agency under the authority of section 253l
of 41 U.S.C.;

“(B) to enter into contracts for multiple
years for the acquisition of property and services
to the same extent as executive agencies under
the authority of section 254c of 41 U.S.C.; and

“(C) to make advance, partial, progress or
other payments under contracts for property or
services to the same extent as executive agencies
under the authority of section 255 of 41 U.S.C.”

(b) Section 612 of title 28, United States Code, is
amended by striking the current language in section
(e)(2)(B) and inserting “such contract is in accordance
with the Director’s authority in section 604(g) of 28 U.S.C.;
and,”.

(c) The authorities granted in this section shall expire
on September 30, 2010.

Sec. 408. (a) The division of the court shall release
to the Congress and to the public not later than 60 days
after the date of enactment of this Act all portions of the
final report of the independent counsel of the investigation
of Henry Cisneros made under section 594(h) of title 28,
United States Code, except for any such portions that con-
tain information of a personal nature that the division of
the court determines the disclosure of which would cause
a clearly unwarranted invasion of privacy that outweighs
the public interest in a full accounting of this investigation.
Upon the release of the final report, the final report shall
be published pursuant to section 594(h)(3) of title 28,
United States Code.

(b)(1) After the release and publication of the final re-
port referred to in subsection (a), the independent counsel
shall continue his office only to the extent necessary and
appropriate to perform the noninvestigative and nonpros-
ecutorial tasks remaining of his statutory duties as required
to conclude the functions of his office.

(2) The duties referred to in paragraph (1) shall spe-
cifically include—
(A) the evaluation of claims for attorney fees, pursuant to section 593(l) of title 28, United States Code;

(B) the transfer of records to the Archivist of the United States pursuant to section 594(k) of title 28, United States Code;

(C) compliance with oversight obligations pursuant to section 595(a) of title 28, United States Code; and

(D) preparation of statements of expenditures pursuant to section 595(c) of title 28, United States Code.

(c)(1) The independent counsel shall have not more than 45 days after the release and publication of the final report referred to in subsection (a) to complete his remaining statutory duties unless the division of the court determines that it is necessary for the independent counsel to have additional time to complete his remaining statutory duties.

(2) If the division of the court finds that the independent counsel needs additional time under paragraph (1), the division of the court shall issue a public report stating the grounds for the extension and a proposed date for completion of all aspects of the investigation of Henry Cisneros and termination of the office of the independent counsel.
This title may be cited as the “Judiciary Appropriations Act, 2006”.

TITLE V—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $3,501,000 for the necessary expenses of the Office of Policy Development, including services au-
authorized under 5 U.S.C. 3109 and 3 U.S.C. 107; and not
to exceed $19,000 for official entertainment expenses, to be
available for allocation within the Executive Office of the
President, $58,081,000: Provided, That of the funds appro-
 priated under this heading, $1,500,000 shall be for the Pri-
vacy and Civil Liberties Oversight Board.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, re-
furnishing, improvement, heating, and lighting, including
electric power and fixtures, of the Executive Residence at
the White House and official entertainment expenses of the
President, $12,436,000, to be expended and accounted for
as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Resi-
dence at the White House, such sums as may be necessary:
Provided, That all reimbursable operating expenses of the
Executive Residence shall be made in accordance with the
provisions of this paragraph: Provided further, That, not-
withstanding any other provision of law, such amount for
reimbursable operating expenses shall be the exclusive au-
thority of the Executive Residence to incur obligations and
to receive offsetting collections, for such expenses: Provided
further, That the Executive Residence shall require each
person sponsoring a reimbursable political event to pay in
advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90
days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,700,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.
Council of Economic Advisers

Salaries and Expenses


National Security Council

Salaries and Expenses

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,705,000.

Office of Administration

Salaries and Expenses

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $98,609,000, of which $11,768,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

Office of Management and Budget

Salaries and Expenses

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code,
$68,411,000, of which not to exceed $2,000 shall be available for official representation expenses: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations: Provided further, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource
planning process: Provided further, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported. The Director of the Office of Management and Budget shall notify the appropriate authorizing and Appropriations Committees when the 60-day review is initiated. If water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days of the end of the OMB review period based on the notification from the Director, Congress shall assume OMB concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,224,000; of which $1,316,000 shall remain available until expended for policy research and evaluation: Provided, That the Office is authorized to accept, hold, ad-
minister, and utilize gifts, both real and personal, public
and private, without fiscal year limitation, for the purpose
of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology
Assessment Center for research activities pursuant to the
Office of National Drug Control Policy Reauthorization Act
of 1998 (21 U.S.C. 1701 et seq.), $30,000,000, which shall
remain available until expended, consisting of $12,000,000
for counternarcotics research and development projects, and
$18,000,000 for the continued operation of the technology
transfer program: Provided, That the $12,000,000 for coun-
ternarcotics research and development projects shall be
available for transfer to other Federal departments or agen-
cies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug
Control Policy’s High Intensity Drug Trafficking Areas
Program, $227,000,000, for drug control activities con-
sistent with the approved strategy for each of the designated
High Intensity Drug Trafficking Areas, of which no less
than 60 percent shall be transferred to State and local enti-
ties for drug control activities, which shall be obligated
within 120 days of the date of the enactment of this Act:

Provided, That up to 40 percent, to remain available until September 30, 2007, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,000,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: Provided further, That none of the funds made available under this heading shall be available for the Consolidated Priority Organization Target program.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $191,400,000, to remain available until expended, of which the following amounts are available as follows: $95,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998; $80,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chap-
ter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,000,000 for the National Drug Court Institute; $1,000,000 for the National Alliance for Model State Drug Laws; $9,500,000 for the United States Anti-Doping Agency for anti-doping activities; $2,900,000 for the United States membership dues to the World Anti-Doping Agency; and $2,000,000 for evaluations and research related to National Drug Control Program performance measures: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the amounts appropriated for a national media campaign, not to exceed 10 percent shall be for administration, advertising production, research and testing, labor and related costs of the national media campaign.

UNANTICIPATED NEEDS

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

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with spec-
cially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,455,000.

**Official Residence of the Vice President**

**Operating Expenses**

*(Including Transfer of Funds)*

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $325,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

This title may be cited as the “Executive Office of the President Appropriations Act, 2006”.

**Title VI—Independent Agencies**

**Architectural and Transportation Barriers Compliance Board**

**Salaries and Expenses**

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized
by section 502 of the Rehabilitation Act of 1973, as amended, $5,941,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

**Consumer Product Safety Commission**

**Salaries and Expenses**

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials’ contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $63,000,000 of which up to $500,000 shall be used to coordinate with the Administrator of the Environmental Protection Agency in the Agency’s study pursuant to H.R. 2361, as passed by the Senate in the first session of the 109th Congress, to assess safety risks to both persons and the environment with regard to small engines, as required in Public Law 108–199, including real-world scenarios involving, among other things, operator burn, fire due to contact with flammable items, and refueling.
Election Assistance Commission

Salaries and Expenses

(Including Transfer of Funds)

For necessary expenses to carry out the Help America Vote Act of 2002, $13,888,000, of which $4,000,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

Federal Deposit Insurance Corporation

Office of Inspector General

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $31,000,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

Federal Election Commission

Salaries and Expenses

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $54,600,000, of which no less than $4,700,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.
For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,468,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

Federal Maritime Commission

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), in-
including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $20,499,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

**General Services Administration**

**Real Property Activities**

**Federal Buildings Fund**

**Limitations on Availability of Revenue**

(including transfer of funds)

To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances;
care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,889,745,000, of which: (1) $829,056,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Mobile, United States Courthouse,

$2,000,000.

Tuscaloosa, Federal Building,

$50,000,000.

California:

San Diego, United States Courthouse,

$230,803,000.

Colorado:
Lakewood, Denver Federal Center Infrastructure, $4,658,000.

District of Columbia:

Coast Guard Consolidation, $24,900,000.

St. Elizabeths West Campus Infrastructure, $13,095,000.

Southeast Federal Center Site Remediation, $15,000,000.

Illinois:

Rockford Federal Courthouse, $50,000,000.

Maine:

Calais, Border Station, $50,146,000.

Jackman, Border Station, $12,788,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $127,600,000.

Mississippi:

Jackson, United States Courthouse, $8,750,000.

Missouri:

Jefferson City, United States Courthouse, $5,200,000.
New Mexico:

Las Cruces, United States Courthouse, $15,000,000.

New York:

Champlain, Border Station, $52,510,000.

Massena, Border Station, $49,783,000.

Texas:

Austin, United States Courthouse, $3,000,000.

Washington:

Blaine, Peace Arch Border Station, $46,534,000.

Material Price Increases for the following existing projects: U.S. Mission to the United Nations, New York City, New York; FBI Office, Houston, Texas; Border Station, Del Rio, Texas; United States Courthouse, Cape Girardeau, Missouri; United States Courthouse, El Paso, Texas; and Border Station, El Paso, Texas, $57,789,000.

Non-prospectus Construction, $9,500,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent, unless advance approval is obtained from the
Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2007 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $961,376,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

Arizona:

Tucson, James A. Walsh United States Courthouse, $16,136,000.

District of Columbia:

For transfer to the Navy for certain permanent relocation expenses pursuant to section 1(e) of Public Law 108–268, $2,000,000.

Eisenhower Executive Office Building, $133,417,000.

Federal Office Building 8, $47,769,000.

Heating, Operation, and Transmission District Repair, $18,783,000.

Herbert C. Hoover Building, $54,491,000.
Main Interior Federal Building, $41,399,000.

Georgia:

Atlanta, Martin Luther King, Jr., Federal Building, $30,129,000.

New York:

Brooklyn, Emanuel Celler Courthouse, $96,924,000.

New York, James Watson Federal Building and United States Courthouse, $9,721,000.

Special Emphasis Programs:

Chlorofluorocarbons Program, $10,000,000.

Energy Program, $28,000,000.

Glass Fragmentation Program, $15,700,000.

Design Program, $21,915,000.

Basic Repairs and Alterations, $434,992,000:

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is
obtained from the Committees on Appropriations of a greater amount: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2007 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alter-
ations” or used to fund authorized increases in prospectus projects; (3) $168,180,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,046,031,000 for rental of space which shall remain available until expended; and (5) $1,885,102,000 for building operations which shall remain available until expended. Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus. Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations. Provided further, That, notwithstanding any other provision of law, the Administrator of the General Services Administration is authorized and directed to proceed with site, design, acquisition, and construction for a new courthouse in Jefferson City, Missouri, of which planning and design funding is provided in this Act. Provided further, That the courthouse in Jefferson, Missouri is a demonstration project that will be part of a larger judicial complex.
that will include the renovation and preservation of the ex-
isting historic United States Post Office and Courthouse as
well as for implementing a new innovative fund process
that will include the renovation and preservation of the ex-
isting historic United States Post Office and Courthouse:
Provided further, That amounts necessary to provide reim-
bursable special services to other agencies under section
210(f)(6) of the Federal Property and Administrative Serv-
ices Act of 1949, as amended (40 U.S.C. 592(b)(2)) and
amounts to provide such reimbursable fencing, lighting,
guard booths, and other facilities on private or other prop-
erty not in Government ownership or control as may be
appropriate to enable the United States Secret Service to
perform its protective functions pursuant to 18 U.S.C.
3056, shall be available from such revenues and collections:
Provided further, That revenues and collections and any
other sums accruing to this Fund during fiscal year 2006,
excluding reimbursements under section 210(f)(6) of the
Federal Property and Administrative Services Act of 1949
(40 U.S.C. 592(b)(2)) in excess of the aggregate new
obligational authority authorized for Real Property Activi-
ties of the Federal Buildings Fund in this Act shall remain
in the Fund and shall not be available for expenditure ex-
cept as authorized in appropriations Acts.
GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $52,796,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $99,890,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $43,410,000:

Provided, That not to exceed $15,000 shall be available for
payment for information and detection of fraud against the
Government, including payment for recovery of stolen Gov-
ernment property: Provided further, That not to exceed
$2,500 shall be available for awards to employees of other
Federal agencies and private citizens in recognition of ef-
forts and initiatives resulting in enhanced Office of Inspec-
tor General effectiveness.

ELECTRONIC GOVERNMENT FUND
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency
projects that enable the Federal Government to expand its
ability to conduct activities electronically, through the de-
velopment and implementation of innovative uses of the
Internet and other electronic methods, $5,000,000, to re-
main available until expended: Provided, That these funds
may be transferred to Federal agencies to carry out the pur-
poses of the Fund: Provided further, That such transfers
may not be made until 10 days after a proposed spending
plan and justification for each project to be undertaken has
been submitted to the Committees on Appropriations: Pro-
vided further, That for purposes of the eTravel system no
less than 23 percent of all contracted dollars shall be allo-
cated to small businesses.
ALLOWANCES AND OFFICE STAFF FOR FORMER
PRESIDENTS
(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,952,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,000,000, to be deposited into the Federal Citizen Information Center Fund: Provided, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $32,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2006 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.
ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

ADMINISTRATION

(INCLUDING RECISSION OF FUNDS)

SEC. 600. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 601. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 602. Funds in the Federal Buildings Fund made available for fiscal year 2006 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 603. No funds made available by this Act shall be used to transmit a fiscal year 2007 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out

† HR 3058 EAS
in its approved 5-year construction plan: Provided, That
the fiscal year 2007 request must be accompanied by a
standardized courtroom utilization study of each facility to
be constructed, replaced, or expanded.

SEC. 604. None of the funds provided in this Act may
be used to increase the amount of occupiable square feet,
provide cleaning services, security enhancements, or any
other service usually provided through the Federal Build-
ings Fund, to any agency that does not pay the rate per
square foot assessment for space and services as determined
by the General Services Administration in compliance with
the Public Buildings Amendments Act of 1972 (Public Law
92–313).

SEC. 605. From funds made available under the head-
ing “Federal Buildings Fund, Limitations on Availability
of Revenue”, claims against the Government of less than
$250,000 arising from direct construction projects and ac-
quision of buildings may be liquidated from savings ef-
fected in other construction projects with prior notification
to the Committees on Appropriations.

SEC. 606. The General Services Administration shall
conduct a program to promote the use of stairs in all Fed-
eral buildings.

SEC. 607. No funds shall be used by the General Serv-
ices Administration to reorganize its organizational struc-
ture without approval by the House and Senate Committees on Appropriations through an operating plan change.

Sec. 608. The Administrator of General Services shall require that all credible sustainable building rating systems that award credits for certified wood products in the rating system, be included in the published building design criteria or specifications of any solicitation for offers issued by the General Services Administration (GSA) for construction of a Federal building or courthouse: Provided, That the Administrator may only consider sustainable forest management certification programs that are currently in use in the United States and consistent with the Federal government’s goals of environmental stewardship: Provided further, That not later than 90 days after enactment of this Act, the Administrator shall report to the relevant congressional committees of jurisdiction on the appropriateness of individual forest management certification programs for use within GSA’s sustainable building program, including a schedule for incorporating any additional such programs into the system through regulations.

Merit Systems Protection Board

Salaries and Expenses

(including transfer of funds)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform
(5 U.S.C. 5509 note), as amended, including services as au-
thorized by 5 U.S.C. 3109, rental of conference rooms in
the District of Columbia and elsewhere, hire of passenger
motor vehicles, direct procurement of survey printing, and
not to exceed $2,000 for official reception and representa-
tion expenses, $35,600,000 together with not to exceed
$2,605,000 for administrative expenses to adjudicate retire-
ment appeals to be transferred from the Civil Service Re-
tirement and Disability Fund in amounts determined by
the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
NATIONAL ENVIRONMENTAL POLICY TRUST FUND
(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and
Excellence in National Environmental Policy Trust Fund,
pursuant to the Morris K. Udall Scholarship and Excellence
in National Environmental and Native American Public
Policy Act of 1992 (20 U.S.C. 5601 et seq.), $2,000,000,
to remain available until expended, of which up to $50,000
shall be used to conduct financial audits pursuant to the
Accountability of Tax Dollars Act of 2002 (Public Law
107–289) notwithstanding sections 8 and 9 of Public Law
102–259: Provided, That up to 60 percent of such funds

† HR 3058 EAS
may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,000,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $280,975,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $38,914,000: Pro-

† HR 3058 EAS
vided, That none of these funds may be obligated until the
National Archives and Records Administration submits to
the Committees on Appropriations, and such Committees
approve, a plan for expenditure that: (1) meets the capital
planning and investment control review requirements estab-
lished by the Office of Management and Budget, including
Circular A–11; (2) complies with the National Archives and
Records Administration’s enterprise architecture; (3) con-
forms with the National Archives and Records Administra-
tion’s enterprise life cycle methodology; (4) is approved by
the National Archives and Records Administration and the
Office of Management and Budget; (5) has been reviewed
by the Government Accountability Office; and (6) complies
with the acquisition rules, requirements, guidelines, and
systems acquisition management practices of the Federal
Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of ar-
chives facilities, and to provide adequate storage for hold-
ings, $11,682,000, to remain available until expended, of
which $2,500,000 is to construct a new regional archives
and records facility in Anchorage, Alaska, and of which
$2,000,000 is for the repair and restoration of the plaza
that surrounds the Lyndon Baines Johnson Presidential Li-
brary that is under the joint control and custody of the Uni-
versity of Texas: Provided, That such funds may be trans-
ferred directly to the University and used, together with
University funds, for repair and restoration of the plaza
and remain available until expended for this purpose: Pro-
vided further, That such funds shall be spent in accordance
with the construction plan submitted to the Committees on
Appropriations on March 14, 2005: Provided further, That
the Archivist shall be prohibited from entering into any
agreement with the University or any other party that re-
quires additional funding commitments on behalf of the
Federal Government.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

COMMISSION

GRANTS PROGRAM

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

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2006, gross obligations of the Cen-
tral Liquidity Facility for the principal amount of new di-
rect loans to member credit unions, as authorized by 12
U.S.C. 1795 et seq., shall not exceed $1,500,000,000: Pro-
vided, That administrative expenses of the Central Liquid-
ity Facility in fiscal year 2006 shall not exceed $323,000.
COMMUNITY DEVELOPMENT CREDIT UNION REVOLVING
LOAN FUND
For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $950,000 shall be available until September 30, 2007 for technical assistance to low-income designated credit unions, and amounts of principal and interest on loans repaid shall be available until expended for low-income designated credit unions.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES
For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $76,700,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

(RESCISSION)
Of the available unobligated balances made available under Public Law 106–246, $1,000,000 are rescinded.
Neighborhood Reinvestment Corporation

Payment to the Neighborhood Reinvestment Corporation

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $115,000,000, of which $5,000,000 shall be for a multi-family rental housing program.

Office of Government Ethics

Salaries and Expenses

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,148,000.

Office of Personnel Management

Salaries and Expenses

(including transfer of trust funds)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C.
medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $124,521,000, of which $6,983,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,450,000 shall remain available until expended for the Human Resources Line of Business project; $500,000 shall remain available until expended for the E-Training project; and $1,412,000 shall remain available until expended until September 30, 2007 for the E-Payroll project; and in addition $100,017,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds.
funds as provided by sections 8348(a)(1)(B), and
9004(f)(2)(A) of title 5, United States Code: Provided fur-
ther, That no part of this appropriation shall be available
for salaries and expenses of the Legal Examining Unit of
the Office of Personnel Management established pursuant
to Executive Order No. 9358 of July 1, 1943, or any suc-
cessor unit of like purpose: Provided further, That the Presi-
dent’s Commission on White House Fellows, established by
Executive Order No. 11183 of October 3, 1964, may, during
fiscal year 2006, accept donations of money, property, and
personal services: Provided further, That such donations,
including those from prior years, may be used for the devel-
opment of publicity materials to provide information about
the White House Fellows, except that no such donations
shall be accepted for travel or reimbursement of travel ex-
penses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector Gen-
eral in carrying out the provisions of the Inspector General
Act, as amended, including services as authorized by 5
U.S.C. 3109, hire of passenger motor vehicles, $1,614,000,
and in addition, not to exceed $16,329,000 for administra-
tive expenses to audit, investigate, and provide other over-
sight of the Office of Personnel Management’s retirement
and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

HEALTH BENEFITS

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

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

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

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary:

 Provided, That annuities authorized by the Act of May 29,
1944, as amended, and the Act of August 19, 1950, as
amended (33 U.S.C. 771–775), may hereafter be paid out
of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the
Office of Special Counsel pursuant to Reorganization Plan
Numbered 2 of 1978, the Civil Service Reform Act of 1978
(Public Law 95–454), as amended, the Whistleblower Pro-
tection Act of 1989 (Public Law 101–12), as amended, Pub-
lic Law 107–304, and the Uniformed Services Employment
and Reemployment Act of 1994 (Public Law 103–353), in-
cluding services as authorized by 5 U.S.C. 3109, payment
of fees and expenses for witnesses, rental of conference rooms
in the District of Columbia and elsewhere, and hire of pas-
senger motor vehicles; $15,325,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System,
including expenses of attendance at meetings and of train-
ing for uniformed personnel assigned to the Selective Serv-
ice System, as authorized by 5 U.S.C. 4101–4118 for civil-
ian employees; purchase of uniforms, or allowances therefor,
as authorized by 5 U.S.C. 5901–5902; hire of passenger
motor vehicles; services as authorized by 5 U.S.C. 3109; and
not to exceed $750 for official reception and representation expenses; $25,650,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,800,000.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking “2005” and inserting “2012”.
UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $116,350,000, of which $87,350,000 shall not be available for obligation until October 1, 2006: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue without reduction: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2006.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109,
$47,998,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VII—GENERAL PROVISIONS THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

Sec. 700. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

Sec. 701. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Sec. 702. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Sec. 703. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.
Sec. 704. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

Sec. 705. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

Sec. 706. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.
SEC. 707. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

SEC. 708. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 709. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects,
or activities by $5,000,000 or 10 percent, whichever is less;
or (7) creates, reorganizes, or restructures a branch, divi-
sion, office, bureau, board, commission, agency, administra-
tion, or department different from the budget justifications
submitted to the Committees on Appropriations or the table
accompanying the statement of the managers accompanying
this Act, whichever is more detailed, unless prior approval
is received from the House and Senate Committees on Ap-
propriations: Provided, That not later than 60 days after
the date of enactment of this Act, each agency funded by
this Act shall submit a report to the Committee on Approp-
riations of the Senate and of the House of Representatives
to establish the baseline for application of reprogramming
and transfer authorities for the current fiscal year: Pro-
vided further, That the report shall include: (1) a table for
each appropriation with a separate column to display the
President's budget request, adjustments made by Congress,
adjustments due to enacted rescissions, if appropriate, and
the fiscal year enacted level; (2) a delineation in the table
for each appropriation both by object class and program,
project, and activity as detailed in the budget appendix for
the respective appropriation; and (3) an identification of
items of special congressional interest: Provided further,
That the amount appropriated or limited for salaries and
expenses for an agency shall be reduced by $100,000 per
day for each day after the required date that the report has not been submitted to the Congress.

Sec. 710. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations made available for salaries and expenses for fiscal year 2006 in this Act, shall remain available through September 30, 2007, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

Sec. 711. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

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

(2) such request is required due to extraordinary circumstances involving national security.
Sec. 712. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

Sec. 713. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

Sec. 714. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

Sec. 715. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated
essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

Sec. 716. From funds made available in this Act under the headings “White House Office”, “Executive Residence at the White House”, “White House Repair and Restoration”, “Council of Economic Advisors”, “National Security Council”, “Office of Administration”, “Office of Management and Budget”, “Office of National Drug Control Policy”, “Special Assistance to the President”, and “Official Residence of the Vice President”, the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, fifteen days after giving notice to the House and Senate Committees on Appropriations, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: Provided, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: Provided further, That no amount shall be transferred from “Special Assistance to the President” or “Official Residence of the Vice President” without the approval of the Vice President.
Sec. 717. All Federal agencies and departments that are funded under this Act shall issue quarterly reports to the House and Senate Committees on Appropriations on all sole source contracts. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract. Each Federal agency and department shall publish this information quarterly in the Federal Register.

Sec. 718. The Secretary of the Treasury may transfer funds from within Treasury accounts for any costs necessary to pay for both career and non-career Senior Executive Service positions and support staff in locations of economic strategic interest throughout the world. Such positions would be used to advocate positions of interest to the United States Government, including open and fair financial markets, consistent with the Secretary’s obligation under the Gold Reserve Act of 1934 (48 Stat. 337) to promote orderly exchange arrangements and an orderly system of exchange rates. Any transfer shall not be made available until approved in an operating plan request by the House and Senate Committees on Appropriations.

Sec. 719. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Fed-
eral Regulations, that was published in the Federal Register on February 25, 2005.

SEC. 720. Notwithstanding any other provision of law, hereafter, neither the Board of Governors of the Federal Reserve System nor the Secretary of the Treasury may determine, by rule, regulation, order, or otherwise, for purposes of section 4(K) of the Bank Holding Company Act of 1956, or section 5136A of the Revised Statutes of the United States, that real estate brokerage activity or real estate management activity (which, for purposes of this paragraph shall be defined to mean “real estate brokerage” and “property management” respectively, as those terms were understood by the Federal Reserve Board prior to March 11, 2000) is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity. For purposes of this paragraph, “real estate brokerage activity” shall mean “real estate brokerage”, and “real estate management activity” shall mean “property management”, as those terms were understood by the Federal Reserve Board prior to March 11, 2000.

SEC. 721. None of the funds in this Act or otherwise available to the Secretary of the Treasury from any source may be expended to implement a reimbursable agreement pursuant to section 517 of H.R. 2360, as adopted by the United States Senate on July 14, 2005.
SEC. 722. REPEAL OF INCREASE IN MICRO-PURCHASE THRESHOLD.


SEC. 723. The United States Interagency Council on Homelessness shall conduct an assessment of the guidance disseminated by the Department of Education, the Department of Housing and Urban Development, and other related Federal agencies for grantees of homeless assistance programs on whether such guidance is consistent with and does not restrict the exercise of education rights provided to parents, youth, and children under subtitle B of title VII of the McKinney-Vento Act: Provided, That such assessment shall address whether the practices, outreach, and training efforts of said agencies serve to protect and advance such rights: Provided further, That the Council shall submit to the House and Senate Committees on Appropriations an interim report by May 1, 2006, and a final report by September 1, 2006.

SEC. 724. REPORT ON EVERGREEN TERRACE.—(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct a study and prepare a report that describes the progress, if any, in improving the living condi-
tions of the tenants of the Evergreen Terrace I and Ever-

green Terrace II housing complexes located in Joliet, Illi-

nois, by the owners of such complexes.

(b) INTERIM REPORT.—Not later than 6 months after
the date of enactment of this Act, the Secretary of Housing
and Urban Development shall submit to Congress an in-
terim report on the findings of the study required under
subsection (a).

(c) FINAL REPORT.—Not later than 12 months after
the date of enactment of this Act, the Secretary of Housing
and Urban Development shall submit to Congress a final
report that describes—

(1) the findings of the study required under sub-
section (a); and

(2) any conclusions and recommendations of
such study.

SEC. 725. ALL-TERRAIN VEHICLES.—(a) IN GEN-
ERAL.—Notwithstanding any other provision of law, it is
unlawful for any manufacturer or wholesale distributor to
distribute in commerce in the United States any new as-
sembled or unassembled ATV unless—

(1)(A) with respect to an ATV designed for use
by single operator only, such ATV complies with any
applicable provision of—
(i) the American National Standard for Four Wheel All-Terrain Vehicles – Equipment, Configuration, and Performance Requirements developed by the Specialty Vehicle Institute of America (American National Standard ANSI/SVLA–1–2001);

(ii) a revision of such Standard; or

(iii) a mandatory rule promulgated by the Consumer Product Safety Commission; or

(iv) such alternative standard that may be accepted by the Commission; or

(B) with respect to an ATV designed for use by an operator and passengers, such ATV complies with any applicable provisions of any future American National Standard developed for such vehicles or such alternative standard that may be accepted by the Commission;

(2) with respect to an ATV, it is subject to or covered by a letter of undertaking or an ATV action plan that is sent not more than 30 days after the date of enactment of this Act—

(A) applies to such ATV;

(B) includes actions to promote ATV safety;

and
(C) has been approved by the Commission and is substantially implemented at the time of the distribution in commerce of such ATV; and (3) such ATV bears a permanent label certifying that it complies with the provisions of paragraphs (1) and (2).

(b) DEFINITIONS.—In this section:

(1) ATV.—The term “ATV” means any motorized, off-highway, all-terrain vehicle designed to travel on 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control and does not include a prototype of an motorized, off-highway, all-terrain vehicle or other off-highway, all-terrain vehicle that is intended exclusively for research and development purposes.

(2) COMMISSION, DISTRIBUTION IN COMMERCE, TO DISTRIBUTE IN COMMERCE, UNITED STATES.—The terms “Commission”, “distribution in commerce”, “to distribute in commerce”, and “United States” have the meaning given those terms in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)).

(c) VIOLATION OF CPSA.—Any violation of subsection (a) shall be considered to be a prohibited act within the meaning of section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) and shall be subject to the penalties and

(d) EFFECTIVE DATE.—This section shall become effective 90 days after the date of the enactment of this Act.

SEC. 726. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 3058 shall also be included in the conference report or joint statement accompanying H.R. 3058 in order to be considered as having been approved by both Houses of Congress.

SEC. 727. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT RISK ASSESSMENT.—(a) ESTIMATE.—The Secretary of Housing and Urban Development shall estimate improper payments for the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) pursuant to section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300).

(b) REPORT.—Not later than 60 days after the date of enactment of this section, the Secretary shall report to Congress on specific actions taken to estimate improper payments in the community development block grant program to comply with section 2 of the Improper Payments Information Act of 2002, including a schedule for full compliance with such Act within fiscal year 2006.
(c) Failure to Report.—If the Secretary fails to report to Congress on specific actions taken to estimate improper payments as required under subsection (b), funds for the community development block grant program shall be halted until such report is submitted.

Sec. 728. Payments to Federal Contractors with Federal Tax Debt.

The General Services Administration, in conjunction with the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy Program.

Sec. 729. Reporting of Air Travel by Federal Government Employees.—(a) Annual Reports Required.—The Administrator of General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each agency undertaken at the expense of the Federal Government.

(b) Contents.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;
(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class fare available under contract with the General Services Administration or, if no contract is available, the lowest coach class fare available.

(c) AGENCY DEFINED.—(1) Except as provided in paragraph (2), in this section, the term “agency” has the meaning given such term in section 5701(1) of title 5, United States Code.

(2) The term does not include any element of the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE VIII—GENERAL PROVISIONS

GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Sec. 800. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

Sec. 801. No department, agency, or instrumentality of the United States receiving appropriated funds under
this or any other Act for fiscal year 2006 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 802. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 803. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizen-
ship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102–404): Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government.

This section shall not apply to citizens of Ireland, Israel,
or the Republic of the Philippines, or to nationals of those
countries allied with the United States in a current defense
effort, or to international broadcasters employed by the
United States Information Agency, or to temporary em-
ployment of translators, or to temporary employment in the
field service (not to exceed 60 days) as a result of emer-
gencies.

Sec. 804. Appropriations available to any department
or agency during the current fiscal year for necessary ex-
penses, including maintenance or operating expenses, shall
also be available for payment to the General Services Ad-
ministration for charges for space and services and those
expenses of renovation and alteration of buildings and fa-
cilities which constitute public improvements performed in
accordance with the Public Buildings Act of 1959 (73 Stat.
749), the Public Buildings Amendments of 1972 (87 Stat.
216), or other applicable law.

Sec. 805. In addition to funds provided in this or any
other Act, all Federal agencies are authorized to receive and
use funds resulting from the sale of materials, including
Federal records disposed of pursuant to a records schedule
recovered through recycling or waste prevention programs.
Such funds shall be available until expended for the fol-
lowing purposes:
(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

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

Sec. 806. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds,
the limitations on administrative expenses shall be correspondingly reduced.

**Sec. 807.** No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

**Sec. 808.** No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

**Sec. 809.** Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service. The Postal Service may give such guards, with respect to such property, any of the powers of special policemen provided under 40 U.S.C. 1315. The Postmaster General, or his designee, may take any action that the Secretary of Homeland Security may take under such section with respect to that property.
SEC. 810. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 811. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2006, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2006, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2006, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2006 under section 5303 of title 5,
United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2006 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

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

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2005, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30,
2005, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2005.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

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

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

Sec. 812. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or
expended in excess of $5,000 to furnish or redecorate the
office of such department head, agency head, officer, or em-
ployee, or to purchase furniture or make improvements for
any such office, unless advance notice of such furnishing
or redecoration is expressly approved by the Committees on
Appropriations. For the purposes of this section, the term
“office” shall include the entire suite of offices assigned to
the individual, as well as any other space used primarily
by the individual or the use of which is directly controlled
by the individual.

Sec. 813. Notwithstanding section 1346 of title 31,
United States Code, or section 809 of this Act, funds made
available for the current fiscal year by this or any other
Act shall be available for the interagency funding of na-
tional security and emergency preparedness telecommuni-
cations initiatives which benefit multiple Federal depart-
ments, agencies, or entities, as provided by Executive Order
No. 12472 (April 3, 1984).

Sec. 814. (a) None of the funds appropriated by this
or any other Act may be obligated or expended by any Fed-
eral department, agency, or other instrumentality for the
salaries or expenses of any employee appointed to a position
of a confidential or policy-determining character excepted
from the competitive service pursuant to section 3302 of
title 5, United States Code, without a certification to the
Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

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

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and
(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 815. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964 (Public Law 88–352, 78 Stat. 241), as amended, the Age Discrimination in Employment Act of 1967 (Public Law 90–202, 81 Stat. 602), and the Rehabilitation Act of 1973 (Public Law 93–112, 87 Stat. 355).

SEC. 816. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the
employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 817. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—
(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

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

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

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

SEC. 818. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following
provisions: “These restrictions are consistent with and do
not supersede, conflict with, or otherwise alter the employee
obligations, rights, or liabilities created by Executive Order
No. 12958; section 7211 of title 5, United States Code (gov-
erning disclosures to Congress); section 1034 of title 10,
United States Code, as amended by the Military Whistle-
blower Protection Act (Public Law 100–456) (governing
disclosure to Congress by members of the military); section
2302(b)(8) of title 5, United States Code, as amended by
the Whistleblower Protection Act (Public Law 101–12) (gov-
erning disclosures of illegality, waste, fraud, abuse or public
health or safety threats); the Intelligence Identities Protec-
tion Act of 1982 (50 U.S.C. 421 et seq.) (governing disclo-
sures that could expose confidential Government agents);
and the statutes which protect against disclosure that may
compromise the national security, including sections 641,
793, 794, 798, and 952 of title 18, United States Code, and
section 4(b) of the Subversive Activities Act of 1950 (50
U.S.C. 783(b)). The definitions, requirements, obligations,
rights, sanctions, and liabilities created by said Executive
order and listed statutes are incorporated into this agree-
ment and are controlling.”: Provided, That notwith-
standing the preceding paragraph, a nondisclosure policy
form or agreement that is to be executed by a person con-
nected with the conduct of an intelligence or intelligence-
related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

Sec. 819. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

Sec. 820. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee’s home address to any labor organization except when the employee has authorized such disclosure or

† HR 3058 EAS
when such disclosure has been ordered by a court of com-
petent jurisdiction.

SEC. 821. None of the funds made available in this
Act or any other Act may be used to provide any non-public
information such as mailing or telephone lists to any per-
son or any organization outside of the Federal Government
without the approval of the Committees on Appropriations.

SEC. 822. No part of any appropriation contained in
this or any other Act shall be used for publicity or propa-
ganda purposes within the United States not heretofor au-
thorized by the Congress.

SEC. 823. (a) In this section the term “agency”—
(1) means an Executive agency as defined under
section 105 of title 5, United States Code;
(2) includes a military department as defined
under section 102 of such title, the Postal Service, and
the Postal Rate Commission; and
(3) shall not include the Government Account-
ability Office.
(b) Unless authorized in accordance with law or regu-
lations to use such time for other purposes, an employee
of an agency shall use official time in an honest effort to
perform official duties. An employee not under a leave sys-
tem, including a Presidential appointee exempted under
section 6301(2) of title 5, United States Code, has an obliga-
tion to expend an honest effort and a reasonable proportion of such employee’s time in the performance of official duties.

Sec. 824. Notwithstanding 31 U.S.C. 1346 and section 809 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

Sec. 825. Notwithstanding 31 U.S.C. 1346 and section 810 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse “General Services Administration, Government-wide Policy” with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the
Secretary of Defense (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 826. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 827. Notwithstanding section 1346 of title 31, United States Code, or section 809 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall
provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 828. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided. Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.


SEC. 830. (a) Prohibition of Federal Agency Monitoring of Individuals’ Internet Use.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any
personally identifiable information relating to an individual’s access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual’s access to or use of any nongovernmental Internet site.

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

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

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:
(1) The term “regulatory” means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term “supervisory” means examinations of the agency’s supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 831. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

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

(1) any of the following religious plans:

   (A) Personal Care’s HMO; and

   (B) OSF HealthPlans, Inc.; and

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

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contra-
ceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 832. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 833. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 834. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on
SEC. 835. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card. The department or agency may not issue a government purchase charge card or government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.
Sec. 836. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2006 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2006.

(b) Notwithstanding section 812 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2006 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as “Rest of US” pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable de-
partment or agency for salaries and expenses for fiscal year 2006.

Sec. 837. (a) Not later than 180 days after the end of the fiscal year, the head of each Federal agency shall submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside of the United States in that fiscal year.

(b) The report required by subsection (a) shall separately indicate—

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

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

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

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

(d) This section shall not apply to acquisitions made by an agency, or component thereof, that is an element of

† HR 3058 EAS
the intelligence community as set forth in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 838. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 839. Notwithstanding section 1346 of title 31, United States Code, and section 809 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous oper-
ation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2006 and any period thereafter that precedes the enactment of the Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2007. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $10,000,000 for any twelve-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades, including the replacement of the fuel farm facility. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.
SEC. 840. Section 4(b) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) is amended by adding at the end the following new paragraph:

“(5) Executive agencies with fewer than 100 full-time employees as of the first day of the fiscal year. However, such an agency shall be subject to section 2 to the extent it plans to conduct a public-private competition for the performance of an activity that is not inherently governmental.”.

SEC. 841. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 842. COMPETITIVE SOURCING. (a) REQUIREMENT FOR PUBLIC-PRIVATE COMPETITION.—

(1) Notwithstanding any other provision of law, none of the funds appropriated by this or any other Act shall be available to convert to contractor performance an activity or function of an executive agency, that on or after the date of enactment of this Act,
is performed by more than 10 Federal employees
unless—

(A) the conversion is based on the result of
a public-private competition that includes a
most efficient and cost effective organization
plan developed by such activity or function; and

(B) the Competitive Sourcing Official deter-
mines that, over all performance periods stated
in the solicitation of offers for performance of the
activity or function, the cost of performance of
the activity or function by a contractor would be
less costly to the executive agency by an amount
that equals or exceeds the lesser of—

(i) 10 percent of the most efficient or-
ganization’s personnel-related costs for per-
formance of that activity or function by
Federal employees; or

(ii) $10,000,000.

(2) This paragraph shall not apply to—

(A) a commercial or industrial type func-
tion that—

(i) is included on the procurement list
established pursuant to section 2 of the Jav-
its-Wagner-O’Day Act (41 U.S.C. 47); or
(ii) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act.

(B) depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code; or

(C) activities that are the subject of an ongoing competition that was publicly announced prior to the date of enactment of this act.

(b) USE OF PUBLIC-PRIVATE COMPETITION.—Nothing in Office of Management and Budget Circular A–76 shall prevent the head of an executive agency from conducting a public-private competition to evaluate the benefits of converting work from contract performance to performance by Federal employees in appropriate instances. The Circular shall provide procedures and policies for these competitions that are similar to those applied to competitions that may result in the conversion of work from performance by Federal employees to performance by a contractor.

Sec. 843. No Cost of Living Adjustment for Members of Congress. Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2
SEC. 844. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended—

(1) in item number 4620, by striking “Grading, paving, roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport Columbus, OH” and inserting “Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio”;

(2) in item number 4651, by striking “Grading, paving, roads for the transfer of rail to truck for the intermodal facility at Rickenbacker Airport” and inserting “Grading, paving, roads, and construction of an intermodal freight facility at Rickenbacker Airport, Columbus, Ohio”.

SEC. 845. (a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended in item number 4632 by striking “Construct 1,100 foot bulkhead/riverwalk connecting Front and Maine Ave. public rights-of-way” and inserting “For roadway improvements and construction of 1,100 foot bulk-
head/riverwalk connecting Front and Maine Ave. public rights-of-way”.

(b) The table contained in section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) is amended in item number 516 by striking “Dayton Wright Stop Plaza” and inserting “Downtown Dayton Transit Enhancements”.

This division may be cited as the “Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies Appropriations Act, 2006”.

DIVISION B—DISTRICT OF COLUMBIA

APPROPRIATIONS ACT, 2006

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $33,200,000, to remain available until expended: Provided, That such funds, in-
cluding any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident’s academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more
than $1,200,000 of the total amount appropriated for this
program may be used for administrative expenses.

**FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
SECURITY COSTS IN THE DISTRICT OF COLUMBIA**

For necessary expenses, as determined by the Mayor
of the District of Columbia in written consultation with the
elected county or city officials of surrounding jurisdictions,
$12,000,000, to remain available until expended, to reim-
burse the District of Columbia for the costs of providing
public safety at events related to the presence of the national
capital in the District of Columbia and for the costs of pro-
viding support to respond to immediate and specific ter-
rorist threats or attacks in the District of Columbia or sur-
rrounding jurisdictions: Provided, That any amount pro-
vided under this heading shall be available only after such
amount has been apportioned pursuant to chapter 15 of
title 31, United States Code.

**FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
COURTS**

For salaries and expenses for the District of Columbia
Courts, $218,912,000, to be allocated as follows: for the Dis-

trick of Columbia Court of Appeals, $9,198,000, of which
not to exceed $1,500 is for official reception and representa-
tion expenses; for the District of Columbia Superior Court,
$87,342,000, of which not to exceed $1,500 is for official
reception and representation expenses; for the District of
Columbia Court System, $41,643,000, of which not to exceed $1,500 is for official reception and representation expenses; and $80,729,000, to remain available until September 30, 2007, for capital improvements for District of Columbia courthouse facilities: Provided, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause “availability of Funds” found at 48 CFR 52.232–18: Provided further, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the
Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power Guardianship, Protective Proceedings, and Durable Power...
of Attorney Act of 1986), $45,000,000, to remain available
until expended: Provided, That the funds provided in this
Act under the heading “Federal Payment to the District
of Columbia Courts” (other than the $80,729,000 provided
under such heading for capital improvements for District
of Columbia courthouse facilities) may also be used for pay-
ments under this heading: Provided further, That in addi-
tion to the funds provided under this heading, the Joint
Committee on Judicial Administration in the District of
Columbia may use funds provided in this Act under the
heading “Federal Payment to the District of Columbia
Courts” (other than the $80,729,000 provided under such
heading for capital improvements for District of Columbia
courthouse facilities), to make payments described under
this heading for obligations incurred during any fiscal
year: Provided further, That funds provided under this
heading shall be administered by the Joint Committee on
Judicial Administration in the District of Columbia: Pro-
vided further, That notwithstanding any other provision of
law, this appropriation shall be apportioned quarterly by
the Office of Management and Budget and obligated and
expended in the same manner as funds appropriated for
expenses of other Federal agencies, with payroll and finan-
cial services to be provided on a contractual basis with the
General Services Administration (GSA), and such services
shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $201,388,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $129,360,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such
persons; of which $42,195,000 shall be available to the Pre-

trial Services Agency; and of which $29,833,000 shall be

transferred to the Public Defender Service for the District

of Columbia: Provided, That notwithstanding any other

provision of law, all amounts under this heading shall be

apportioned quarterly by the Office of Management and

Budget and obligated and expended in the same manner

as funds appropriated for salaries and expenses of other

Federal agencies: Provided further, That the Director is au-

thorized to accept and use gifts in the form of in-kind con-

tributions of space and hospitality to support offender and

defendant programs, and equipment and vocational train-
ing services to educate and train offenders and defendants:

Provided further, That the Director shall keep accurate and

detailed records of the acceptance and use of any gift or

donation under the previous proviso, and shall make such

records available for audit and public inspection: Provided

further, That the Court Services and Offender Supervision

Agency Director is authorized to accept and use reimburse-

ment from the D.C. Government for space and services pro-

vided on a cost reimbursable basis: Provided further, That

for this fiscal year and subsequent fiscal years, the Public

Defender Service is authorized to charge fees to cover costs

of materials distributed and training provided to attendees

of educational events, including conferences, sponsored by
the Public Defender Service, and notwithstanding section 3302 of title 31, United States Code, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $5,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

For a Federal payment to the District of Columbia Department of Transportation, $3,000,000, to remain available until September 30, 2007, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District’s border with Maryland.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain available until expended, to support initiatives related to the coordination...
of Federal and local criminal justice resources in the District of Columbia.

**FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE**

For a Federal payment to the District of Columbia Department of Transportation, $1,000,000, to implement a downtown circulator transit system.

**FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN THE DISTRICT OF COLUMBIA**

For the Federal payment to the District of Columbia for foster care improvements, $2,000,000 to remain available until expended: Provided, That $1,750,000 shall be for the Child and Family Services Agency, of which $1,000,000 shall be for a loan repayment program for social workers; of which $750,000 shall be for post-adoption services: Provided further, That $250,000 shall be for the Washington Metropolitan Council of Governments, to continue a program in conjunction with the Foster and Adoptive Parents Advocacy Center, to provide respite care for and recruitment of foster parents: Provided further, That these Federal funds shall supplement and not supplant local funds for the purposes described under this heading.

**FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA**

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $16,500,000: Provided, That these funds shall be available for the projects

† HR 3058 EAS
and in the amounts specified in the Statement of the Man-
agers on the conference report accompanying this Act: Pro-
vided further, That each entity that receives funding under
this heading shall submit to the Office of the Chief Finan-
cial Officer of the District of Columbia and the Committees
on Appropriations of the House of Representatives and Sen-
ate a report on the activities to be carried out with such
funds no later than March 15, 2006.

**FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT**

For a Federal payment for a school improvement pro-
gram in the District of Columbia, $40,000,000, to be allo-
cated as follows: for the District of Columbia Public Schools,
$13,000,000 to improve public school education in the Dis-
trict of Columbia; for the State Education Office,
$13,000,000 to expand quality public charter schools in the
District of Columbia, to remain available until September
30, 2007; for the Secretary of the Department of Education,
$14,000,000 to provide opportunity scholarships for stu-
dents in the District of Columbia in accordance with divi-
sion C, title III of the District of Columbia Appropriations
Act, 2004 (Public Law 108–199; 118 Stat. 126), of which
up to $1,000,000 may be used to administer and fund as-
sessments: Provided, That of the $13,000,000 provided for
public charter schools in the District of Columbia;
$4,000,000, to remain available until expended, shall be for
the Direct Loan Fund for Charter Schools; $2,000,000, to
remain available until expended, shall be for Credit Enhancement; $2,000,000 shall be for continuation of the City Build Charter School Program; $1,500,000 shall be for flexible grants; $2,000,000 shall be used only for grants to public charter schools for improvement of public school facilities; $400,000 shall be for college access programming; $300,000 shall be to create a truancy center; $250,000 shall be for administration of Federal entitlement funding; $300,000 shall be for data collection and analysis; and $250,000 shall be for administration within the State Education Office.

FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY

For a Federal payment to the District of Columbia, $5,200,000, to remain available until September 30, 2007, for costs associated with the construction of a bioterrorism and forensics laboratory: Provided, That the District of Columbia shall provide an additional $1,500,000 with local funds as a condition of receiving this payment.

FEDERAL PAYMENT FOR THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM

For a Federal payment to the District of Columbia National Guard for the Youth Challenge program, $500,000.
FEDERAL PAYMENT FOR MARRIAGE DEVELOPMENT AND IMPROVEMENT

For a Federal payment for marriage development and improvement in the District of Columbia, $3,000,000, to remain available until expended: Provided, That $1,500,000 shall be for the Capital Area Asset Building Corporation for the establishment of marriage development accounts in accordance with the requirements in the accompanying report, of which $400,000 shall be for program planning, marketing, evaluation, and account administration: Provided further, That $1,500,000 shall be for mentoring, counseling, community outreach, and training and technical assistance, of which $850,000 shall be for the National Center for Fathering and $650,000 shall be for the East Capitol Center for Change to carry out these activities: Provided further, That within 30 days of enactment of this Act, the entities receiving funds under this title shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan and program requirements that comport with the guidance in the accompanying report.

FEDERAL PAYMENT FOR A LATINO YOUTH INITIATIVE

For a Federal payment to improve health and educational outcomes of Latino youth in the District of Columbia, $2,000,000, to remain available until expended: Provided, That $1,100,000 shall be for The National Council of La Raza to provide mentoring, training, intervention
services and policy research: Provided further, That $400,000 shall be for the MidAtlantic Equity Center to develop a comprehensive Latino youth literacy plan: Provided further, That $500,000 shall be for the Latin American Youth Center for direct services to Latino youth: Provided further, That within 15 days of enactment of this Act, the entities receiving funds under this title shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan that comports with the requirements in the accompanying report.

FEDERAL PAYMENT FOR PRISONER REENTRANT HOUSING

For a Federal payment to the District of Columbia to increase the capacity of available housing for ex-offenders returning to the community, $3,000,000, to remain available until expended: Provided, That the District will use a portion of these funds to provide housing to on-site mentors as a condition of receiving this payment: Provided further, That within 15 days of enactment of this Act, the Mayor shall submit to the Committees on Appropriations of the House and Senate, a detailed expenditure plan that comports with the requirements in the accompanying report.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise
specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, section 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2006 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $8,700,158,000 (of which $5,007,344,000 shall be from local funds, $1,921,287,000 shall be from Federal grant funds, $1,754,399,000 shall be from other funds, and $17,129,000 shall be from private funds), in addition, $163,116,000 from funds previously appropriated in this Act as Federal payments: Provided further, That of the local funds, $466,894,000 shall be derived from the District’s general fund balance: Provided further, That of these funds the District’s intradistrict authority shall be $468,486,000: in addition for capital construction projects there is appropriated an increase of $2,820,637,000, of which $1,072,671,000 shall be from local funds, $49,551,000 from Highway Trust funds, $172,183,000 from the Local Street Maintenance fund, $378,000,000 from securitization of future revenue streams, $400,000,000 from Certificates of Participation financing, $534,800,000 from financing for construction of a baseball stadium, $213,432,000 from Fed-
eral grant funds, and a rescission of $295,032,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $2,525,605,000, to remain available until expended: Provided further, That the amounts provided under this heading are to be allocated and expended as proposed under “Title II—District of Columbia Funds” of the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 6, 2005: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2006, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.
GENERAL PROVISIONS

SEC. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 104. None of the Federal funds provided in this Act may be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.
Sec. 105. (a) None of the Federal funds provided in this Act may be used to carry out lobbying activities on any matter. The District may use local funds to carry out lobbying activities not inconsistent with this Act.

(b) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any issue.

Sec. 106. (a) None of the funds provided under this title to the agencies funded by this title, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditure for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;
(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(b) None the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the Appropriations.

Sec. 107. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which
the appropriations were made except as otherwise provided by law.


SEC. 109. No later than 30 days after the end of the first quarter of fiscal year 2006, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2006 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2007. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 110. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of
the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, section 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

Sec. 111. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, section 1–123).

Sec. 112. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, section 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health,
or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

Sec. 113. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant
within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

Sec. 114. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by
any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer’s or employee’s official duties. For purposes of this paragraph, the term “official duties” does not include travel between the officer’s or employee’s residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2006, an inventory, as of September 30, 2005, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle;
the acquisition date and cost; the general condition of the
dvehicle; annual operating and maintenance costs; current
mileage; and whether the vehicle is allowed to be taken home
by a District officer or employee and if so, the officer or
employee’s title and resident location.

SEC. 115. None of the funds contained in this Act may
be used for purposes of the annual independent audit of
the District of Columbia government for fiscal year 2006
unless—

(1) the audit is conducted by the Inspector Gen-
eral of the District of Columbia, in coordination with
the Chief Financial Officer of the District of Colum-
bia, pursuant to section 208(a)(4) of the District of
Columbia Procurement Practices Act of 1985 (D.C.
Official Code, section 2–302.8); and

(2) the audit includes as a basic financial state-
ment a comparison of audited actual year-end results
with the revenues submitted in the budget document
for such year and the appropriations enacted into law
for such year using the format, terminology, and clas-
sifications contained in the law making the appro-
priations for the year and its legislative history.

SEC. 116. (a) None of the funds contained in this Act
may be used by the District of Columbia Corporation Coun-
sel or any other officer or entity of the District government
to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

Sec. 117. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

Sec. 118. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the offi-
cer’s agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted: Provided, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by April 1, 2006 and October 1, 2006, a summary list showing each report, the due date, and the date submitted to the Committees.

Sec. 119. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a “conscience clause” which provides exceptions for religious beliefs and moral convictions.

Sec. 120. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of po-
lice officers on local beats, and the closing down of
open-air drug markets;

(2) access to substance and alcohol abuse treat-
ment, including the number of treatment slots, the
number of people served, the number of people on
waiting lists, and the effectiveness of treatment pro-
grams;

(3) management of parolees and pre-trial violent
offenders, including the number of halfway houses es-
capes and steps taken to improve monitoring and su-
pervision of halfway house residents to reduce the
number of escapes to be provided in consultation with
the Court Services and Offender Supervision Agency
for the District of Columbia;

(4) education, including access to special edu-
cation services and student achievement to be pro-
vided in consultation with the District of Columbia
Public Schools and the District of Columbia public
charter schools;

(5) improvement in basic District services, in-
cluding rat control and abatement;

(6) application for and management of Federal
grants, including the number and type of grants for
which the District was eligible but failed to apply
and the number and type of grants awarded to the
District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

Sec. 121. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, section 1–204.42), for all agencies of the District of Columbia government for fiscal year 2006 that is in the total amount of the approved appropriation and that re-aligns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

Sec. 122. Notwithstanding any other law, in fiscal year 2006 and in each subsequent fiscal year, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by
the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, section 50–2201.05(b)(1) and (2)): Provided, that the transferred funds are hereby made available and shall remain available until expended and shall be used by the Office of the Attorney General of the District of Columbia for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, section 50–2201.05(b)(3)).

SEC. 123. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.
(b) In this section, the term “action” includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

Sec. 124. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Education Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may con-
duct investigations to determine the accuracy of the certifi-
cations.

SEC. 125. The amount appropriated by this title may
be increased by no more than $42,000,000 from funds iden-
tified in the comprehensive annual financial report as the
District’s fiscal year 2005 unexpended general fund surplus.
The District may obligate and expend these amounts only
in accordance with the following conditions:

(1) The Chief Financial Officer of the District of
Columbia shall certify that the use of any such
amounts is not anticipated to have a negative impact
on the District’s long-term financial, fiscal, and eco-
nomic vitality.

(2) The District of Columbia may only use these
funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt Reduction.

(D) Program needs.

(E) Expenditures to avoid revenue short-
falls.

(3) The amounts shall be obligated and expended
in accordance with laws enacted by the Council in
support of each such obligation or expenditure.
(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 126. (a) The fourth proviso in the item relating to “Federal Payment for School Improvement” in the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1327) is amended—

(1) by striking “$4,000,000” and inserting “$4,000,000, to remain available until expended,”; and

(2) by striking “$2,000,000 shall be for a new incentive fund” and inserting “$2,000,000, to remain available until expended, shall be for a new incentive fund”.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 127. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District
of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as “Other-Type Funds” in the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia on June 6, 2005; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obliga-
tion and expenditure, consistent with the require-
ments of this Act.

(3) The amounts may not be used to fund any
agencies of the District government operating under
court-ordered receivership.

(4) The amounts may not be obligated or ex-
pended unless the Mayor has notified the Committees
on Appropriations of the House of Representatives
and Senate not fewer than 30 days in advance of the
obligation or expenditure.

SEC. 128. Beginning in fiscal year 2006 and for each
fiscal year thereafter, the Chief Financial Officer for the
District of Columbia may, for the purpose of cash flow man-
agement, conduct short-term borrowing from the emergency
reserve fund and from the contingency reserve fund estab-
lished under section 450A of the District of Columbia Home
Rule Act (Public Law 98–198): Provided, That the amount
borrowed shall not exceed 50 percent of the total amount
of funds contained in both the emergency and contingency
reserve funds at the time of borrowing: Provided further,
That the borrowing shall not deplete either fund by more
than 50 percent: Provided further, That 100 percent of the
funds borrowed shall be replenished within 9 months of the
time of the borrowing or by the end of the fiscal year, which-
ever occurs earlier: Provided further, That in the event that
short-term borrowing has been conducted and the emergency
or the contingency funds are later depleted below 50 percent
as a result of an emergency or contingency, an amount
equal to the amount necessary to restore reserve levels to
50 percent of the total amount of funds contained in both
the emergency and contingency reserve fund must be replen-
ished from the amount borrowed within 60 days.

Sec. 129. (a) None of the funds contained in this Act
may be used to enact or carry out any law, rule, or regula-
tion to legalize or otherwise reduce penalties associated with
the possession, use, or distribution of any schedule I sub-
stance under the Controlled Substances Act (21 U.S.C. 802)
or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treat-
ment Initiative of 1998, also known as Initiative 59, ap-
proved by the electors of the District of Columbia on Novem-
ber 3, 1998, shall not take effect.

Sec. 130. None of the funds appropriated under this
Act shall be expended for any abortion except where the life
of the mother would be endangered if the fetus were carried
to term or where the pregnancy is the result of an act of
rape or incest.

Sec. 131. Conveyance of Title for Educational
Purpose.—Section 7 of the District of Columbia Stadium
Act of 1957 (Public Law 85–300, 71 Stat. 619), as amend-
ed, is further amended by inserting after paragraph (d)(4) the following:

“(e)(1) Upon receipt of a written description from the District of Columbia of not more than 15 contiguous acres (hereinafter referred to as ‘the 15 acres’), with the longest side of the 15 acres abutting one of the roads bounding the property, within the area designated ‘D’ on the revised map entitled ‘Map to Designate Transfer of Stadium and Lease of Parking Lots to the District’ and bound by Oklahoma Avenue, NE, Benning Road, NE, the Metro line, and C Street, NE, and execution of a long-term lease that is contingent upon the Secretary’s conveyance of the 15 acres and for the purpose consistent with this paragraph, the Secretary shall convey the 15 acres described land to the District of Columbia for the purpose of siting, developing, and operating an educational institution for the public welfare, with first preference given to a pre-collegiate public boarding school.

“(2) Upon conveyance, the portion of the stadium lease that affects the 15 acres on the property and all the conditions associated therewith shall terminate, and the 15 acres property shall be removed from the ‘Map to Designate Transfer of Stadium and Lease of Parking Lots to the District’, and the long-term lease described in paragraph (1) shall take effect immediately.”.
Sec. 132. Continuation of Certain Authorities of Chief Financial Officer. The authority that the Chief Financial Officer of the District of Columbia exercised with respect to personnel and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect until September 30, 2006.

Sec. 133. Clarification of Certain Authorities of the Chief Financial Officer. The entire process used by the Chief Financial Officer to acquire any and all kinds of goods, works and services by any contractual means, including but not limited to purchase, lease or rental, shall be exempt from all of the provisions of the District of Columbia’s Procurement Practices Act: Provided, That provisions made by this subsection shall take effect as if enacted in D.C. Law 11–259 and shall remain in effect until September 30, 2006.

Sec. 134. Section 4013 of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Amendment Act of 2005, passed on first reading on May 10, 2005 (engrossed version of Bill 16–200), is hereby enacted into law.

Sec. 135. The Chief Financial Officer of the District is hereby authorized to transfer $5,000,000 from the local funds appropriated for the Deputy Mayor for Economic De-
velopment to the Anacostia Waterfront Corporation and to reallocate the appropriation authority for such funds to a heading to be entitled “Anacostia Waterfront Corporation” in addition, an amount of $3,200,000 is hereby appropriated from the local funds made available to the Anacostia Waterfront Corporation in fiscal year 2005. Provided, That all of the funds made available herein to the Anacostia Waterfront Corporation shall remain available until expended.

SEC. 136. Amounts appropriated in the Act for the Department of Health may be increased by $250,000 in local funds to remain available until expended to conduct a health study in Spring Valley.

SEC. 137. WAIVER OF CONGRESSIONAL REVIEW OF AMENDMENTS TO BALLPARK OMNIBUS FINANCING AND REVENUE ACT OF 2004.—Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act, amendments to the Ballpark Technical Amendments Act of 2005 and the Ballpark Fee Rebate Act of 2005 shall take effect on the date of the enactment by the District of Columbia.
This division may be cited as the “District of Columbia Appropriations Act, 2006”.

Attest:

Secretary.