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108TH CONGRESS
2D SESSION

S. 2806

[Report No. 108–342]

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2004

Mr. SHELBY, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Transportation and Treasury, the Execu-
6 tive Office of the President, and certain independent agen-

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

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,
8 \$86,000,000, of which not to exceed \$2,400,000 shall be
9 available for the immediate Office of the Secretary; not
10 to exceed \$725,000 shall be available for the immediate
11 Office of the Deputy Secretary; not to exceed \$15,700,000
12 shall be available for the Office of the General Counsel;
13 not to exceed \$12,627,000 shall be available for the Office
14 of the Under Secretary of Transportation for Policy; not
15 to exceed \$8,600,000 shall be available for the Office of
16 the Assistant Secretary for Budget and Programs; not to
17 exceed \$2,500,000 shall be available for the Office of the
18 Assistant Secretary for Governmental Affairs; not to ex-
19 ceed \$24,364,000 shall be available for the Office of the
20 Assistant Secretary for Administration; not to exceed
21 \$1,968,000 shall be available for the Office of Public Af-
22 fairs; not to exceed \$1,484,000 shall be available for the
23 Office of the Executive Secretariat; not to exceed
24 \$750,000 shall be available for the Board of Contract Ap-
25 peals; not to exceed \$1,290,000 shall be available for the

1 Office of Small and Disadvantaged Business Utilization;
2 not to exceed \$2,200,000 for the Office of Intelligence and
3 Security; and not to exceed \$11,392,000 shall be available
4 for the Office of the Chief Information Officer: *Provided*,
5 That the Secretary of Transportation is authorized to
6 transfer funds appropriated for any office of the Office
7 of the Secretary to any other office of the Office of the
8 Secretary: *Provided further*, That no appropriation for any
9 office shall be increased or decreased by more than 5 per-
10 cent by all such transfers: *Provided further*, That any
11 change in funding greater than 5 percent shall be sub-
12 mitted for approval to the House and Senate Committees
13 on Appropriations: *Provided further*, That not to exceed
14 \$60,000 shall be for allocation within the Department for
15 official reception and representation expenses as the Sec-
16 retary may determine: *Provided further*, That notwith-
17 standing any other provision of law, excluding fees author-
18 ized in Public Law 107–71, there may be credited to this
19 appropriation up to \$2,500,000 in funds received in user
20 fees.

21 OFFICE OF CIVIL RIGHTS

22 For necessary expenses of the Office of Civil Rights,
23 \$8,700,000.

1 COMPENSATION FOR AIR CARRIERS

2 (RESCISSION)

3 Of the funds made available under section 101(a)(2)
4 of Public Law 107–42, \$235,000,000 are rescinded.

5 TRANSPORTATION PLANNING, RESEARCH, AND

6 DEVELOPMENT

7 For necessary expenses for conducting transportation
8 planning, research, systems development, development ac-
9 tivities, and making grants, to remain available until ex-
10 pended, \$15,000,000.

11 WORKING CAPITAL FUND

12 Necessary expenses for operating costs and capital
13 outlays of the Working Capital Fund, not to exceed
14 \$151,054,000, shall be paid from appropriations made
15 available to the Department of Transportation: *Provided*,
16 That such services shall be provided on a competitive basis
17 to entities within the Department of Transportation: *Pro-*
18 *vided further*, That the above limitation on operating ex-
19 penses shall not apply to non-DOT entities: *Provided fur-*
20 *ther*, That no funds appropriated in this Act to an agency
21 of the Department shall be transferred to the Working
22 Capital Fund without the approval of the agency modal
23 administrator: *Provided further*, That no assessments may
24 be levied against any program, budget activity, subactivity
25 or project funded by this Act unless notice of such assess-
26 ments and the basis therefor are presented to the House

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

3 MINORITY BUSINESS RESOURCE CENTER PROGRAM

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

13 MINORITY BUSINESS OUTREACH

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

20 PAYMENTS TO AIR CARRIERS

21 (AIRPORT AND AIRWAY TRUST FUND)

22 In addition to funds made available from any other
23 source to carry out the essential air service program under
24 49 U.S.C. 41731 through 41742, \$52,000,000, to be de-
25 rived from the Airport and Airway Trust Fund, to remain
26 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, \$7,784,000,000, of which \$4,959,503,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed \$6,267,870,000 shall be available for air traffic services program activities; not to exceed \$905,194,000 shall be available for aviation regulation and certification program activities; not to exceed \$224,239,000 shall be available for research and acquisition program activities; not to exceed \$11,674,000 shall be available for commercial space transportation program activities; not to exceed \$53,624,000 shall be available for financial services program activities; not to exceed \$78,660,000 shall be available for human resources program activities; not to exceed \$88,479,000 shall be available for regional coordination

1 program activities; not to exceed \$150,739,000 shall be
2 available for staff offices; and not to exceed \$36,254,000
3 shall be available for information services: *Provided*, That
4 none of the funds in this Act shall be available for the
5 Federal Aviation Administration to finalize or implement
6 any regulation that would promulgate new aviation user
7 fees not specifically authorized by law after the date of
8 the enactment of this Act: *Provided further*, That there
9 may be credited to this appropriation funds received from
10 States, counties, municipalities, foreign authorities, other
11 public authorities, and private sources, for expenses in-
12 curred in the provision of agency services, including re-
13 ceipts for the maintenance and operation of air navigation
14 facilities, and for issuance, renewal or modification of cer-
15 tificates, including airman, aircraft, and repair station cer-
16 tificates, or for tests related thereto, or for processing
17 major repair or alteration forms: *Provided further*, That
18 of the funds appropriated under this heading, not less
19 than \$7,000,000 shall be for the contract tower cost-shar-
20 ing program: *Provided further*, That funds may be used
21 to enter into a grant agreement with a nonprofit standard-
22 setting organization to assist in the development of avia-
23 tion safety standards: *Provided further*, That none of the
24 funds in this Act shall be available for new applicants for
25 the second career training program: *Provided further*,

1 That none of the funds in this Act shall be available for
 2 paying premium pay under 5 U.S.C. 5546(a) to any Fed-
 3 eral Aviation Administration employee unless such em-
 4 ployee actually performed work during the time cor-
 5 responding to such premium pay: *Provided further*, That
 6 none of the funds in this Act may be obligated or expended
 7 to operate a manned auxiliary flight service station in the
 8 contiguous United States: *Provided further*, That none of
 9 the funds in this Act for aeronautical charting and cartog-
 10 raphy are available for activities conducted by, or coordi-
 11 nated through, the Working Capital Fund.

12 FACILITIES AND EQUIPMENT

13 (AIRPORT AND AIRWAY TRUST FUND)

14 For necessary expenses, not otherwise provided for,
 15 for acquisition, establishment, technical support services,
 16 improvement by contract or purchase, and hire of air navi-
 17 gation and experimental facilities and equipment, as au-
 18 thorized under part A of subtitle VII of title 49, United
 19 States Code, including initial acquisition of necessary sites
 20 by lease or grant; engineering and service testing, includ-
 21 ing construction of test facilities and acquisition of nec-
 22 essary sites by lease or grant; construction and furnishing
 23 of quarters and related accommodations for officers and
 24 employees of the Federal Aviation Administration sta-
 25 tioned at remote localities where such accommodations are
 26 not available; and the purchase, lease, or transfer of air-

1 craft from funds available under this heading; to be de-
 2 rived from the Airport and Airway Trust Fund,
 3 \$2,500,000,000, of which \$2,071,300,000 shall remain
 4 available until September 30, 2007, and of which
 5 \$428,700,000 shall remain available until September 30,
 6 2005: *Provided*, That there may be credited to this appro-
 7 priation funds received from States, counties, municipali-
 8 ties, other public authorities, and private sources, for ex-
 9 penses incurred in the establishment and modernization
 10 of air navigation facilities: *Provided further*, That upon ini-
 11 tial submission to the Congress of the fiscal year 2006
 12 President's budget, the Secretary of Transportation shall
 13 transmit to the Congress a comprehensive capital invest-
 14 ment plan for the Federal Aviation Administration which
 15 includes funding for each budget line item for fiscal years
 16 2006 through 2010, with total funding for each year of
 17 the plan constrained to the funding targets for those years
 18 as estimated and approved by the Office of Management
 19 and Budget.

20 FACILITIES AND EQUIPMENT

21 (AIRPORT AND AIRWAY TRUST FUND)

22 (RESCISSION)

23 Of the available balances under this heading,
 24 \$50,000,000 are rescinded.

1 RESEARCH, ENGINEERING, AND DEVELOPMENT

2 (AIRPORT AND AIRWAY TRUST FUND)

3 For necessary expenses, not otherwise provided for,
 4 for research, engineering, and development, as authorized
 5 under part A of subtitle VII of title 49, United States
 6 Code, including construction of experimental facilities and
 7 acquisition of necessary sites by lease or grant,
 8 \$129,427,000, to be derived from the Airport and Airway
 9 Trust Fund and to remain available until September 30,
 10 2007: *Provided*, That there may be credited to this appro-
 11 priation funds received from States, counties, municipali-
 12 ties, other public authorities, and private sources, for ex-
 13 penses incurred for research, engineering, and develop-
 14 ment.

15 GRANTS-IN-AID FOR AIRPORTS

16 (LIQUIDATION OF CONTRACT AUTHORIZATION)

17 (LIMITATION ON OBLIGATIONS)

18 (AIRPORT AND AIRWAY TRUST FUND)

19 For liquidation of obligations incurred for grants-in-
 20 aid for airport planning and development, and noise com-
 21 patibility planning and programs as authorized under sub-
 22 chapter I of chapter 471 and subchapter I of chapter 475
 23 of title 49, United States Code, and under other law au-
 24 thorizing such obligations; for procurement, installation,
 25 and commissioning of runway incursion prevention devices
 26 and systems at airports of such title; for grants authorized

1 under section 41743 of title 49, United States Code; and
2 for inspection activities and administration of airport safe-
3 ty programs, including those related to airport operating
4 certificates under section 44706 of title 49, United States
5 Code, \$2,800,000,000 to be derived from the Airport and
6 Airway Trust Fund and to remain available until ex-
7 pended: *Provided*, That none of the funds under this head-
8 ing shall be available for the planning or execution of pro-
9 grams the obligations for which are in excess of
10 \$3,500,000,000 in fiscal year 2005, notwithstanding sec-
11 tion 47117(g) of title 49, United States Code: *Provided*
12 *further*, That none of the funds under this heading shall
13 be available for the replacement of baggage conveyor sys-
14 tems, reconfiguration of terminal baggage areas, or other
15 airport improvements that are necessary to install bulk ex-
16 plosive detection systems: *Provided further*, That notwith-
17 standing any other provision of law, not more than
18 \$68,802,000 of funds limited under this heading shall be
19 obligated for administration and not less than
20 \$20,000,000 shall be for the Small Community Air Service
21 Development Program.

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

4 Of the amount authorized for the fiscal year ending
5 September 30, 2004, under sections 48103 and 48112 of
6 title 49, United States Code, \$265,000,000 are rescinded.

7 GENERAL PROVISIONS—FEDERAL AVIATION
8 ADMINISTRATION
9 (INCLUDING TRANSFERS OF FUNDS)

10 SEC. 101. Notwithstanding any other provision of
11 law, airports may transfer, without consideration, to the
12 Federal Aviation Administration (FAA) instrument land-
13 ing systems (along with associated approach lighting
14 equipment and runway visual range equipment) which
15 conform to FAA design and performance specifications,
16 the purchase of which was assisted by a Federal airport-
17 aid program, airport development aid program or airport
18 improvement program grant: *Provided*, That, the Federal
19 Aviation Administration shall accept such equipment,
20 which shall thereafter be operated and maintained by FAA
21 in accordance with agency criteria.

22 SEC. 102. None of the funds in this Act may be used
23 to compensate in excess of 350 technical staff-years under
24 the federally funded research and development center con-
25 tract between the Federal Aviation Administration and the

1 Center for Advanced Aviation Systems Development dur-
2 ing fiscal year 2005.

3 SEC. 103. None of the funds in this Act shall be used
4 to pursue or adopt guidelines or regulations requiring air-
5 port sponsors to provide to the Federal Aviation Adminis-
6 tration without cost building construction, maintenance,
7 utilities and expenses, or space in airport sponsor-owned
8 buildings for services relating to air traffic control, air
9 navigation, or weather reporting: *Provided*, That the pro-
10 hibition of funds in this section does not apply to negotia-
11 tions between the agency and airport sponsors to achieve
12 agreement on “below-market” rates for these items or to
13 grant assurances that require airport sponsors to provide
14 land without cost to the FAA for air traffic control facili-
15 ties.

16 SEC. 104. For an airport project that the Adminis-
17 trator of the Federal Aviation Administration (FAA) de-
18 termines will add critical airport capacity to the national
19 air transportation system, the Administrator is authorized
20 to accept funds from an airport sponsor, including entitle-
21 ment funds provided under the “Grants-in-Aid for Air-
22 ports” program, for the FAA to hire additional staff or
23 obtain the services of consultants: *Provided*, That the Ad-
24 ministrator is authorized to accept and utilize such funds
25 only for the purpose of facilitating the timely processing,

1 review, and completion of environmental activities associ-
 2 ated with such project.

3 SEC. 105. Title 49, United States Code, is amended:

4 (1) In section 44302(f) by striking “August 31,
 5 2004 and may extend through December 31, 2004,”
 6 and inserting in lieu thereof “December 31, 2005”.

7 (2) In section 44302(g)(1) by striking “may
 8 provide” and inserting in lieu thereof “shall make
 9 available”.

10 (3) In section 44303(b) by—

11 (A) striking “December 31, 2004” and in-
 12 serting in lieu thereof “December 31, 2005”;
 13 and

14 (B) striking the phrase “may extend” in
 15 the last sentence of the subsection and inserting
 16 in lieu thereof “shall extend”.

17 FEDERAL HIGHWAY ADMINISTRATION

18 LIMITATION ON ADMINISTRATIVE EXPENSES

19 Necessary expenses for administration and operation
 20 of the Federal Highway Administration, not to exceed
 21 \$349,594,000, shall be paid in accordance with law from
 22 appropriations made available by this Act to the Federal
 23 Highway Administration together with advances and reim-
 24 bursements received by the Federal Highway Administra-
 25 tion.

1 FEDERAL-AID HIGHWAYS

2 (LIMITATION ON OBLIGATIONS)

3 (HIGHWAY TRUST FUND)

4 None of the funds in this Act shall be available for
5 the implementation or execution of programs, the obliga-
6 tions for which are in excess of \$34,900,000,000 for Fed-
7 eral-aid highways and highway safety construction pro-
8 grams for fiscal year 2005: *Provided*, That within the
9 \$34,900,000,000 obligation limitation on Federal-aid
10 highways and highway safety construction programs, not
11 more than \$462,500,000 shall be available for the imple-
12 mentation or execution of programs for transportation re-
13 search (sections 502, 503, 504, 506, 507, and 508 of title
14 23, United States Code, as amended; section 5505 of title
15 49, United States Code, as amended; and sections 5112
16 and 5204–5209 of Public Law 105–178) for fiscal year
17 2005: *Provided further*, That this limitation on transpor-
18 tation research programs shall not apply to any authority
19 previously made available for obligation.

20 FEDERAL-AID HIGHWAYS

21 (LIQUIDATION OF CONTRACT AUTHORIZATION)

22 (HIGHWAY TRUST FUND)

23 Notwithstanding any other provision of law, for car-
24 rying out the provisions of title 23, United States Code,
25 that are attributable to Federal-aid highways, including
26 the National Scenic and Recreational Highway as author-

1 ized by 23 U.S.C. 148, not otherwise provided, including
 2 reimbursement for sums expended pursuant to the provi-
 3 sions of 23 U.S.C. 308, \$35,000,000,000 or so much
 4 thereof as may be available in and derived from the High-
 5 way Trust Fund, to remain available until expended.

6 FEDERAL-AID HIGHWAYS

7 HIGHWAY TRUST FUND

8 (RESCISSION)

9 Of the unobligated balances of funds apportioned to
 10 each State under the programs authorized under sections
 11 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and
 12 1101(a)(5) of Public Law 105–178, as amended,
 13 \$300,000,000 are rescinded.

14 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

15 For necessary expenses for the Appalachian Develop-
 16 ment Highway System as authorized under section
 17 1069(y) of Public Law 102–240, as amended,
 18 \$100,000,000, to remain available until expended.

19 GENERAL PROVISIONS—FEDERAL HIGHWAY

20 ADMINISTRATION

21 SEC. 110. (a) For fiscal year 2005, the Secretary of
 22 Transportation shall—

23 (1) not distribute from the obligation limitation
 24 for Federal-aid highways amounts authorized for ad-
 25 ministrative expenses and programs funded from the
 26 administrative takedown authorized by section

1 104(a)(1)(A) of title 23, United States Code, for the
2 highway use tax evasion program, for the Bureau of
3 Transportation Statistics, and for the programs,
4 projects, and activities for which funds are made
5 available under section 112 of this Act;

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

13 (3) determine the ratio that—

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

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

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

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

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

1 authorized to be appropriated for such program for
 2 such fiscal year; and

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

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

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

21 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

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

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

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

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

9 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
10 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
11 tion limitation shall apply to transportation research pro-
12 grams carried out under chapter 5 of title 23, United
13 States Code, except that obligation authority made avail-
14 able for such programs under such limitation shall remain
15 available for a period of 3 fiscal years.

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

1 the Secretary determines will not be allocated to the
2 States, and will not be available for obligation, in such
3 fiscal year due to the imposition of any obligation limita-
4 tion for such fiscal year. Such distribution to the States
5 shall be made in the same ratio as the distribution of obli-
6 gation authority under subsection (a)(6). The funds so
7 distributed shall be available for any purposes described
8 in section 133(b) of title 23, United States Code.

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

16 SEC. 111. Notwithstanding 31 U.S.C. 3302, funds re-
17 ceived by the Bureau of Transportation Statistics from the
18 sale of data products, for necessary expenses incurred pur-
19 suant to 49 U.S.C. 111 may be credited to the Federal-
20 aid highways account for the purpose of reimbursing the
21 Bureau for such expenses: *Provided*, That such funds shall
22 be subject to the obligation limitation for Federal-aid
23 highways and highway safety construction.

24 SEC. 112. Notwithstanding any other provision of
25 law, whenever an allocation is made of the sums author-

1 ized to be appropriated for expenditure on the Federal
2 lands highway program, and whenever an apportionment
3 is made of the sums authorized to be appropriated for the
4 surface transportation program, the congestion mitigation
5 and air quality improvement program, the National High-
6 way System, the Interstate maintenance program, the
7 bridge program, the Appalachian development highway
8 system, and the minimum guarantee program, the Sec-
9 retary of Transportation shall deduct a sum in such
10 amount not to exceed .8 percent of all sums so authorized:
11 *Provided*, That of the amount so deducted in accordance
12 with this section \$15,000,000 shall be made available to
13 provide grants to States for the development or enhance-
14 ment of notification or communication systems along high-
15 ways for alerts and other information for the recovery of
16 abducted children under section 303 of Public Law 108–
17 21; \$50,000,000 shall be made available to make grants
18 to support planning, highway corridor development, and
19 highway construction projects in the area that comprise
20 the Delta Regional Authority; and \$5,000,000 shall be
21 made available for environmental streamlining activities,
22 which may include making grants to, or entering into con-
23 tracts, cooperative agreements, and other transactions
24 with a Federal agency, State agency, local agency, author-
25 ity, association, nonprofit or for-profit corporation, or in-

stitution of higher education: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds made available under this section shall be 100 percent: *Provided further*, That the sum deducted in accordance with this section shall remain available until expended: *Provided further*, That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: *Provided further*, That the obligation limitation made available for the programs, projects, and activities for which funds are made available under this section 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. 113. Of the funds made available under section 188(a)(1) of title 23, United States Code, \$100,000,000 are rescinded.

SEC. 114. Division F, title I, section 115 of Public Law 108–199 is amended by inserting before the period at the end the following: “: *Provided further*, That notwithstanding any other provision of law and the preceding clauses of this provision, the Secretary of Transportation may use amounts made available by this section to make

1 grants for any surface transportation project otherwise eli-
2 gible for funding under title 23 or title 49, United States
3 Code”.

4 SEC. 115. For the purposes of 23 U.S.C. 181(19)(D)
5 the project described in section 626 of Division B, title
6 VI of Public Law 108–7 is eligible as a publicly owned
7 intermodal surface freight transfer facility.

8 SEC. 116. Notwithstanding any other provision of
9 law, the Department of Transportation shall complete ap-
10 proval of the proposed surety substitution for one-half of
11 the bond debt service reserve amount for the RETRAC
12 project within 30 days after receiving from RETRAC a
13 binding commitment from a qualified provider to deliver
14 a surety at an acceptable price. Such bond debt service
15 funds so released shall be deposited into the RETRAC
16 project contingency fund for payment of RETRAC project
17 costs in the event current project cost projections are ex-
18 ceeded.

19 SEC. 117. Of the funds provided for under “Trans-
20 portation and Community and System Preservation Pro-
21 gram” in Public Law 106–69 and Public Law 106–346
22 for the project known as “Utah-Colorado ‘Isolated Em-
23 pire’ Rail Connector Study” as referenced in House Re-
24 port 106–355 and House Report 106–940, any remaining
25 unobligated balance as of October 1, 2004, shall be made

1 available to the Central Utah Rail Line (Sigurd/Salina to
2 Levan) Project.

3 SEC. 118. DESIGNATION OF MIKE O'CALLAGHAN-
4 PAT TILLMAN MEMORIAL BRIDGE. (a) IN GENERAL.—
5 The Hoover Dam Bypass Bridge in the Lake Mead Na-
6 tional Recreation Area between Nevada and Arizona is
7 designated as the “Mike O’Callaghan-Pat Tillman Memo-
8 rial Bridge”.

9 (b) REFERENCES IN LAW.—Any reference in a law
10 (including regulations), map, document, paper, or other
11 record of the United States to the bridge described in sub-
12 section (a) shall be considered to be a reference to the
13 Mike O’Callaghan-Pat Tillman Memorial Bridge.

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

19 Notwithstanding any other provision of law, none of
20 the funds in this Act shall be available for expenses for
21 administration of motor carrier safety programs, motor
22 carrier safety research, and grants, the obligations for
23 which are in excess of \$260,000,000 for fiscal year 2005,
24 of which \$10,791,000, to remain available until September
25 30, 2008, shall be for the research and technology pro-
26 gram: *Provided*, That \$33,000,000 shall be available to

1 make grants to, or enter into contracts with, States, local
2 governments, or other persons for carrying out border
3 commercial motor vehicle safety programs and enforce-
4 ment activities and projects for the purposes described in
5 49 U.S.C. 31104(f)(2)(B), and the Federal share payable
6 under such grants shall be 100 percent; \$28,711,000 shall
7 be available for grants to States for implementation of sec-
8 tion 210 of the Motor Carrier Safety Improvement Act
9 of 1999 (113 Stat. 1764–1765), and the Federal share
10 payable under such grants shall be 100 percent;
11 \$3,000,000 shall be available to make grants to, or enter
12 into contracts with, States, local governments, or other
13 persons for commercial driver’s license program improve-
14 ments, and the Federal share payable under such grants
15 shall be 100 percent: *Provided further*, That notwith-
16 standing any other provision of law, for payment of obliga-
17 tions incurred to pay administrative expenses of and
18 grants by the Federal Motor Carrier Safety Administra-
19 tion, \$260,000,000, to be derived from the Highway Trust
20 Fund, together with advances and reimbursements re-
21 ceived by the Federal Motor Carrier Safety Administra-
22 tion, the sum of which shall remain available until ex-
23 pended.

1 NATIONAL MOTOR CARRIER SAFETY PROGRAM

2 (LIQUIDATION OF CONTRACT AUTHORIZATION)

3 (LIMITATION ON OBLIGATIONS)

4 (HIGHWAY TRUST FUND)

5 Notwithstanding any other provision of law, for pay-
 6 ment of obligations incurred in carrying out 49 U.S.C.
 7 31102, 31106, and 31309, \$190,000,000, to be derived
 8 from the Highway Trust Fund and to remain available
 9 until expended: *Provided*, That none of the funds in this
 10 Act shall be available for the implementation or execution
 11 of programs the obligations for which are in excess of
 12 \$190,000,000 for “Motor Carrier Safety Grants” and “In-
 13 formation Systems”, and of which \$18,000,000 shall be
 14 available for grants to States, local governments, or other
 15 entities for commercial driver’s license program improve-
 16 ments: *Provided further*, That for grants made to States
 17 for implementation of section 210 of the Motor Carrier
 18 Safety Improvement Act of 1999 (113 Stat. 1764–1765),
 19 and for grants to States, local governments, or other enti-
 20 ties for commercial driver’s license program improve-
 21 ments, the Federal share payable under such grants shall
 22 be 100 percent.

23 GENERAL PROVISIONS—FEDERAL MOTOR CARRIER

24 SAFETY ADMINISTRATION

25 SEC. 130. Funds appropriated or limited in this Act
 26 shall be subject to the terms and conditions stipulated in

1 section 350 of Public Law 107–87, including that the Sec-
2 retary submit a report to the House and Senate Appro-
3 priations Committees annually on the safety and security
4 of transportation into the United States by Mexico-domi-
5 ciled motor carriers.

6 SEC. 131. None of the funds appropriated or other-
7 wise made available by this Act may be used to implement
8 or enforce any provisions of the Final Rule, issued on
9 April 16, 2003 (Docket No. FMCSA–97–2350), with re-
10 spect to either of the following:

11 (1) The operators of utility service vehicles, as
12 that term is defined in section 395.2 of title 49,
13 Code of Federal Regulations.

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

19 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
20 OPERATIONS AND RESEARCH
21 (HIGHWAY TRUST FUND)

22 For expenses necessary to discharge the functions of
23 the Secretary, with respect to traffic and highway safety
24 under chapter 301 of title 49, United States Code, and
25 part C of subtitle VI of title 49, United States Code,
26 \$152,300,000, to be derived from the sum authorized to

1 be deducted under section 112 of this Act and transferred
2 to the National Highway Traffic Safety Administration,
3 to remain available until expended: *Provided*, That such
4 funds shall be transferred to and administered by the Na-
5 tional Highway Traffic Safety Administration: *Provided*
6 *further*, That none of the funds appropriated by this Act
7 may be obligated or expended to plan, finalize, or imple-
8 ment any rulemaking to add to section 575.104 of title
9 49 of the Code of Federal Regulations any requirement
10 pertaining to a grading standard that is different from
11 the three grading standards (treadwear, traction, and tem-
12 perature resistance) already in effect: *Provided further*,
13 That all funds made available under this heading shall be
14 subject to any limitation on obligations for Federal-aid
15 highways and highway safety construction programs set
16 forth in this Act or any other Act: *Provided further*, That
17 the obligation limitation made available for the programs,
18 projects, and activities for which funds are made available
19 under this heading shall remain available until used and
20 shall be in addition to the amount of any limitation im-
21 posed on obligations for Federal-aid highway and highway
22 safety construction programs for future fiscal years.

1 OPERATIONS AND RESEARCH
 2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 3 (LIMITATION ON OBLIGATIONS)
 4 (HIGHWAY TRUST FUND)

5 Notwithstanding any other provision of law, for pay-
 6 ment of obligations incurred in carrying out the provisions
 7 of 23 U.S.C. 403, to remain available until expended,
 8 \$72,000,000, to be derived from the Highway Trust Fund:
 9 *Provided*, That none of the funds in this Act shall be avail-
 10 able for the planning or execution of programs the total
 11 obligations for which, in fiscal year 2005, are in excess
 12 of \$72,000,000 for programs authorized under 23 U.S.C.
 13 403.

14 NATIONAL DRIVER REGISTER
 15 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 16 (LIMITATION ON OBLIGATIONS)
 17 (HIGHWAY TRUST FUND)

18 For payment of obligations incurred in carrying out
 19 chapter 303 of title 49, United States Code, \$4,000,000,
 20 to be derived from the Highway Trust Fund: *Provided*,
 21 That none of the funds in this Act shall be available for
 22 the implementation or execution of programs the obliga-
 23 tions for which are in excess of \$4,000,000 for the Na-
 24 tional Driver Register authorized under chapter 303 of
 25 title 49, United States Code.

1 HIGHWAY TRAFFIC SAFETY GRANTS
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 Notwithstanding any other provision of law, for pay-
6 ment of obligations incurred in carrying out the provisions
7 of 23 U.S.C. 402, 405, and 410, to remain available until
8 expended, \$225,000,000, to be derived from the Highway
9 Trust Fund: *Provided*, That none of the funds in this Act
10 shall be available for the planning or execution of pro-
11 grams the total obligations for which, in fiscal year 2005,
12 are in excess of \$225,000,000 for programs authorized
13 under 23 U.S.C. 402, 405, and 410, of which
14 \$165,000,000 shall be for “Highway Safety Programs”
15 under 23 U.S.C. 402, \$20,000,000 shall be for “Occupant
16 Protection Incentive Grants” under 23 U.S.C. 405, and
17 \$40,000,000 shall be for “Alcohol-Impaired Driving Coun-
18 termeasures Grants” under 23 U.S.C. 410: *Provided fur-*
19 *ther*, That none of these funds shall be used for construc-
20 tion, rehabilitation, or remodeling costs, or for office fur-
21 nishings and fixtures for State, local, or private buildings
22 or structures: *Provided further*, That not to exceed
23 \$8,250,000 of the funds made available for section 402,
24 not to exceed \$1,000,000 of the funds made available for
25 section 405, and not to exceed \$2,000,000 of the funds
26 made available for section 410 shall be available to

1 NHTSA for administering highway safety grants under
 2 chapter 4 of title 23, United States Code: *Provided further*,
 3 That not to exceed \$2,880,000 of the funds subject to allo-
 4 cation under section 157 of title 23, United States Code,
 5 and not to exceed \$2,880,000 of the funds subject to ap-
 6 portionment under section 163 of that title, shall be avail-
 7 able to the National Highway Traffic Safety Administra-
 8 tion for administering highway safety grants under those
 9 sections: *Provided further*, That not to exceed \$500,000
 10 of the funds made available for section 410 “Alcohol-Im-
 11 paired Driving Countermeasures Grants” shall be avail-
 12 able for technical assistance to the States.

13 GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC
 14 SAFETY ADMINISTRATION

15 SEC. 140. Notwithstanding any other provision of
 16 law, States may use funds provided in this Act under sec-
 17 tion 402 of title 23, United States Code, to produce and
 18 place highway safety public service messages in television,
 19 radio, cinema, and print media, and on the Internet in
 20 accordance with guidance issued by the Secretary of
 21 Transportation: *Provided*, That any State that uses funds
 22 for such public service messages shall submit to the Sec-
 23 retary a report describing and assessing the effectiveness
 24 of the messages: *Provided further*, That \$10,000,000 of
 25 the funds allocated under section 157 of title 23, United
 26 States Code, shall be used as directed by the National

1 Highway Traffic Safety Administrator to purchase na-
2 tional paid advertising (including production and place-
3 ment) to support national safety belt mobilizations: *Pro-*
4 *vided further*, That, of the funds allocated under section
5 163 of title 23, United States Code, \$6,000,000 shall be
6 used as directed by the Administrator to support national
7 impaired driving mobilizations and enforcement efforts,
8 \$14,000,000 shall be used as directed by the Adminis-
9 trator to purchase national paid advertising (including
10 production and placement) to support such national im-
11 paired driving mobilizations and enforcement efforts.

12 SEC. 141. Notwithstanding any other provision of
13 law, funds appropriated or limited in the Act to educate
14 the motoring public on how to share the road safely with
15 commercial motor vehicles shall be administered by the
16 National Highway Traffic Safety Administration and shall
17 not be used by or made available to any other Federal
18 agency.

19 SEC. 142. Notwithstanding any other provision of
20 law, for fiscal year 2005 the Secretary of Transportation
21 is authorized to use amounts made available to carry out
22 section 157 of title 23, United States Code, to make inno-
23 vative project allocations, not to exceed the prior year's
24 amounts for such allocations, before making incentive
25 grants for use of seat belts.

1 FEDERAL RAILROAD ADMINISTRATION

2 SAFETY AND OPERATIONS

3 For necessary expenses of the Federal Railroad Ad-
4 ministration, not otherwise provided for, \$139,849,000, of
5 which \$15,350,000 shall remain available until expended.

6 RAILROAD RESEARCH AND DEVELOPMENT

7 For necessary expenses for railroad research and de-
8 velopment, \$35,225,000, to remain available until ex-
9 pended.

10 RAILROAD REHABILITATION AND IMPROVEMENT

11 PROGRAM

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

1 NEXT GENERATION HIGH-SPEED RAIL

2 For necessary expenses for the Next Generation
3 High-Speed Rail program as authorized under 49 U.S.C.
4 26101 and 26102, \$20,000,000, to remain available until
5 expended.

6 ALASKA RAILROAD REHABILITATION

7 To enable the Secretary of Transportation to make
8 grants to the Alaska Railroad, \$25,000,000, for capital
9 rehabilitation and improvements benefiting its passenger
10 operations, to remain available until expended.

11 GRANTS TO THE NATIONAL RAILROAD PASSENGER

12 CORPORATION

13 To enable the Secretary of Transportation to make
14 quarterly grants to the National Railroad Passenger Cor-
15 poration, \$1,217,000,000, to remain available until Sep-
16 tember 30, 2005: *Provided*, That the Secretary of Trans-
17 portation shall approve funding to cover operating losses
18 and capital expenditures, including advance purchase or-
19 ders, for the National Railroad Passenger Corporation
20 only after receiving and reviewing a grant request for each
21 specific train route: *Provided further*, That each such
22 grant request shall be accompanied by a detailed financial
23 analysis, revenue projection, and capital expenditure pro-
24 jection justifying the Federal support to the Secretary's
25 satisfaction: *Provided further*, That the Secretary of
26 Transportation shall reserve \$60,000,000 of the funds

1 provided under this heading and is authorized to transfer
2 such sums to the Surface Transportation Board, upon re-
3 quest from said Board, to carry out directed service orders
4 issued pursuant to section 11123 of title 49, United States
5 Code to respond to the cessation of commuter rail oper-
6 ations by the National Railroad Passenger Corporation:
7 *Provided further*, That the Secretary of Transportation
8 shall make the reserved funds available to the National
9 Railroad Passenger Corporation through an appropriate
10 grant instrument during the fourth quarter of fiscal year
11 2005 to the extent that no directed service orders have
12 been issued by the Surface Transportation Board as of
13 the date of transfer or there is a balance of reserved funds
14 not needed by the Board to pay for any directed service
15 order issued through September 30, 2005: *Provided fur-*
16 *ther*, That not later than 60 days after enactment of this
17 Act, Amtrak shall transmit, in electronic format, to the
18 Secretary of Transportation, the House and Senate Com-
19 mittees on Appropriations, the House Committee on
20 Transportation and Infrastructure and the Senate Com-
21 mittee on Commerce, Science, and Transportation a com-
22 prehensive business plan approved by the Board of Direc-
23 tors for fiscal year 2005 under section 24104(a) of title
24 49, United States Code: *Provided further*, That the busi-
25 ness plan shall include, as applicable, targets for ridership,

1 revenues, and capital and operating expenses: *Provided*
2 *further*, That the plan shall also include a separate ac-
3 counting of such targets for the Northeast Corridor; com-
4 muter service; long-distance Amtrak service; state-sup-
5 ported service; each intercity train route; including Auto-
6 train; and commercial activities including contract oper-
7 ations and mail and express: *Provided further*, That the
8 business plan shall include a description of the work to
9 be funded, along with cost estimates and an estimated
10 timetable for completion of the projects covered by this
11 business plan: *Provided further*, That not later than Octo-
12 ber 1, 2004 and no later than 30 days following the last
13 business day of the previous month thereafter, Amtrak
14 shall submit to the Secretary of Transportation and the
15 House and Senate Committees on Appropriations a sup-
16 plemental report, in electronic format, regarding the pend-
17 ing business plan, which shall describe the work completed
18 to date, any changes to the business plan, and the reasons
19 for such changes: *Provided further*, That none of the funds
20 in this Act may be used for operating expenses, including
21 advance purchase orders, and capital projects not ap-
22 proved by the Secretary of Transportation nor on the Na-
23 tional Railroad Passenger Corporation's fiscal year 2005
24 business plan: *Provided further*, That Amtrak shall display
25 the business plan and all subsequent supplemental plans

1 on the Corporation's website within a reasonable time-
 2 frame following their submission to the appropriate enti-
 3 ties: *Provided further*, That none of the funds under this
 4 heading may be obligated or expended until the National
 5 Railroad Passenger Corporation agrees to continue abid-
 6 ing by the provisions of paragraphs 1, 2, 3, 5, 9, and 11
 7 of the summary of conditions for the direct loan agree-
 8 ment of June 28, 2002, in the same manner as in effect
 9 on the date of enactment of this Act.

10 GENERAL PROVISIONS—FEDERAL RAILROAD

11 ADMINISTRATION

12 SEC. 150. For the purpose of assisting State-sup-
 13 ported intercity rail service, in order to demonstrate
 14 whether competition will provide higher quality rail pas-
 15 senger service at reasonable prices, the Secretary of
 16 Transportation, working with affected States, shall de-
 17 velop and implement a procedure for fair competitive bid-
 18 ding by Amtrak and non-Amtrak operators for State-sup-
 19 ported routes: *Provided*, That in the event a State desires
 20 to select or selects a non-Amtrak operator for the route,
 21 the State may make an agreement with Amtrak to use
 22 facilities and equipment of, or have services provided by,
 23 Amtrak under terms agreed to by the State and Amtrak
 24 to enable the non-Amtrak operator to provide the State-
 25 supported service: *Provided further*, That if the parties
 26 cannot agree on terms, the Secretary shall, as a condition

1 of receipt of Federal grant funds, order that the facilities
2 and equipment be made available and the services be pro-
3 vided by Amtrak under reasonable terms and compensa-
4 tion: *Provided further*, That when prescribing reasonable
5 compensation to Amtrak, the Secretary shall consider
6 quality of service as a major factor when determining
7 whether, and the extent to which, the amount of com-
8 pensation shall be greater than the incremental costs of
9 using the facilities and providing the services: *Provided*
10 *further*, That the Secretary may reprogram up to
11 \$2,500,000 from the Amtrak operating grant funds for
12 costs associated with the implementation of the fair bid
13 procedure and demonstration of competition under this
14 section.

15 SEC. 151. Public Law 97–468 is amended—

16 (1) in section 608(a)(5) by striking “Revenues”
17 and inserting in lieu thereof “Any amount appro-
18 priated or otherwise made available to the State-
19 owned railroad and any earnings or revenues” and
20 by striking “purposes” and inserting in lieu thereof
21 “purposes as determined by the State-owned rail-
22 road”, and

23 (2) by adding a new section as follows: “Not-
24 withstanding any other provision of law, the Alaska
25 Railroad may take any action necessary to preserve,

1 protect or otherwise modify its railroad tracks and
 2 right of way including establishing fire breaks. Any
 3 activity that occurred prior to the transfer of the
 4 Alaska Railroad from the Federal Railroad Adminis-
 5 tration to the State of Alaska shall remain the liabil-
 6 ity of the Federal Railroad Administration.”.

7 SEC. 152. Notwithstanding any other provision of
 8 law, from funds made available to the Federal Railroad
 9 Administration under the heading “Next Generation
 10 High-Speed Rail” in the Consolidated Appropriations Act
 11 of 2004 (Public Law 108–199), the Secretary of Trans-
 12 portation may award a grant in the amount of \$400,000
 13 to the Illinois Department of Transportation for KBS
 14 Railroad track and grade crossing improvements in Kan-
 15 kakee County and Northeastern Illinois.

16 FEDERAL TRANSIT ADMINISTRATION

17 ADMINISTRATIVE EXPENSES

18 For necessary administrative expenses of the Federal
 19 Transit Administration’s programs authorized by chapter
 20 53 of title 49, United States Code, \$9,984,000: *Provided*,
 21 That no more than \$78,000,000 of budget authority shall
 22 be available for these purposes: *Provided further*, That of
 23 the funds available not to exceed \$900,000 shall be avail-
 24 able for the Office of the Administrator; not to exceed
 25 \$6,725,000 shall be available for the Office of Administra-

tion; not to exceed \$4,050,000 shall be available for the Office of the Chief Counsel; not to exceed \$1,210,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed \$7,120,000 shall be available for the Office of Program Management; not to exceed \$6,700,000 shall be available for the Office of Budget and Policy; not to exceed \$4,830,000 shall be available for the Office of Demonstration and Innovation; not to exceed \$2,750,000 shall be available for the Office of Civil Rights; not to exceed \$4,000,000 shall be available for the Office of Planning; not to exceed \$19,200,000 shall be available for regional offices; and not to exceed \$18,015,000 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 3 percent by all such transfers: *Provided further*, That any change in funding greater than 3 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *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

1 and investigations of transit-related issues, including re-
 2 views of new fixed guideway systems: *Provided further*,
 3 That not less than \$2,500,000 for the National transit
 4 database shall remain available until expended: *Provided*
 5 *further*, That upon submission to the Congress of the fiscal
 6 year 2005 President's budget, the Secretary of Transpor-
 7 tation shall transmit to Congress the annual report on new
 8 starts, proposed allocations of funds for fiscal year 2005:
 9 *Provided further*, That the amount herein appropriated
 10 shall be reduced by \$100,000 per day for each day after
 11 initial submission of the President's budget that the report
 12 has not been submitted to the Congress.

13 FORMULA GRANTS

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses to carry out 49 U.S.C. 5307,
 16 5308, 5310, 5311, 5327, and section 3038 of Public Law
 17 105–178, \$512,918,000, to remain available until ex-
 18 pended: *Provided*, That no more than \$4,007,175,000 of
 19 budget authority shall be available for these purposes.

20 UNIVERSITY TRANSPORTATION RESEARCH

21 For necessary expenses to carry out 49 U.S.C. 5505,
 22 \$768,000,000, to remain available until expended: *Pro-*
 23 *vided*, That no more than \$6,000,000 of budget authority
 24 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, \$16,384,000, to remain available until expended: *Provided*, That no more than \$128,000,000 of budget authority shall be available for these purposes: *Provided further*, That \$5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)), \$4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315), \$8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)), \$60,385,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305), \$12,614,400 is available for State planning (49 U.S.C. 5313(b)); and \$37,500,000 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, \$6,764,976,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That \$3,494,257,000

1 shall be paid to the Federal Transit Administration's for-
 2 mula grants account: *Provided further*, That \$111,616,000
 3 shall be paid to the Federal Transit Administration's tran-
 4 sit planning and research account: *Provided further*, That
 5 \$68,016,000 shall be paid to the Federal Transit Adminis-
 6 tration's administrative expenses account: *Provided fur-*
 7 *ther*, That \$5,232,000 shall be paid to the Federal Transit
 8 Administration's university transportation research ac-
 9 count: *Provided further*, That \$109,000,000 shall be paid
 10 to the Federal Transit Administration's job access and re-
 11 verse commute grants program: *Provided further*, That
 12 \$2,976,855,000 shall be paid to the Federal Transit Ad-
 13 ministration's capital investment grants account.

14 CAPITAL INVESTMENT GRANTS

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses to carry out 49 U.S.C. 5308,
 17 5309, 5318, and 5327, \$436,970,000, to remain available
 18 until expended: *Provided*, That no more than
 19 \$3,413,825,000 of budget authority shall be available for
 20 these purposes: *Provided further*, That there shall be avail-
 21 able for fixed guideway modernization, \$1,214,400,000;
 22 there shall be available for the replacement, rehabilitation,
 23 and purchase of buses and related equipment and the con-
 24 struction of bus-related facilities, \$725,000,000; and there
 25 shall be available for new fixed guideway systems,

1 \$1,474,425,000 to carry out section 3037 of Public Law
2 105–178, as amended.

3 JOB ACCESS AND REVERSE COMMUTE GRANTS
4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses to carry out section 3037 of
6 the Federal Transit Act of 1998, \$16,000,000, to remain
7 available until expended: *Provided*, That no more than
8 \$125,000,000 of budget authority shall be available for
9 these purposes: *Provided further*, That up to \$300,000 of
10 the funds provided under this heading may be used by the
11 Federal Transit Administration for technical assistance
12 and support and performance reviews of the Job Access
13 and Reverse Commute Grants program.

14 GENERAL PROVISIONS—FEDERAL TRANSIT
15 ADMINISTRATION

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

21 SEC. 161. Notwithstanding any other provision of
22 law, and except for fixed guideway modernization projects,
23 funds made available by this Act under “Federal Transit
24 Administration, Capital investment grants” for projects
25 specified in this Act or identified in reports accompanying
26 this Act not obligated by September 30, 2007, and other

1 recoveries, shall be made available for other projects under
2 49 U.S.C. 5309.

3 SEC. 162. Notwithstanding any other provision of
4 law, any funds appropriated before October 1, 2004, under
5 any section of chapter 53 of title 49, United States Code,
6 that remain available for expenditure may be transferred
7 to and administered under the most recent appropriation
8 heading for any such section.

9 SEC. 163. Funds made available for Alaska or Hawaii
10 ferry boats or ferry terminal facilities pursuant to 49
11 U.S.C. 5309(m)(2)(B) may be used to construct new ves-
12 sels and facilities, or to improve existing vessels and facili-
13 ties, including both the passenger and vehicle-related ele-
14 ments of such vessels and facilities, and for repair facili-
15 ties: *Provided*, That not more than \$3,000,000 of the
16 funds made available pursuant to 49 U.S.C.
17 5309(m)(2)(B) may be used by the State of Hawaii to
18 initiate and operate a passenger ferryboat services dem-
19 onstration project to test the viability of different intra-
20 island and inter-island ferry boat routes and technology:
21 *Provided further*, That notwithstanding 49 U.S.C.
22 5302(a)(7), funds made available for Alaska or Hawaii
23 ferry boats may be used to acquire passenger ferry boats
24 and to provide passenger ferry transportation services

1 within areas of the State of Hawaii under the control or
2 use of the National Park Service.

3 SEC. 164. Notwithstanding any other provision of
4 law, unobligated funds made available for a new fixed
5 guideway systems projects under the heading “Federal
6 Transit Administration, Capital Investment Grants” in
7 any appropriations act prior to this Act may be used dur-
8 ing this fiscal year to satisfy expenses incurred for such
9 projects.

10 SEC. 165. The Secretary shall continue the pilot pro-
11 gram authorized under section 166 of the Consolidated
12 Appropriations Act, 2004, Public Law 108–199, 118
13 STAT. 309, for cooperative procurement of major capital
14 equipment under sections 5307, 5309, and 5311. The pro-
15 gram shall be administered as required under subsections
16 (b) through (g) of section 166, except that there shall be
17 five pilot projects: *Provided*, That the Secretary shall
18 evaluate all proposals based on selection criteria set forth
19 in the announcement of the program and request for pro-
20 posals (Federal Register Notice—Vol. 69, No. 120, Page
21 35127, June 23, 2004). All proposed projects shall be
22 evaluated and the proposing party shall receive notifica-
23 tion of acceptance or denial by no later than 15 days after
24 the Secretary receives a request for review of a proposed
25 project: *Provided further*, That not later than 30 days

1 after delivery of the base order under each of the five pilot
2 projects, the Secretary shall submit to the House and Sen-
3 ate Committees on Appropriations a report on the results
4 of that pilot project. Each report shall evaluate any sav-
5 ings realized through the cooperative procurement and the
6 benefits of incorporating cooperative procurement, as
7 shown by that project, into the mass transit program as
8 a whole.

9 SEC. 166. Amounts made available under Chapter 53
10 of title 49, United States Code and section 1108 of Public
11 Law 102–240 to the Port Authority of Allegheny County
12 for the Airport Busway/Wabash HOV Facility project that
13 remain unexpended may be used by the Port Authority
14 for the purchase of buses and bus-related equipment in
15 accordance with 49 U.S.C. 5309.

16 SEC. 167. Notwithstanding any other provision of
17 law, any unobligated funds made available under the bus
18 category of the Capital Investment Account in prior fiscal
19 year Appropriations Act for the Greater New Haven Tran-
20 sit District Fuel Cell and Electric Bus project or CNG/
21 alternative fuel vehicle project shall be transferred to and
22 administered under the Transit Planning and Research
23 account, subject to such terms and conditions as the Sec-
24 retary deems appropriate.

1 SEC. 168. Notwithstanding any other provision of
2 law, any unobligated funds made available to the
3 Matanuska Susitna Borough under “Federal Transit Ad-
4 ministration, Buses and Bus Facilities” shall be available
5 for expenditure on ferry boat and ferry facilities and re-
6 lated expenses as part of the Port MacKenzie Intermodal
7 Facility project.

8 SEC. 169. Notwithstanding any other provision of
9 law, \$8,900,000 of the funds made available under the
10 new fixed guideway systems category of the Capital In-
11 vestment Grants account in Public Law 107–87 for the
12 “Honolulu, Hawaii, bus rapid transit project” shall be
13 made available to the City and County of Honolulu for
14 replacement, rehabilitation, and purchase of buses and re-
15 lated equipment and the construction of bus-related facili-
16 ties under 49 U.S.C. 5309 and shall remain available to
17 the City and County of Honolulu for those purposes until
18 expended: *Provided*, That any remaining unobligated bal-
19 ance from said project in Public Law 107–87 shall be
20 transferred for any eligible activity under Title 23 of the
21 United States Code, and administered under that Title,
22 for use on improvements to the Kapolei Interchange Com-
23 plex and shall remain available until expended: *Provided*
24 *further*, That funds made available in Public Law 108–
25 10 for “Hawaii: BRT Systems, Appurtenances and Facili-

1 ties” shall be generally available for bus and bus facilities
2 by the City and County of Honolulu.

3 SEC. 170. Notwithstanding any other provision of
4 law, the Navy may receive funds from the State of Hawaii
5 for the procurement of passenger ferry boats to provide
6 passenger ferry transportation services for the Arizona
7 War Memorial.

8 SEC. 171. The Federal Transit Administration is di-
9 rected to comply with Section 3042 of the Federal Transit
10 Act of 1998 (Public Law 105–178, as amended; 112 Stat.
11 338) and is further directed to comply with the associated
12 Committee report language contained in House Report
13 108–401, accompanying H.R. 2673, pages 997–998.

14 SEC. 172. Notwithstanding any other provision of
15 law, for the purpose of calculating the non-New Starts
16 share of the total project cost of both phases of San Fran-
17 cisco Muni’s Third Street Light Rail Transit project for
18 fiscal year 2005, the Secretary of Transportation shall in-
19 clude all non-New Starts contributions made towards
20 Phase 1 of the two-phase project for engineering, final de-
21 sign and construction, and also shall allow non-New Starts
22 funds expended on one element or phase of the project
23 to be used to meet the non-New Starts share requirement
24 of any element or phase of the project.

1 SEC. 173. Funds made available for the Burlington-
 2 Bennington, Vermont Commuter Rail project in Public
 3 Law 106–346, the Burlington-Middlebury, Vermont Com-
 4 muter Rail project and Vermont Transportation Authority
 5 Rolling Stock in Public Law 108–7 that remain unobli-
 6 gated, and funds made available for the Burlington-Essex,
 7 Vermont commuter rail project in Public Laws 105–277
 8 and 105–66 that remain unexpended shall be transferred
 9 to the Federal Railroad Administration and made avail-
 10 able to upgrade and improve the publicly-owned Vermont
 11 Rail Infrastructure from Bennington to Burlington with
 12 a northern terminus in Essex Junction: *Provided*, That the
 13 Federal share shall be 80 percent of the total cost of the
 14 project and funds shall remain available until expended.

15 SAINT LAWRENCE SEAWAY DEVELOPMENT

16 CORPORATION

17 The Saint Lawrence Seaway Development Corpora-
 18 tion is hereby authorized to make such expenditures, with-
 19 in the limits of funds and borrowing authority available
 20 to the Corporation, and in accord with law, and to make
 21 such contracts and commitments without regard to fiscal
 22 year limitations as provided by section 104 of the Govern-
 23 ment Corporation Control Act, as amended, as may be
 24 necessary in carrying out the programs set forth in the
 25 Corporation’s budget for the current fiscal year.

1 OPERATIONS AND MAINTENANCE
2 (HARBOR MAINTENANCE TRUST FUND)

3 For necessary expenses for operations and mainte-
4 nance of those portions of the Saint Lawrence Seaway op-
5 erated and maintained by the Saint Lawrence Seaway De-
6 velopment Corporation, \$15,900,000, to be derived from
7 the Harbor Maintenance Trust Fund, pursuant to Public
8 Law 99–662.

9 MARITIME ADMINISTRATION
10 MARITIME SECURITY PROGRAM

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

15 OPERATIONS AND TRAINING

16 For necessary expenses of operations and training ac-
17 tivities authorized by law, \$110,910,000, of which
18 \$23,753,000 shall remain available until September 30,
19 2005, for salaries and benefits of employees of the United
20 States Merchant Marine Academy; of which \$13,138,000
21 shall remain available until expended for capital improve-
22 ments at the United States Merchant Marine Academy;
23 and of which \$8,090,000 shall remain available until ex-
24 pended for the State Maritime Schools Schoolship Mainte-
25 nance and Repair.

1 SHIP DISPOSAL

2 For necessary expenses related to the disposal of ob-
3 solete vessels in the National Defense Reserve Fleet of the
4 Maritime Administration, \$21,616,000, to remain avail-
5 able until expended.

6 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

7 ACCOUNT

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

12 NATIONAL DEFENSE TANK VESSEL CONSTRUCTION

13 PROGRAM

14 For necessary expenses to carry out the program of
15 financial assistance for the construction of new product
16 tank vessels as authorized by section 53101 of title 46,
17 United States Code, as amended, \$150,000,000, to remain
18 available until expended.

19 SHIP CONSTRUCTION

20 (RESCISSION)

21 Of the unobligated balances available under this
22 heading, \$1,900,000 are rescinded.

23 GENERAL PROVISIONS—MARITIME ADMINISTRATION

24 SEC. 180. Notwithstanding any other provision of
25 this Act, the Maritime Administration is authorized to fur-
26 nish utilities and services and make necessary repairs in

1 connection with any lease, contract, or occupancy involving
 2 Government property under control of the Maritime Ad-
 3 ministration, and payments received therefore shall be
 4 credited to the appropriation charged with the cost there-
 5 of: *Provided*, That rental payments under any such lease,
 6 contract, or occupancy for items other than such utilities,
 7 services, or repairs shall be covered into the Treasury as
 8 miscellaneous receipts.

9 SEC. 181. No obligations shall be incurred during the
 10 current fiscal year from the construction fund established
 11 by the Merchant Marine Act, 1936, or otherwise, in excess
 12 of the appropriations and limitations contained in this Act
 13 or in any prior appropriation Act.

14 RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

15 RESEARCH AND SPECIAL PROGRAMS

16 For expenses necessary to discharge the functions of
 17 the Research and Special Programs Administration,
 18 \$49,000,000, of which \$645,000 shall be derived from the
 19 Pipeline Safety Fund, and of which \$2,884,000 shall re-
 20 main available until September 30, 2007: *Provided*, That
 21 up to \$1,200,000 in fees collected under 49 U.S.C.
 22 5108(g) shall be deposited in the general fund of the
 23 Treasury as offsetting receipts: *Provided further*, That
 24 there may be credited to this appropriation, to be available
 25 until expended, funds received from States, counties, mu-

1 municipalities, other public authorities, and private sources
 2 for expenses incurred for training, for reports publication
 3 and dissemination, and for travel expenses incurred in per-
 4 formance of hazardous materials exemptions and approv-
 5 als functions.

6 PIPELINE SAFETY

7 (PIPELINE SAFETY FUND)

8 (OIL SPILL LIABILITY TRUST FUND)

9 For expenses necessary to conduct the functions of
 10 the pipeline safety program, for grants-in-aid to carry out
 11 a pipeline safety program, as authorized by 49 U.S.C.
 12 60107, and to discharge the pipeline program responsibil-
 13 ities of the Oil Pollution Act of 1990, \$71,073,000, of
 14 which \$19,000,000 shall be derived from the Oil Spill Li-
 15 ability Trust Fund and shall remain available until Sep-
 16 tember 30, 2007; of which \$52,073,000 shall be derived
 17 from the Pipeline Safety Fund, of which \$23,285,000
 18 shall remain available until September 30, 2007.

19 EMERGENCY PREPAREDNESS GRANTS

20 (EMERGENCY PREPAREDNESS FUND)

21 For necessary expenses to carry out 49 U.S.C.
 22 5127(c), \$200,000, to be derived from the Emergency
 23 Preparedness Fund, to remain available until September
 24 30, 2006: *Provided*, That not more than \$14,300,000 shall
 25 be made available for obligation in fiscal year 2005 from
 26 amounts made available by 49 U.S.C. 5116(i) and

1 5127(d): *Provided further*, That none of the funds made
 2 available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall
 3 be made available for obligation by individuals other than
 4 the Secretary of Transportation, or his designee.

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Inspector
 8 General to carry out the provisions of the Inspector Gen-
 9 eral Act of 1978, as amended, \$59,000,000: *Provided*,
 10 That the Inspector General shall have all necessary au-
 11 thority, in carrying out the duties specified in the Inspec-
 12 tor General Act, as amended (5 U.S.C. App. 3) to inves-
 13 tigate allegations of fraud, including false statements to
 14 the government (18 U.S.C. 1001), by any person or entity
 15 that is subject to regulation by the Department: *Provided*
 16 *further*, That the funds made available under this heading
 17 shall be used to investigate, pursuant to section 41712 of
 18 title 49, United States Code: (1) unfair or deceptive prac-
 19 tices and unfair methods of competition by domestic and
 20 foreign air carriers and ticket agents; and (2) the compli-
 21 ance of domestic and foreign air carriers with respect to
 22 item (1) of this proviso.

1 SURFACE TRANSPORTATION BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses of the Surface Transpor-
4 tation Board, including services authorized by 5 U.S.C.
5 3109, \$21,250,000: *Provided*, That notwithstanding any
6 other provision of law, not to exceed \$1,050,000 from fees
7 established by the Chairman of the Surface Transpor-
8 tation Board shall be credited to this appropriation as off-
9 setting collections and used for necessary and authorized
10 expenses under this heading: *Provided further*, That the
11 sum herein appropriated from the general fund shall be
12 reduced on a dollar-for-dollar basis as such offsetting col-
13 lections are received during fiscal year 2005, to result in
14 a final appropriation from the general fund estimated at
15 no more than \$20,200,000.

16 GENERAL PROVISIONS—DEPARTMENT OF
17 TRANSPORTATION

18 (INCLUDING TRANSFERS OF FUNDS)

19 SEC. 185. During the current fiscal year applicable
20 appropriations to the Department of Transportation shall
21 be available for maintenance and operation of aircraft;
22 hire of passenger motor vehicles and aircraft; purchase of
23 liability insurance for motor vehicles operating in foreign
24 countries on official department business; and uniforms or

1 allowances therefor, as authorized by law (5 U.S.C. 5901–
2 5902).

3 SEC. 186. Appropriations contained in this Act for
4 the Department of Transportation shall be available for
5 services as authorized by 5 U.S.C. 3109, but at rates for
6 individuals not to exceed the per diem rate equivalent to
7 the rate for an Executive Level IV.

8 SEC. 187. None of the funds in this Act shall be avail-
9 able for salaries and expenses of more than 106 political
10 and Presidential appointees in the Department of Trans-
11 portation: *Provided*, That none of the personnel covered
12 by this provision may be assigned on temporary detail out-
13 side the Department of Transportation.

14 SEC. 188. None of the funds in this Act shall be used
15 to implement section 404 of title 23, United States Code.

16 SEC. 189. (a) No recipient of funds made available
17 in this Act shall disseminate personal information (as de-
18 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
19 ment of motor vehicles in connection with a motor vehicle
20 record as defined in 18 U.S.C. 2725(1), except as provided
21 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
22 2721.

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

1 SEC. 190. Funds received by the Federal Highway
2 Administration, Federal Transit Administration, and Fed-
3 eral Railroad Administration from States, counties, mu-
4 nicipalities, other public authorities, and private sources
5 for expenses incurred for training may be credited respec-
6 tively to the Federal Highway Administration's "Federal-
7 Aid Highways" account, the Federal Transit Administra-
8 tion's "Transit Planning and Research" account, and to
9 the Federal Railroad Administration's "Safety and Oper-
10 ations" account, except for State rail safety inspectors
11 participating in training pursuant to 49 U.S.C. 20105.

12 SEC. 191. Notwithstanding any other provisions of
13 law, rule or regulation, the Secretary of Transportation
14 is authorized to allow the issuer of any preferred stock
15 heretofore sold to the Department to redeem or repur-
16 chase such stock upon the payment to the Department of
17 an amount determined by the Secretary.

18 SEC. 192. None of the funds in this Act to the De-
19 partment of Transportation may be used to make a grant
20 unless the Secretary of Transportation notifies the House
21 and Senate Committees on Appropriations not less than
22 3 full business days before any discretionary grant award,
23 letter of intent, or full funding grant agreement totaling
24 \$1,000,000 or more is announced by the department or
25 its modal administrations from: (1) any discretionary

1 grant program of the Federal Highway Administration
2 other than the emergency relief program; (2) the airport
3 improvement program of the Federal Aviation Administra-
4 tion; or (3) any program of the Federal Transit Adminis-
5 tration other than the formula grants and fixed guideway
6 modernization programs: *Provided*, That no notification
7 shall involve funds that are not available for obligation.

8 SEC. 193. Rebates, refunds, incentive payments,
9 minor fees and other funds received by the Department
10 of Transportation from travel management centers,
11 charge card programs, the subleasing of building space,
12 and miscellaneous sources are to be credited to appropria-
13 tions of the Department of Transportation and allocated
14 to elements of the Department of Transportation using
15 fair and equitable criteria and such funds shall be avail-
16 able until expended.

17 SEC. 194. Amounts made available in this or any
18 other Act that the Secretary determines represent im-
19 proper payments by the Department of Transportation to
20 a third party contractor under a financial assistance
21 award, which are recovered pursuant to law, shall be avail-
22 able—

23 (1) to reimburse the actual expenses incurred
24 by the Department of Transportation in recovering
25 improper payments; and

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

5 (A) shall be credited to and merged with
6 the appropriation from which the improper pay-
7 ments were made, and shall be available for the
8 purposes and period for which such appropria-
9 tions are available; or

10 (B) if no such appropriation remains avail-
11 able, shall be deposited in the Treasury as mis-
12 cellaneous receipts: *Provided*, That prior to the
13 transfer of any such recovery to an appropria-
14 tions account, the Secretary shall notify the
15 House and Senate Committees on Appropria-
16 tions of the amount and reasons for such trans-
17 fer: *Provided further*, That for purposes of this
18 section, the term “improper payments”, has the
19 same meaning as that provided in section
20 2(d)(2) of Public Law 107–300.

21 SEC. 195. The Secretary of Transportation is author-
22 ized to transfer the unexpended balances available for the
23 bonding assistance program from “Office of the Secretary,
24 Salaries and expenses” to “Minority Business Outreach”.

1 SEC. 196. None of the funds made available in this
2 Act to the Department of Transportation may be obligated
3 for the Office of the Secretary of Transportation to ap-
4 prove assessments or reimbursable agreements pertaining
5 to funds appropriated to the modal administrations in this
6 Act, except for activities underway on the date of enact-
7 ment of this Act, unless such assessments or agreements
8 have completed the normal reprogramming process for
9 Congressional notification.

10 SEC. 197. Funds provided in this Act for the Working
11 Capital Fund shall be reduced by \$20,844,000, which lim-
12 its fiscal year 2005 Working Capital Fund obligational au-
13 thority for elements of the Department of Transportation
14 funded in this Act to no more than \$130,210,000: *Pro-*
15 *vided*, That such reductions from the budget request shall
16 be allocated by the Department of Transportation to each
17 appropriations account in proportion to the amount in-
18 cluded in each account for the Working Capital Fund.

19 SEC. 198. For the purpose of any applicable law, for
20 fiscal year 2005, the city of Norman, Oklahoma, shall be
21 considered to be part of the Oklahoma City Transpor-
22 tation Management Area.

23 SEC. 199. None of the funds appropriated or other-
24 wise made available by this Act may be obligated or ex-
25 pended to establish or implement section 41747 of title

1 49, United States Code, or any similar essential air service
 2 local participation program.

3 TITLE II

4 DEPARTMENT OF THE TREASURY

5 DEPARTMENTAL OFFICES

6 SALARIES AND EXPENSES

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Departmental Offices
 9 including operation and maintenance of the Treasury
 10 Building and Annex; hire of passenger motor vehicles;
 11 maintenance, repairs, and improvements of, and purchase
 12 of commercial insurance policies for, real properties leased
 13 or owned overseas, when necessary for the performance
 14 of official business, \$161,313,000, of which not to exceed
 15 \$7,355,243 for executive direction program activities; not
 16 to exceed \$7,415,212 for general counsel program activi-
 17 ties; not to exceed \$31,907,453 for economic policies and
 18 programs activities; not to exceed \$26,071,694 for finan-
 19 cial policies and programs activities; not to exceed
 20 \$12,226,710 for terrorism and financial intelligence poli-
 21 cies and programs activities; not to exceed \$16,519,680
 22 for Treasury-wide management policies and programs ac-
 23 tivities; not to exceed \$59,817,008 for administration pro-
 24 grams activities: *Provided*, That the Secretary of the
 25 Treasury is authorized to transfer funds appropriated for
 26 any program activity of the Departmental Offices to any

1 other program activity of the Departmental Offices upon
2 notification to the House and Senate Committees on Ap-
3 propriations: *Provided further*, That no appropriation for
4 any program activity shall be increased or decreased by
5 more than 5 percent by all such transfers: *Provided fur-*
6 *ther*, That any change in funding greater than 5 percent
7 shall be submitted for approval to the House and Senate
8 Committees on Appropriations: *Provided further*, That the
9 funds identified within the administration program activ-
10 ity to support the Office of Foreign Assets Control shall
11 be transferred to “Office of Foreign Assets Control”: *Pro-*
12 *vided further*, That this transfer authority shall be in addi-
13 tion to any other provided in this Act: *Provided further*,
14 That of the amount appropriated under this heading, not
15 to exceed \$3,000,000, to remain available until September
16 30, 2006, for information technology modernization re-
17 quirements; not to exceed \$150,000 for official reception
18 and representation expenses; not to exceed \$258,000 for
19 unforeseen emergencies of a confidential nature, to be allo-
20 cated and expended under the direction of the Secretary
21 of the Treasury and to be accounted for solely on his cer-
22 tificate: *Provided further*, That of the amount appro-
23 priated under this heading, \$2,900,000 is for grants to
24 State and local law enforcement groups to help fight
25 money laundering; and \$3,393,000, to remain available

1 until September 30, 2006, is for the Treasury-wide Finan-
 2 cial Statement Audit Program, of which such amounts as
 3 may be necessary may be transferred to accounts of the
 4 Department's offices and bureaus to conduct audits: *Pro-*
 5 *vided further*, That this transfer authority shall be in addi-
 6 tion to any other provided in this Act.

7 OFFICE OF FOREIGN ASSETS CONTROL

8 For necessary expenses of the Office of Foreign As-
 9 sets Control, \$22,291,000: *Provided*, That the funding
 10 available shall support no less than 144 full time equiva-
 11 lent positions.

12 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

13 INVESTMENTS PROGRAMS

14 (INCLUDING TRANSFER OF FUNDS)

15 For development and acquisition of automatic data
 16 processing equipment, software, and services for the De-
 17 partment of the Treasury, \$30,260,000, to remain avail-
 18 able until September 30, 2007: *Provided*, That these funds
 19 shall be transferred to accounts and in amounts as nec-
 20 essary to satisfy the requirements of the Department's of-
 21 fices, bureaus, and other organizations: *Provided further*,
 22 That this transfer authority shall be in addition to any
 23 other transfer authority provided in this Act: *Provided fur-*
 24 *ther*, That none of the funds appropriated shall be used
 25 to support or supplement the Internal Revenue Service ap-

1 appropriations for Information Systems or Business Systems
2 Modernization.

3 OFFICE OF INSPECTOR GENERAL

4 SALARIES AND EXPENSES

5 For necessary expenses of the Office of Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, as amended, not to exceed
8 \$2,000,000 for official travel expenses, including hire of
9 passenger motor vehicles; and not to exceed \$100,000 for
10 unforeseen emergencies of a confidential nature, to be allo-
11 cated and expended under the direction of the Inspector
12 General of the Treasury, \$16,158,000, of which not to ex-
13 ceed \$2,500 shall be available for official reception and
14 representation expenses.

15 TREASURY INSPECTOR GENERAL FOR TAX

16 ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Treasury Inspector
19 General for Tax Administration in carrying out the In-
20 spector General Act of 1978, as amended, including pur-
21 chase (not to exceed 150 for replacement only for police-
22 type use) and hire of passenger motor vehicles (31 U.S.C.
23 1343(b)); services authorized by 5 U.S.C. 3109, at such
24 rates as may be determined by the Inspector General for
25 Tax Administration; not to exceed \$6,000,000 for official
26 travel expenses; and not to exceed \$500,000 for unfore-

1 seen emergencies of a confidential nature, to be allocated
2 and expended under the direction of the Inspector General
3 for Tax Administration, \$129,126,000; and of which not
4 to exceed \$1,500 shall be available for official reception
5 and representation expenses.

6 AIR TRANSPORTATION STABILIZATION PROGRAM

7 ACCOUNT

8 For necessary expenses to administer the Air Trans-
9 portation Stabilization Board established by section 102
10 of the Air Transportation Safety and System Stabilization
11 Act (Public Law 107-42), \$2,000,000, to remain available
12 until expended.

13 TREASURY BUILDING AND ANNEX REPAIR AND

14 RESTORATION

15 For the repair, alteration, and improvement of the
16 Treasury Building and Annex, \$12,316,000, to remain
17 available until September 30, 2007.

18 EXPANDED ACCESS TO FINANCIAL SERVICES

19 (RESCISSION)

20 Of the unobligated balances available under this
21 heading, \$4,000,000 are rescinded.

22 VIOLENT CRIME REDUCTION PROGRAM

23 (RESCISSION)

24 Of the unobligated balances available under this
25 heading, \$1,200,000 is rescinded.

1 FINANCIAL CRIMES ENFORCEMENT NETWORK

2 SALARIES AND EXPENSES

3 For necessary expenses of the Financial Crimes En-
4 forcement Network, including hire of passenger motor ve-
5 hicles; travel expenses of non-Federal law enforcement
6 personnel to attend meetings concerned with financial in-
7 telligence activities, law enforcement, and financial regula-
8 tion; not to exceed \$14,000 for official reception and rep-
9 resentation expenses; and for assistance to Federal law en-
10 forcement agencies, with or without reimbursement,
11 \$72,502,000, of which \$5,000,000 shall be available for
12 BSA Direct; of which not to exceed \$7,000,000 shall re-
13 main available until September 30, 2007; and of which
14 \$8,354,000 shall remain available until September 30,
15 2006: *Provided*, That funds appropriated in this account
16 may be used to procure personal services contracts.

17 FINANCIAL MANAGEMENT SERVICE

18 SALARIES AND EXPENSES

19 For necessary expenses of the Financial Management
20 Service, \$230,930,000, of which not to exceed \$9,220,000
21 shall remain available until September 30, 2007, for infor-
22 mation systems modernization initiatives; and of which not
23 to exceed \$2,500 shall be available for official reception
24 and representation expenses.

11 UNITED STATES MINT

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 2005 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$41,100,000.

1 BUREAU OF THE PUBLIC DEBT

2 ADMINISTERING THE PUBLIC DEBT

3 For necessary expenses connected with any public-
4 debt issues of the United States, \$179,566,000, of which
5 not to exceed \$2,500 shall be available for official recep-
6 tion and representation expenses, and of which not to ex-
7 ceed \$2,000,000 shall remain available until expended for
8 systems modernization: *Provided*, That the sum appro-
9 priated herein from the General Fund for fiscal year 2005
10 shall be reduced by not more than \$4,400,000 as definitive
11 security issue fees and Treasury Direct Investor Account
12 Maintenance fees are collected, so as to result in a final
13 fiscal year 2005 appropriation from the general fund esti-
14 mated at \$175,166,000. In addition, \$60,000 to be de-
15 rived from the Oil Spill Liability Trust Fund to reimburse
16 the Bureau for administrative and personnel expenses for
17 financial management of the Fund, as authorized by sec-
18 tion 1012 of Public Law 101–380.

19 INTERNAL REVENUE SERVICE

20 PROCESSING, ASSISTANCE, AND MANAGEMENT

21 For necessary expenses of the Internal Revenue Serv-
22 ice for pre-filing taxpayer assistance and education, filing
23 and account services, shared services support, general
24 management and administration; and services as author-
25 ized by 5 U.S.C. 3109, at such rates as may be determined

1 by the Commissioner, \$4,107,325,000, of which up to
 2 \$4,100,000 shall be for the Tax Counseling for the Elderly
 3 Program, of which \$7,500,000 shall be available for low-
 4 income taxpayer clinic grants, and of which not to exceed
 5 \$25,000 shall be for official reception and representation
 6 expenses: *Provided*, That, pursuant to 39 U.S.C. 3206(a),
 7 funds shall continue to be provided to the United States
 8 Postal Service for postage due: *Provided further*, That of
 9 the amount provided, \$126,000,000 shall not be available
 10 for obligation until September 30, 2005 and shall remain
 11 available until September 30, 2006.

12 TAX LAW ENFORCEMENT

13 For necessary expenses of the Internal Revenue Serv-
 14 ice for determining and establishing tax liabilities; pro-
 15 viding litigation support; conducting criminal investigation
 16 and enforcement activities; securing unfiled tax returns;
 17 collecting unpaid accounts; conducting a document match-
 18 ing program; resolving taxpayer problems through prompt
 19 identification, referral and settlement; expanded customer
 20 service and public outreach programs, strengthened en-
 21 forcement activities, and enhanced research efforts to re-
 22 duce erroneous filings associated with the earned income
 23 tax credit; compiling statistics of income and conducting
 24 compliance research; purchase (for police-type use, not to
 25 exceed 850) and hire of passenger motor vehicles (31
 26 U.S.C. 1343(b)); and services as authorized by 5 U.S.C.

1 3109, at such rates as may be determined by the Commis-
 2 sioner, \$4,519,350,000, of which not to exceed \$1,000,000
 3 shall remain available until September 30, 2007, for re-
 4 search.

5 INFORMATION SYSTEMS

6 For necessary expenses of the Internal Revenue Serv-
 7 ice for information systems and telecommunications sup-
 8 port, including developmental information systems and
 9 operational information systems; the hire of passenger
 10 motor vehicles (31 U.S.C. 1343(b)); and services as au-
 11 thorized by 5 U.S.C. 3109, at such rates as may be deter-
 12 mined by the Commissioner, \$1,606,768,000, of which
 13 \$200,000,000 shall remain available until September 30,
 14 2006.

15 BUSINESS SYSTEMS MODERNIZATION

16 For necessary expenses of the Internal Revenue Serv-
 17 ice, \$125,000,000, to remain available until September 30,
 18 2007, for the capital asset acquisition of information tech-
 19 nology systems, including management and related con-
 20 tractual costs of said acquisitions, including contractual
 21 costs associated with operations authorized by 5 U.S.C.
 22 3109: *Provided*, That none of these funds may be obli-
 23 gated until the Internal Revenue Service submits to the
 24 Committees on Appropriations, and such Committees ap-
 25 prove, a plan for expenditure that: (1) meets the capital
 26 planning and investment control review requirements es-

1 tablished by the Office of Management and Budget, in-
 2 cluding Circular A–11 part 3; (2) complies with the Inter-
 3 nal Revenue Service’s enterprise architecture, including
 4 the modernization blueprint; (3) conforms with the Inter-
 5 nal Revenue Service’s enterprise life cycle methodology;
 6 (4) is approved by the Internal Revenue Service, the De-
 7 partment of the Treasury, and the Office of Management
 8 and Budget; (5) has been reviewed by the General Ac-
 9 counting Office; and (6) complies with the acquisition
 10 rules, requirements, guidelines, and systems acquisition
 11 management practices of the Federal Government.

12 (RESCISSION)

13 Of the funds made available under this heading in
 14 Public Law 108–199, \$140,000,000 are rescinded.

15 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

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

19 GENERAL PROVISIONS—INTERNAL REVENUE SERVICE

20 SEC. 201. Not to exceed 5 percent of any appropria-
 21 tion made available in this Act to the Internal Revenue
 22 Service or not to exceed 3 percent of appropriations under
 23 the heading “Tax Law Enforcement” may be transferred
 24 to any other Internal Revenue Service appropriation upon
 25 the advance approval of the Committees on Appropria-
 26 tions.

9 SEC. 204. Funds made available by this or any other
10 Act to the Internal Revenue Service shall be available for
11 improved facilities and increased manpower to provide suf-
12 ficient and effective 1-800 help line service for taxpayers.
13 The Commissioner shall continue to make the improve-
14 ment of the Internal Revenue Service 1-800 help line serv-
15 ice a priority and allocate resources necessary to increase
16 phone lines and staff to improve the Internal Revenue
17 Service 1-800 help line service.

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

1 general purchase price limitations for vehicles purchased
2 and used overseas for the current fiscal year; entering into
3 contracts with the Department of State for the furnishing
4 of health and medical services to employees and their de-
5 pendants serving in foreign countries; and services author-
6 ized by 5 U.S.C. 3109.

7 SEC. 211. Not to exceed 2 percent of any appropria-
8 tions in this Act made available to the Departmental Of-
9 fices—Salaries and Expenses, Office of Inspector General,
10 Financial Management Service, Alcohol and Tobacco Tax
11 and Trade Bureau, Financial Crime Enforcement Net-
12 work, and Bureau of the Public Debt, may be transferred
13 between such appropriations upon the advance approval
14 of the Committees on Appropriations. No transfer may in-
15 crease or decrease any such appropriation by more than
16 2 percent.

17 SEC. 212. Not to exceed 2 percent of any appropria-
18 tion made available in this Act to the Internal Revenue
19 Service may be transferred to the Treasury Inspector Gen-
20 eral for Tax Administration's appropriation upon the ad-
21 vance approval of the Committees on Appropriations. No
22 transfer may increase or decrease any such appropriation
23 by more than 2 percent.

24 SEC. 213. Of the funds available for the purchase of
25 law enforcement vehicles, no funds may be obligated until

1 the Secretary of the Treasury certifies that the purchase
2 by the respective Treasury bureau is consistent with De-
3 partmental vehicle management principles: *Provided*, That
4 the Secretary may delegate this authority to the Assistant
5 Secretary for Management.

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

10 SEC. 215. The Secretary of the Treasury may trans-
11 fer funds from “Salaries and Expenses”, Financial Man-
12 agement Service, to the Debt Services Account as nec-
13 essary to cover the costs of debt collection: *Provided*, That
14 such amounts shall be reimbursed to such Salaries and
15 Expenses account from debt collections received in the
16 Debt Services Account.

17 SEC. 216. Section 122(g)(1) of Public Law 105–119
18 (5 U.S.C. 3104 note), is further amended by striking “6
19 years” and inserting “7 years”.

20 SEC. 217. None of the funds appropriated or other-
21 wise made available by this or any other Act may be used
22 by the United States Mint to construct or operate any mu-
23 seum without the explicit approval of the House Com-
24 mittee on Financial Services and the Senate Committee
25 on Banking, Housing, and Urban Affairs.

1 SEC. 218. None of the funds appropriated or other-
2 wise made available by this or any other Act may be used
3 by the United States Mint or the Bureau of Engraving
4 and Printing to consolidate any program or administrative
5 activities of the two Bureaus without the explicit approval
6 of the House Committee on Financial Services, the Senate
7 Committee on Banking, Housing, and Urban Affairs, and
8 the House of Representatives and Senate Committees on
9 Appropriations.

10 SEC. 219. Section 101(f) of the Treasury Department
11 Appropriations Act, 1997 (division A of Public Law 104–
12 208), as amended, is further amended by striking “here-
13 by” and “until October 1, 2004,” and inserting “Here-
14 after” before the phrase “there is established”.

15 SEC. 220. (a) Section 3333 of title 31, United States
16 Code, is amended as follows:

17 (1) By revising paragraph (a)(1) to read as fol-
18 lows:

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

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

24 “(B) an electronic payment issued by the
25 Treasury or the depositary; and

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

3 (2) By inserting after paragraph (a)(2) the following
4 new paragraph:

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

11 (b) The Check Forgery Insurance Fund (31 U.S.C.
12 3343) shall be available to fund amounts relating to the
13 payment of items listed in 31 U.S.C. 3333(a)(1), as
14 amended above, prior to the enactment of this Act.

15 SEC. 221. Not later than December 1, 2004, the Sec-
16 retary of the Treasury shall submit to the Committee a
17 report describing how statutory provisions addressing cur-
18 rency manipulation by America’s trading partners con-
19 tained in, and relating to, Title 22 U.S.C. 5304, 5305,
20 and 286y can be better clarified administratively to pro-
21 vide for improved and more predictable evaluation, and to
22 enable the problem of currency manipulation to be better
23 understood by the American people and the Congress.

24 SEC. 222. (a) None of the funds made available in
25 this Act may be used to administer or enforce part 515

1 of title 31, Code of Federal Regulations (the Cuban Assets
2 Control Regulations) with respect to any travel or travel-
3 related transaction.

4 (b) The limitation established in subsection (a) shall
5 not apply to the administration of general or specific li-
6 censes for travel or travel-related transactions, shall not
7 apply to section 515.204, 515.206, 515.332, 515.536,
8 515.544, 515.547, 515.560(c)(3), 515.569, 515.571, or
9 515.803 of such part 515, and shall not apply to trans-
10 actions in relation to any business travel covered by sec-
11 tion 515.560(g) of such part 515.

12 SEC. 223. (a) From the unobligated balances avail-
13 able under the heading “Departmental Offices, Salaries
14 and Expenses”, the Secretary of the Treasury may use
15 up to \$2,000,000 to establish the Office of Terrorism and
16 Financial Intelligence.

17 (b) Subchapter I of chapter 3 of title 31, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 312. Terrorism and financial intelligence**

21 “(a) OFFICE OF TERRORISM AND FINANCIAL INTEL-
22 LIGENCE.—

23 “(1) ESTABLISHMENT.—There is established
24 within the Department of the Treasury the Office of

1 Terrorism and Financial Intelligence (in this section
2 referred to as ‘TFI’).

3 “(2) LEADERSHIP.—The Under Secretary for
4 Enforcement shall be the head of TFI, and shall re-
5 port to the Secretary of the Treasury (in this section
6 referred to as the ‘Secretary’) through the Deputy
7 Secretary of the Treasury.

8 “(3) ASSIGNMENTS.—

9 “(A) ASSISTANT SECRETARIES.—The posi-
10 tions of Assistant Secretary for Terrorist Fi-
11 nancing and Assistant Secretary for Intelligence
12 and Analysis shall be within TFI, and shall
13 each report directly to the Under Secretary for
14 Enforcement.

15 “(B) OFFICE OF TERRORIST FINANCING.—
16 The Office of Terrorist Financing shall be with-
17 in TFI, and shall report to the Assistant Sec-
18 retary for Terrorist Financing.

19 “(C) OIA.—The Office of Intelligence and
20 Analysis (in this section referred to as ‘OIA’)
21 shall be within TFI, and shall report to the As-
22 sistant Secretary for Intelligence and Analysis.

23 “(D) OFAC.—The Office of Foreign As-
24 sets Control of the Department (in this section
25 referred to as ‘OFAC’) and the Executive Office

1 for Asset Forfeiture shall be within TFI, and
2 shall report to the Under Secretary for Enforce-
3 ment, who may redelegate such responsibility to
4 the Assistant Secretary for Terrorist Financing.

5 “(E) FINCEN.—The Financial Crimes
6 Enforcement Network (in this section referred
7 to as ‘FinCEN’), a bureau of the Department
8 of the Treasury, shall report to the Under Sec-
9 retary for Enforcement, who may redelegate
10 such responsibility to the Assistant Secretary
11 for Terrorist Financing.

12 “(4) FUNCTIONS.—The functions of TFI in-
13 clude providing policy, strategic, and operational di-
14 rection to the Department on issues relating to—

15 “(A) terrorist financing;

16 “(B) financial crimes, including money
17 laundering, counterfeiting, and other offenses
18 threatening the integrity of the financial sys-
19 tem;

20 “(C) United States economic sanctions
21 programs;

22 “(D) implementation of titles I and II of
23 the Bank Secrecy Act;

24 “(E) other enforcement matters;

1 “(F) the intelligence analysis and coordina-
2 tion functions of the Office of Intelligence Anal-
3 ysis; and

4 “(G) the security functions and programs
5 of the Department of the Treasury.

6 “(b) NO AFFECT ON OTHER DELEGATIONS OF AU-
7 THORITY.—Except as otherwise specifically provided in
8 this section, nothing in this section is intended to affect
9 any delegation of duties or authority in accordance with
10 Department of Treasury Order No. 105–17 (relating to
11 the establishment of the Office of Terrorism and Financial
12 Intelligence), issued on April 28, 2004.

13 “(c) DESIGNATION AS ENFORCEMENT ORGANIZA-
14 TION.—The Office of Terrorism and Financial Intelligence
15 (including any components thereof) is designated as a law
16 enforcement organization of the Department of the Treas-
17 ury for purposes of section 9703 of title 31, United States
18 Code, and other relevant authorities.

19 “(d) REFERENCES.—References in this section to the
20 ‘Secretary’, ‘Under Secretary’, ‘Deputy Secretary’, ‘Dep-
21 uty Assistant Secretary’, ‘Office’, ‘Assistant Secretary’,
22 and ‘Department’ are references to positions and offices
23 of the Department of the Treasury, unless otherwise speci-
24 fied.”.

1 TITLE III
2 EXECUTIVE OFFICE OF THE PRESIDENT AND
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 COMPENSATION OF THE PRESIDENT

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

12 WHITE HOUSE OFFICE
13 SALARIES AND EXPENSES

14 For necessary expenses for the White House as au-
15 thorized by law, including not to exceed \$3,850,000 for
16 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
17 subsistence expenses as authorized by 3 U.S.C. 105, which
18 shall be expended and accounted for as provided in that
19 section; hire of passenger motor vehicles, newspapers,
20 periodicals, teletype news service, and travel (not to exceed
21 \$100,000 to be expended and accounted for as provided
22 by 3 U.S.C. 103); and not to exceed \$19,000 for official
23 entertainment expenses, to be available for allocation with-
24 in the Executive Office of the President, \$63,698,000:
25 *Provided*, That of the funds appropriated under this head-

1 ing, up to \$9,975,000 shall be available for reimburse-
 2 ments to the White House Communications Agency.

3 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

4 OPERATING EXPENSES

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

11 REIMBURSABLE EXPENSES

12 For the reimbursable expenses of the Executive Resi-
 13 dence at the White House, such sums as may be nec-
 14 essary: *Provided*, That all reimbursable operating expenses
 15 of the Executive Residence shall be made in accordance
 16 with the provisions of this paragraph: *Provided further*,
 17 That, notwithstanding any other provision of law, such
 18 amount for reimbursable operating expenses shall be the
 19 exclusive authority of the Executive Residence to incur ob-
 20 ligations and to receive offsetting collections, for such ex-
 21 penses: *Provided further*, That the Executive Residence
 22 shall require each person sponsoring a reimbursable polit-
 23 ical event to pay in advance an amount equal to the esti-
 24 mated cost of the event, and all such advance payments
 25 shall be credited to this account and remain available until
 26 expended: *Provided further*, That the Executive Residence

1 shall require the national committee of the political party
2 of the President to maintain on deposit \$25,000, to be
3 separately accounted for and available for expenses relat-
4 ing to reimbursable political events sponsored by such
5 committee during such fiscal year: *Provided further*, That
6 the Executive Residence shall ensure that a written notice
7 of any amount owed for a reimbursable operating expense
8 under this paragraph is submitted to the person owing
9 such amount within 60 days after such expense is in-
10 curred, and that such amount is collected within 30 days
11 after the submission of such notice: *Provided further*, That
12 the Executive Residence shall charge interest and assess
13 penalties and other charges on any such amount that is
14 not reimbursed within such 30 days, in accordance with
15 the interest and penalty provisions applicable to an out-
16 standing debt on a United States Government claim under
17 section 3717 of title 31, United States Code: *Provided fur-*
18 *ther*, That each such amount that is reimbursed, and any
19 accompanying interest and charges, shall be deposited in
20 the Treasury as miscellaneous receipts: *Provided further*,
21 That the Executive Residence shall prepare and submit
22 to the Committees on Appropriations, by not later than
23 90 days after the end of the fiscal year covered by this
24 Act, a report setting forth the reimbursable operating ex-
25 penses of the Executive Residence during the preceding

1 fiscal year, including the total amount of such expenses,
 2 the amount of such total that consists of reimbursable offi-
 3 cial and ceremonial events, the amount of such total that
 4 consists of reimbursable political events, and the portion
 5 of each such amount that has been reimbursed as of the
 6 date of the report: *Provided further*, That the Executive
 7 Residence shall maintain a system for the tracking of ex-
 8 penses related to reimbursable events within the Executive
 9 Residence that includes a standard for the classification
 10 of any such expense as political or nonpolitical: *Provided*
 11 *further*, That no provision of this paragraph may be con-
 12 strued to exempt the Executive Residence from any other
 13 applicable requirement of subchapter I or II of chapter
 14 37 of title 31, United States Code.

15 WHITE HOUSE REPAIR AND RESTORATION

16 For the repair, alteration, and improvement of the
 17 Executive Residence at the White House, \$1,900,000, to
 18 remain available until expended, for required maintenance,
 19 safety and health issues, and continued preventative main-
 20 tenance.

21 COUNCIL OF ECONOMIC ADVISERS

22 SALARIES AND EXPENSES

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

1 OFFICE OF POLICY DEVELOPMENT

2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Policy Devel-
4 opment, including services as authorized by 5 U.S.C. 3109
5 and 3 U.S.C. 107, \$2,392,000.

6 NATIONAL SECURITY COUNCIL

7 SALARIES AND EXPENSES

8 For necessary expenses of the National Security
9 Council, including services as authorized by 5 U.S.C.
10 3109, \$8,932,000.

11 OFFICE OF ADMINISTRATION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Office of Administra-
14 tion, including services as authorized by 5 U.S.C. 3109
15 and 3 U.S.C. 107, and hire of passenger motor vehicles,
16 \$92,869,000, of which \$12,075,000 shall remain available
17 until expended for the Capital Investment Plan for contin-
18 ued modernization of the information technology infra-
19 structure within the Executive Office of the President.

20 OFFICE OF MANAGEMENT AND BUDGET

21 SALARIES AND EXPENSES

22 For necessary expenses of the Office of Management
23 and Budget, including hire of passenger motor vehicles
24 and services as authorized by 5 U.S.C. 3109 and to carry
25 out the provisions of chapter 35 of title 44, United States

1 Code, \$68,411,000, of which not to exceed \$3,000 shall
2 be available for official representation expenses: *Provided*,
3 That, as provided in 31 U.S.C. 1301(a), appropriations
4 shall be applied only to the objects for which appropria-
5 tions were made except as otherwise provided by law: *Pro-*
6 *vided further*, That none of the funds appropriated in this
7 Act for the Office of Management and Budget may be
8 used for the purpose of reviewing any agricultural mar-
9 keting orders or any activities or regulations under the
10 provisions of the Agricultural Marketing Agreement Act
11 of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That
12 none of the funds made available for the Office of Manage-
13 ment and Budget by this Act may be expended for the
14 altering of the transcript of actual testimony of witnesses,
15 except for testimony of officials of the Office of Manage-
16 ment and Budget, before the Committees on Appropria-
17 tions or the Committees on Veterans' Affairs or their sub-
18 committees: *Provided further*, That the preceding shall not
19 apply to printed hearings released by the Committees on
20 Appropriations or the Committees on Veterans' Affairs:
21 *Provided further*, That none of the funds appropriated in
22 this Act may be available to pay the salary or expenses
23 of any employee of the Office of Management and Budget
24 who calculates, prepares, or approves any tabular or other
25 material that proposes the sub-allocation of budget au-

1 thority or outlays by the Committees on Appropriations
2 among their subcommittees: *Provided further*, That none
3 of the funds provided in this, prior, or subsequent Acts
4 shall be used, directly or indirectly, by the Office of Man-
5 agement and Budget, for evaluating or determining if
6 water resource project or study reports submitted by the
7 Chief of Engineers acting through the Secretary of the
8 Army are in compliance with all applicable laws, regula-
9 tions, and requirements relevant to the Civil Works water
10 resource planning process: *Provided further*, That the Of-
11 fice of Management and Budget shall have not more than
12 60 days in which to perform budgetary policy reviews of
13 water resource matters on which the Chief of Engineers
14 has reported. The Director of the Office of Management
15 and Budget shall notify the appropriate authorizing and
16 Appropriations Committees when the 60-day review is ini-
17 tiated. If water resource reports have not been transmitted
18 to the appropriate authorizing and appropriating commit-
19 tees within 15 days of the end of the OMB review period
20 based on the notification from the Director, Congress shall
21 assume OMB concurrence with the report and act accord-
22 ingly.

1 OFFICE OF NATIONAL DRUG CONTROL POLICY
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of National
4 Drug Control Policy; for research activities pursuant to
5 the Office of National Drug Control Policy Reauthoriza-
6 tion Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed
7 \$10,000 for official reception and representation expenses;
8 and for participation in joint projects or in the provision
9 of services on matters of mutual interest with nonprofit,
10 research, or public organizations or agencies, with or with-
11 out reimbursement, \$27,000,000; of which \$1,350,000
12 shall remain available until expended for policy research
13 and evaluation: *Provided*, That the Office is authorized to
14 accept, hold, administer, and utilize gifts, both real and
15 personal, public and private, without fiscal year limitation,
16 for the purpose of aiding or facilitating the work of the
17 Office.

18 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER
19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses for the Counterdrug Tech-
21 nology Assessment Center for research activities pursuant
22 to the Office of National Drug Control Policy Reauthor-
23 ization Act of 1998 (21 U.S.C. 1701 et seq.),
24 \$42,000,000, which shall remain available until expended,
25 consisting of \$18,000,000 for counternarcotics research
26 and development projects, and \$24,000,000 for the contin-

1 ued operation of the technology transfer program: *Pro-*
 2 *vided*, That the \$18,000,000 for counternarcotics research
 3 and development projects shall be available for transfer
 4 to other Federal departments or agencies.

5 FEDERAL DRUG CONTROL PROGRAMS

6 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses of the Office of National
 9 Drug Control Policy's High Intensity Drug Trafficking
 10 Areas Program, \$228,350,000, for drug control activities
 11 consistent with the approved strategy for each of the des-
 12 ignated High Intensity Drug Trafficking Areas, of which
 13 no less than 51 percent shall be transferred to State and
 14 local entities for drug control activities, which shall be ob-
 15 ligated within 120 days of the date of the enactment of
 16 this Act: *Provided*, That up to 49 percent, to remain avail-
 17 able until September 30, 2006, may be transferred to Fed-
 18 eral agencies and departments at a rate to be determined
 19 by the Director, of which not less than \$2,050,000 shall
 20 be used for auditing services and associated activities, and
 21 at least \$500,000 of the \$2,050,000 shall be used to de-
 22 velop and implement a data collection system to measure
 23 the performance of the High Intensity Drug Trafficking
 24 Areas Program: *Provided further*, That High Intensity
 25 Drug Trafficking Areas Programs designated as of Sep-
 26 tember 30, 2003, shall be funded at no less than the fiscal

1 year 2004 initial allocation levels unless the Director sub-
 2 mits to the Committees on Appropriations, and the Com-
 3 mittees approve, justification for changes in those levels
 4 based on clearly articulated priorities for the High Inten-
 5 sity Drug Trafficking Areas Programs, as well as pub-
 6 lished Office of National Drug Control Policy performance
 7 measures of effectiveness: *Provided further*, That a request
 8 shall be submitted in compliance with the reprogramming
 9 guidelines to the Committees on Appropriations for ap-
 10 proval prior to the obligation of funds of an amount in
 11 excess of the fiscal year 2005 budget request: *Provided*
 12 *further*, That none of the funds made available under this
 13 heading shall be available to support the Consolidated Pri-
 14 ority Organization Target program.

15 OTHER FEDERAL DRUG CONTROL PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For activities to support a national anti-drug cam-
 18 paign for youth, and for other purposes, authorized by the
 19 Office of National Drug Control Policy Reauthorization
 20 Act of 1998 (21 U.S.C. 1701 et seq.), \$195,500,000, to
 21 remain available until expended, of which the following
 22 amounts are available as follows: \$100,000,000 to support
 23 a national media campaign, as authorized by the Drug-
 24 Free Media Campaign Act of 1998; \$80,000,000 to con-
 25 tinue a program of matching grants to drug-free commu-
 26 nities, of which \$2,000,000 shall be a directed grant to

1 the Community Anti-Drug Coalitions of America for the
 2 National Community Anti-Drug Coalition Institute, as au-
 3 thorized in chapter 2 of the National Narcotics Leadership
 4 Act of 1988, as amended; \$3,050,000 for the Counterdrug
 5 Intelligence Executive Secretariat; \$1,000,000 for the Na-
 6 tional Drug Court Institute; \$1,500,000 for the National
 7 Alliance for Model State Drug Laws; \$7,500,000 for the
 8 United States Anti-Doping Agency for anti-doping activi-
 9 ties; \$1,450,000 for the United States membership dues
 10 to the World Anti-Doping Agency; and \$1,000,000 for
 11 evaluations and research related to National Drug Control
 12 Program performance measures: *Provided*, That such
 13 funds may be transferred to other Federal departments
 14 and agencies to carry out such activities: *Provided further*,
 15 That of the amounts appropriated for a national media
 16 campaign, not to exceed 10 percent shall be for admin-
 17 istering the national media campaign.

18 UNANTICIPATED NEEDS

19 For expenses necessary to enable the President to
 20 meet unanticipated needs, in furtherance of the national
 21 interest, security, or defense which may arise at home or
 22 abroad during the current fiscal year, as authorized by
 23 3 U.S.C. 108, \$1,000,000.

1 SPECIAL ASSISTANCE TO THE PRESIDENT

2 SALARIES AND EXPENSES

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

10 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

11 OPERATING EXPENSES

12 (INCLUDING TRANSFER OF FUNDS)

13 For the care, operation, refurnishing, improvement,
14 and to the extent not otherwise provided for, heating and
15 lighting, including electric power and fixtures, of the offi-
16 cial residence of the Vice President; the hire of passenger
17 motor vehicles; and not to exceed \$90,000 for official en-
18 tertainment expenses of the Vice President, to be ac-
19 counted for solely on his certificate, \$333,000: *Provided,*
20 That advances or repayments or transfers from this ap-
21 propriation may be made to any department or agency for
22 expenses of carrying out such activities.

1 TITLE IV
2 INDEPENDENT AGENCIES
3 ARCHITECTURAL AND TRANSPORTATION BARRIERS
4 COMPLIANCE BOARD
5 SALARIES AND EXPENSES

6 For expenses necessary for the Architectural and
7 Transportation Barriers Compliance Board, as authorized
8 by section 502 of the Rehabilitation Act of 1973, as
9 amended \$5,686,000: *Provided*, That, notwithstanding
10 any other provision of law, there may be credited to this
11 appropriation funds received for publications and training
12 expenses.

13 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE
14 BLIND OR SEVERELY DISABLED
15 SALARIES AND EXPENSES

16 For necessary expenses of the Committee for Pur-
17 chase From People Who Are Blind or Severely Disabled
18 established by Public Law 92–28, \$4,672,000.

19 ELECTION ASSISTANCE COMMISSION
20 SALARIES AND EXPENSES
21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out the Help Amer-
23 ica Vote Act of 2002, \$10,000,000, of which \$2,800,000
24 shall be transferred to the National Institutes of Stand-
25 ards and Technology for election reform activities author-
26 ized under the Help America Vote Act of 2002.

1 FEDERAL ELECTION COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses to carry out the provisions
4 of the Federal Election Campaign Act of 1971, as amend-
5 ed, \$52,159,000, of which no less than \$4,700,000 shall
6 be available for internal automated data processing sys-
7 tems, and of which not to exceed \$5,000 shall be available
8 for reception and representation expenses.

9 FEDERAL LABOR RELATIONS AUTHORITY

10 SALARIES AND EXPENSES

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

ferences shall be credited to and merged with this account,
to be available without further appropriation for the costs
of carrying out these conferences.

(RESCISSION)

Of the unobligated balances under this heading from
prior year appropriations, \$3,000,000 are rescinded.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime
Commission as authorized by section 201(d) of the Mer-
chant Marine Act, 1936, as amended (46 U.S.C. App.
1111), 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 therefore, as
authorized by 5 U.S.C. 5901–5902, \$19,496,000: *Pro-*
vided, That not to exceed \$2,000 shall be available for offi-
cial 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

1 the Fund shall be available for necessary expenses of real
2 property management and related activities not otherwise
3 provided for, including operation, maintenance, and pro-
4 tection of federally owned and leased buildings; rental of
5 buildings in the District of Columbia; restoration of leased
6 premises; moving governmental agencies (including space
7 adjustments and telecommunications relocation expenses)
8 in connection with the assignment, allocation and transfer
9 of space; contractual services incident to cleaning or serv-
10 icing buildings, and moving; repair and alteration of feder-
11 ally owned buildings including grounds, approaches and
12 appurtenances; care and safeguarding of sites; mainte-
13 nance, preservation, demolition, and equipment; acquisi-
14 tion of buildings and sites by purchase, condemnation, or
15 as otherwise authorized by law; acquisition of options to
16 purchase buildings and sites; conversion and extension of
17 federally owned buildings; preliminary planning and de-
18 sign of projects by contract or otherwise; construction of
19 new buildings (including equipment for such buildings);
20 and payment of principal, interest, and any other obliga-
21 tions for public buildings acquired by installment purchase
22 and purchase contract; in the aggregate amount of
23 \$7,159,324,000, of which: (1) \$710,823,000 shall remain
24 available until expended for construction (including funds
25 for sites and expenses and associated design and construc-

1 tion services) of additional projects at the following loca-
2 tions:

3 New Construction:

4 California:

5 Los Angeles, Federal Bureau of Investiga-
6 tion Facility, \$14,054,000

7 Los Angeles, United States Courthouse,
8 \$314,385,000

9 San Diego, United States Courthouse,
10 \$3,068,000

11 District of Columbia:

12 Southeast Federal Center Site Remedi-
13 ation, \$2,650,000

14 Illinois:

15 Chicago, 10 West Jackson Place (Pur-
16 chase), \$53,170,000

17 Maine:

18 Calais, Border Station, \$5,550,000

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

20 Maryland:

21 Montgomery County, FDA Consolidation,
22 \$88,710,000

23 Minnesota:

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

25 New York:

1 Alexandria Bay, Border Station,

2 \$8,884,000

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

4 New Mexico:

5 Las Cruces, United States Courthouse,

6 \$60,600,000

7 North Dakota:

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

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

10 Texas:

11 El Paso, Paso Del Norte Border Station,

12 \$26,191,000

13 El Paso, United States Courthouse,

14 \$63,462,000

15 El Paso, Ysleta Border Station,

16 \$2,491,000

17 Vermont:

18 Derby Line, Border Station, \$3,190,000

19 Norton, Border Station, \$580,000

20 Richford, Border Station, \$589,000

21 Nonprospectus Construction, \$10,000,000

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

23 *Provided*, That each of the foregoing limits of costs on

24 new construction projects may be exceeded to the extent

25 that savings are effected in other such projects, but not

1 to exceed 10 percent of the amounts included in an ap-
 2 proved prospectus, if required, unless advance approval is
 3 obtained from the Committees on Appropriations of a
 4 greater amount: *Provided further*, That all funds for direct
 5 construction projects shall expire on September 30, 2006,
 6 and remain in the Federal Buildings Fund except for
 7 funds for projects as to which funds for design or other
 8 funds have been obligated in whole or in part prior to such
 9 date; (2) \$980,222,000 shall remain available until ex-
 10 pended for repairs and alterations, which includes associ-
 11 ated design and construction services:

12 Repairs and Alterations:

13 District of Columbia:

14 Eisenhower Executive Office Building,

15 \$5,000,000

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

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

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

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

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

21 Georgia:

22 Atlanta, Martin Luther King, Jr. Federal

23 Building, \$14,800,000

24 Atlanta, United States Court of Appeals,

25 \$32,004,000

1 Hawaii:

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

3 Louisiana:

4 New Orleans, Boggs Federal Building,
5 \$22,581,000

6 New Orleans, Wisdom Courthouse of Ap-
7 peals, \$8,005,000

8 Maryland:

9 Baltimore, George H. Fallon Federal
10 Building, \$46,163,000

11 Suitland, National Record Center,
12 \$7,989,000

13 Woodlawn, SSA Altmeyer Building,
14 \$6,300,000

15 Minnesota:

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

18 Missouri:

19 Kansas City, Richard Bolling Federal
20 Building, \$40,048,000

21 New York:

22 New York, Foley Square Courthouse,
23 \$2,505,000

24 Queens, Joseph P. Addabbo Federal Build-
25 ing, \$5,455,000

1 Ohio:

2 Cincinnati, Potter Stewart Courthouse,

3 \$37,975,000

4 Cleveland, Celebreeze Federal Building,

5 \$37,375,000

6 Washington:

7 Seattle, William Nakamura Courthouse,

8 \$50,210,000

9 Special Emphasis Programs:

10 Chlorofluorocarbons Program, \$13,000,000

11 Energy Program, \$30,000,000

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

13 Design Program, \$49,699,000

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

15 *Provided further*, That funds made available in this or any

16 previous Act in the Federal Buildings Fund for Repairs

17 and Alterations shall, for prospectus projects, be limited

18 to the amount identified for each project, except each

19 project in this or any previous Act may be increased by

20 an amount not to exceed 10 percent unless advance ap-

21 proval is obtained from the Committees on Appropriations

22 of a greater amount: *Provided further*, That additional

23 projects for which prospectuses have been fully approved

24 may be funded under this category only if advance ap-

25 proval is obtained from the Committees on Appropria-

1 tions: *Provided further*, That the amounts provided in this
2 or any prior Act for “Repairs and Alterations” may be
3 used to fund costs associated with implementing security
4 improvements to buildings necessary to meet the minimum
5 standards for security in accordance with current law and
6 in compliance with the reprogramming guidelines of the
7 appropriate Committees of the House and Senate: *Pro-*
8 *vided further*, That the difference between the funds ap-
9 propriated and expended on any projects in this or any
10 prior Act, under the heading “Repairs and Alterations”,
11 may be transferred to Basic Repairs and Alterations or
12 used to fund authorized increases in prospectus projects:
13 *Provided further*, That all funds for repairs and alterations
14 prospectus projects shall expire on September 30, 2006
15 and remain in the Federal Buildings Fund except funds
16 for projects as to which funds for design or other funds
17 have been obligated in whole or in part prior to such date:
18 *Provided further*, That the amount provided in this or any
19 prior Act for Basic Repairs and Alterations may be used
20 to pay claims against the Government arising from any
21 projects under the heading “Repairs and Alterations” or
22 used to fund authorized increases in prospectus projects;
23 (3) \$161,442,000 for installment acquisition payments in-
24 cluding payments on purchase contracts which shall re-
25 main available until expended; (4) \$3,597,315,000 for

1 rental of space which shall remain available until ex-
2 pended; and (5) \$1,709,522,000 for building operations
3 which shall remain available until expended: *Provided fur-*
4 *ther*, That funds available to the General Services Admin-
5 istration shall not be available for expenses of any con-
6 struction, repair, alteration and acquisition project for
7 which a prospectus, if required by the Public Buildings
8 Act of 1959, as amended, has not been approved, except
9 that necessary funds may be expended for each project
10 for required expenses for the development of a proposed
11 prospectus: *Provided further*, That funds available in the
12 Federal Buildings Fund may be expended for emergency
13 repairs when advance approval is obtained from the Com-
14 mittees on Appropriations: *Provided further*, That notwith-
15 standing any other provision of law, the Administrator of
16 General Services is authorized and directed to proceed
17 with site acquisition and design of a new Federal Building
18 in Tuscaloosa, Alabama for which funds were provided in
19 Public Law 108–199: *Provided further*, That amounts nec-
20 essary to provide reimbursable special services to other
21 agencies under section 210(f)(6) of the Federal Property
22 and Administrative Services Act of 1949, as amended (40
23 U.S.C. 592(b)(2)) and amounts to provide such reimburs-
24 able fencing, lighting, guard booths, and other facilities
25 on private or other property not in Government ownership

1 or control as may be appropriate to enable the United
 2 States Secret Service to perform its protective functions
 3 pursuant to 18 U.S.C. 3056, shall be available from such
 4 revenues and collections: *Provided further*, That revenues
 5 and collections and any other sums accruing to this Fund
 6 during fiscal year 2005, excluding reimbursements under
 7 section 210(f)(6) of the Federal Property and Administra-
 8 tive Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess
 9 of the aggregate new obligational authority authorized for
 10 Real Property Activities of the Federal Buildings Fund
 11 in this Act shall remain in the Fund and shall not be avail-
 12 able for expenditure except as authorized in appropria-
 13 tions Acts.

14 GENERAL ACTIVITIES

15 GOVERNMENT-WIDE POLICY

16 For expenses authorized by law, not otherwise pro-
 17 vided for, for Government-wide policy and evaluation ac-
 18 tivities associated with the management of real and per-
 19 sonal property assets and certain administrative services;
 20 Government-wide policy support responsibilities relating to
 21 acquisition, telecommunications, information technology
 22 management, and related technology activities; and serv-
 23 ices as authorized by 5 U.S.C. 3109, \$62,100,000.

24 OPERATING EXPENSES

25 For expenses authorized by law, not otherwise pro-
 26 vided for, for Government-wide activities associated with

1 utilization and donation of surplus personal property; dis-
 2 posal of real property; providing Internet access to Federal
 3 information and services; agency-wide policy direction and
 4 management, and Board of Contract Appeals; accounting,
 5 records management, and other support services incident
 6 to adjudication of Indian Tribal Claims by the United
 7 States Court of Federal Claims; services as authorized by
 8 5 U.S.C. 3109; and not to exceed \$7,500 for official recep-
 9 tion and representation expenses, \$85,175,000.

10 OFFICE OF INSPECTOR GENERAL

11 For necessary expenses of the Office of Inspector
 12 General and services authorized by 5 U.S.C. 3109,
 13 \$42,351,000: *Provided*, That not to exceed \$15,000 shall
 14 be available for payment for information and detection of
 15 fraud against the Government, including payment for re-
 16 covery of stolen Government property: *Provided further*,
 17 That not to exceed \$2,500 shall be available for awards
 18 to employees of other Federal agencies and private citizens
 19 in recognition of efforts and initiatives resulting in en-
 20 hanced Office of Inspector General effectiveness.

21 ELECTRONIC GOVERNMENT (E-GOV) FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses in support of interagency
 24 projects that enable the Federal Government to expand
 25 its ability to conduct activities electronically, through the
 26 development and implementation of innovative uses of the

1 Internet and other electronic methods, \$3,000,000, to re-
 2 main available until expended: *Provided*, That these funds
 3 may be transferred to Federal agencies to carry out the
 4 purposes of the Fund: *Provided further*, That this transfer
 5 authority shall be in addition to any other transfer author-
 6 ity provided in this Act: *Provided further*, That such trans-
 7 fers may not be made until 10 days after a proposed
 8 spending plan and justification for each project to be un-
 9 dertaken has been submitted to the Committees on Appro-
 10 priations.

11 ALLOWANCES AND OFFICE STAFF FOR FORMER

12 PRESIDENTS

13 (INCLUDING TRANSFER OF FUNDS)

14 For carrying out the provisions of the Act of August
 15 25, 1958, as amended (3 U.S.C. 102 note), and Public
 16 Law 95-138, \$3,106,000: *Provided*, That the Adminis-
 17 trator of General Services shall transfer to the Secretary
 18 of the Treasury such sums as may be necessary to carry
 19 out the provisions of such Acts.

20 EXPENSES, PRESIDENTIAL TRANSITION

21 For expenses necessary to carry out the Presidential
 22 Transition Act of 1963, as amended, \$7,700,000, of which
 23 not to exceed \$1,000,000 is for activities authorized by
 24 sections 3(a)(8) and (9) of the Presidential Transition Act
 25 of 2000.

1 GENERAL PROVISIONS—GENERAL SERVICES

2 ADMINISTRATION

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

9 SEC. 402. Funds available to the General Services
10 Administration shall be available for the hire of passenger
11 motor vehicles.

12 SEC. 403. Funds in the Federal Buildings Fund
13 made available for fiscal year 2005 for Federal Buildings
14 Fund activities may be transferred between such activities
15 only to the extent necessary to meet program require-
16 ments: *Provided*, That any proposed transfers shall be ap-
17 proved in advance by the Committees on Appropriations.

18 SEC. 404. No funds made available by this Act shall
19 be used to transmit a fiscal year 2006 request for United
20 States Courthouse construction that: (1) does not meet
21 the design guide standards for construction as established
22 and approved by the General Services Administration, the
23 Judicial Conference of the United States, and the Office
24 of Management and Budget; and (2) does not reflect the
25 priorities of the Judicial Conference of the United States

1 as set out in its approved 5-year construction plan: *Pro-*
2 *vided*, That the fiscal year 2006 request must be accom-
3 panied by a standardized courtroom utilization study of
4 each facility to be constructed, replaced, or expanded.

5 SEC. 405. None of the funds provided in this Act may
6 be used to increase the amount of occupiable square feet,
7 provide cleaning services, security enhancements, or any
8 other service usually provided through the Federal Build-
9 ings Fund, to any agency that does not pay the rate per
10 square foot assessment for space and services as deter-
11 mined by the General Services Administration in compli-
12 ance with the Public Buildings Amendments Act of 1972
13 (Public Law 92–313).

14 SEC. 406. From funds made available under the
15 heading “Federal Buildings Fund, Limitations on Avail-
16 ability of Revenue”, claims against the Government of less
17 than \$250,000 arising from direct construction projects
18 and acquisition of buildings may be liquidated from sav-
19 ings effected in other construction projects with prior noti-
20 fication to the Committees on Appropriations.

21 SEC. 407. Notwithstanding 40 U.S.C. 524, 571, and
22 572, the Administrator of General Services may sell the
23 Middle River Depot at Middle River, Maryland, and credit
24 the proceeds of such sale as offsetting collections to the
25 Federal Buildings Fund, to be available, in addition to

1 amounts otherwise appropriated for such Fund, for such
2 capital activities of the Fund as the Administrator may
3 deem appropriate: *Provided*, That the Administrator shall,
4 to the maximum extent practicable, cooperate and consult
5 with Baltimore County, Maryland officials and other inter-
6 ested persons in communities located near the Middle
7 River Depot so that the sale and use of the property is
8 compatible with local economic development plans and is
9 not inconsistent with local land use, environmental and
10 zoning laws.

11 SEC. 408. Section 572(a)(2)(ii) of title 40, United
12 States Code, is amended by inserting the following before
13 the period: “, highest and best use of property studies,
14 utilization of property studies, deed compliance inspection,
15 and the expenses incurred in a relocation”.

16 SEC. 409. Of the amounts made available under the
17 heading “Federal Buildings Fund” for New Construction
18 and Repairs and Alterations in this or any prior Act, a
19 total amount of \$106,000,000 are rescinded: *Provided*,
20 That the Administrator of General Services shall notify
21 the Appropriations Committees of the House of Rep-
22 resentatives and Senate of the specific projects, or parts
23 thereof, from which funds have been rescinded within 30
24 days of enactment of this Act.

1 SEC. 410. In order to address heightened security re-
2 quirements for the proposed Moss United States Court-
3 house Annex project, the Administrator of General Serv-
4 ices is authorized to acquire and demolish the real prop-
5 erty, including land and improvements, located in Salt
6 Lake City, Utah, at the corner of 400 South Street and
7 West Temple, said land and improvements commonly
8 known as the Shubrick Building; to use previously appro-
9 priated project funds to immediately initiate compliance
10 procedures in accordance with the National Historic Pres-
11 ervation Act and the National Environmental Policy Act;
12 and to redesign the proposed courthouse expansion to in-
13 corporate this new site.

14 SEC. 411. Section 3712 of title 22, U.S.C., is amend-
15 ed by adding the following new subsection at the end:

16 “(e) TERMINATION; TRANSFER OF REVOLVING
17 FUND.—

18 “(1) The Panama Canal Commission and the
19 Office of Transition Administration (Public Law
20 106–65, division C, title XXXV, section 3504(b),
21 (c)) shall terminate on October 1, 2004.

22 “(2) Upon termination pursuant to paragraph
23 (1), the Revolving Fund shall be transferred to the
24 General Services Administration (GSA), to be avail-
25 able to GSA for payments of any outstanding liabil-

1 ities of the Commission, as well as reimbursing the
 2 Department of Justice for expenditures necessary to
 3 defend litigation arising out of the operating of the
 4 Panama Canal by the Panama Canal Commission
 5 and to GSA for expenses associated with the termi-
 6 nation of the Office of Transition Administration
 7 and the Commission. The fund shall be the exclusive
 8 source available for payment of any outstanding li-
 9 abilities of the Commission. Any balances after such
 10 payment shall be paid to the Panama Canal Author-
 11 ity.”.

12 SEC. 412. CONVEYANCE OF LAND TO THE RECRE-
 13 ATION AND PARK COMMISSION FOR THE PARISH OF EAST
 14 BATON ROUGE, LOUISIANA. (a) CONVEYANCE.—Not later
 15 than 60 days after the date of enactment of this Act, the
 16 Postmaster General of the United States Postal Service
 17 shall convey, for the consideration specified in subsection
 18 (b), the land described in subsection (d), including any im-
 19 provements thereon, to the General Services Administra-
 20 tion.

21 (b) PURCHASE PRICE.—Upon the conveyance de-
 22 scribed in subsection (a), the Administrator of General
 23 Services shall pay the United States Postal Service a pur-
 24 chase price equaling the fair market value not to exceed

1 \$975,000, which price may be paid by cash or credited
2 to the existing USPS/GSA property swap program.

3 (c) RECONVEYANCE.—Not later than 10 days after
4 the conveyance described in subsection (a), the Adminis-
5 trator of General Services shall convey, without consider-
6 ation by quitclaim deed and without recourse, the land de-
7 scribed in subsection (d), including any improvements
8 thereon, to the Recreation and Park Commission for the
9 Parish of East Baton Rouge, Louisiana, for use as a
10 downtown park or for other public purposes.

11 (d) DESCRIPTION OF PROPERTY.—The land referred
12 to in subsections (a) and (c) is the property formerly used
13 as the Main Postal Office Carrier Annex in Baton Rouge,
14 Louisiana and located at 750 Florida Street. This land
15 is situated north of Convention Street, south of Florida
16 Street and west of 7th Street. This land comprises ap-
17 proximately 27,500 square feet and is improved by a one-
18 story building.

19 SEC. 413. None of the funds appropriated by this Act
20 or any other Act may be used after July 1, 2005 for the
21 provision of any telecommunications service for any fed-
22 eral government owned building, unless such building is
23 in compliance with a regulation or Executive Order issued
24 after the date of enactment of this section that requires,
25 to the extent deemed appropriate by the President or his

1 designee, the provision of telecommunications services
2 using redundant and physically separate entry points to
3 those buildings, and the use of physically diverse local net-
4 work facilities for the provision of such telecommuni-
5 cations services.

6 MERIT SYSTEMS PROTECTION BOARD

7 SALARIES AND EXPENSES

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary expenses to carry out functions of the
10 Merit Systems Protection Board pursuant to Reorganiza-
11 tion Plan Numbered 2 of 1978 and the Civil Service Re-
12 form Act of 1978, including services as authorized by 5
13 U.S.C. 3109, rental of conference rooms in the District
14 of Columbia and elsewhere, hire of passenger motor vehi-
15 cles, and direct procurement of survey printing,
16 \$34,677,000 together with not to exceed \$2,626,000 for
17 administrative expenses to adjudicate retirement appeals
18 to be transferred from the Civil Service Retirement and
19 Disability Fund in amounts determined by the Merit Sys-
20 tems Protection Board.

1 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN
2 NATIONAL ENVIRONMENTAL POLICY FOUNDATION
3 FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP
4 AND EXCELLENCE IN NATIONAL ENVIRONMENTAL
5 POLICY TRUST FUND

6 For payment to the Morris K. Udall Scholarship and
7 Excellence in National Environmental Policy Trust Fund,
8 pursuant to the Morris K. Udall Scholarship and Excel-
9 lence in National Environmental and Native American
10 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),
11 \$1,996,000, to remain available until expended of which
12 up to \$50,000 shall be used to conduct financial audits
13 pursuant to the Accountability of Tax Dollars Act of 2002
14 (Public Law 107–289) notwithstanding sections 8 and 9
15 of Public Law 102–259: *Provided*, That up to 60 percent
16 of such funds may be transferred by the Morris K. Udall
17 Scholarship and Excellence in National Environmental
18 Policy Foundation for the necessary expenses of the Na-
19 tive Nations Institute.

20 ENVIRONMENTAL DISPUTE RESOLUTION FUND

21 For payment to the Environmental Dispute Resolu-
22 tion Fund to carry out activities authorized in the Envi-
23 ronmental Policy and Conflict Resolution Act of 1998,
24 \$1,309,000, to remain available until expended.

1 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
2 OPERATING EXPENSES

3 For necessary expenses in connection with the admin-
4 istration of the National Archives and Records Adminis-
5 tration (including the Information Security Oversight Of-
6 fice) and archived Federal records and related activities,
7 as provided by law, and for expenses necessary for the re-
8 view and declassification of documents, and for the hire
9 of passenger motor vehicles, \$266,945,000: *Provided*,
10 That the Archivist of the United States is authorized to
11 use any excess funds available from the amount borrowed
12 for construction of the National Archives facility, for ex-
13 penses necessary to provide adequate storage for holdings.

14 ELECTRONIC RECORDS ARCHIVES

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

20 REPAIRS AND RESTORATION

21 For the repair, alteration, and improvement of ar-
22 chives facilities, and to provide adequate storage for hold-
23 ings, \$12,182,000, to remain available until expended, of
24 which \$3,000,000 is for site preparation and construction
25 management to construct a new regional archives and
26 records facility in Anchorage, Alaska, and of which

1 \$2,000,000 is for the repair and restoration of the plaza
 2 that surrounds the Lyndon Baines Johnson Presidential
 3 Library that is under the joint control and custody of the
 4 University of Texas: *Provided*, That such funds may be
 5 transferred directly to the University and used, together
 6 with University funds, for repair and restoration of the
 7 plaza and remain available until expended for this pur-
 8 pose.

9 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

10 COMMISSION

11 GRANTS PROGRAM

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

16 NATIONAL TRANSPORTATION SAFETY BOARD

17 SALARIES AND EXPENSES

18 For necessary expenses of the National Transpor-
 19 tation Safety Board, including hire of passenger motor ve-
 20 hicles and aircraft; services as authorized by 5 U.S.C.
 21 3109, but at rates for individuals not to exceed the per
 22 diem rate equivalent to the rate for a GS-15; uniforms,
 23 or allowances therefor, as authorized by law (5 U.S.C.
 24 5901-5902) \$76,425,000, of which not to exceed \$2,000

1 may be used for official reception and representation ex-
2 penses.

3 (RESCISSION)

4 Of the available unobligated balances made available
5 under Public Law 106–246, \$8,000,000 are rescinded.

6 OFFICE OF GOVERNMENT ETHICS

7 SALARIES AND EXPENSES

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

16 OFFICE OF PERSONNEL MANAGEMENT

17 SALARIES AND EXPENSES

18 (INCLUDING TRANSFER OF TRUST FUNDS)

19 For necessary expenses to carry out functions of the
20 Office of Personnel Management pursuant to Reorganiza-
21 tion Plan Numbered 2 of 1978 and the Civil Service Re-
22 form Act of 1978, including services as authorized by 5
23 U.S.C. 3109; medical examinations performed for veterans
24 by private physicians on a fee basis; rental of conference
25 rooms in the District of Columbia and elsewhere; hire of
26 passenger motor vehicles; not to exceed \$2,500 for official

1 reception and representation expenses; advances for reim-
2 bursements to applicable funds of the Office of Personnel
3 Management and the Federal Bureau of Investigation for
4 expenses incurred under Executive Order No. 10422 of
5 January 9, 1953, as amended; and payment of per diem
6 and/or subsistence allowances to employees where Voting
7 Rights Act activities require an employee to remain over-
8 night at his or her post of duty, \$130,600,000, of which
9 \$1,870,000 shall remain available until expended for the
10 cost of the enterprise human resources integration project;
11 \$6,219,000 shall remain available until expended for the
12 cost of leading the government-wide initiative to mod-
13 ernize the Federal payroll systems and service delivery;
14 \$748,000 shall remain available until expended for the
15 cost of the e-human resources information system project;
16 \$1,887,000 shall remain available until expended for the
17 cost of the e-clearance project; and \$5,000,000 shall re-
18 main available through September 30, 2006 to coordinate
19 and conduct program evaluation and performance meas-
20 urement; and in addition \$128,462,000 for administrative
21 expenses, to be transferred from the appropriate trust
22 funds of the Office of Personnel Management without re-
23 gard to other statutes, including direct procurement of
24 printed materials, for the retirement and insurance pro-
25 grams, of which \$27,640,000 shall remain available until

1 expended for the cost of automating the retirement record-
 2 keeping systems: *Provided*, That the provisions of this ap-
 3 propriation shall not affect the authority to use applicable
 4 trust funds as provided by sections 8348(a)(1)(B), and
 5 9004(f)(1)(A) and (2)(A) of title 5, United States Code:
 6 *Provided further*, That no part of this appropriation shall
 7 be available for salaries and expenses of the Legal Exam-
 8 ining Unit of the Office of Personnel Management estab-
 9 lished pursuant to Executive Order No. 9358 of July 1,
 10 1943, or any successor unit of like purpose: *Provided fur-*
 11 *ther*, That the President's Commission on White House
 12 Fellows, established by Executive Order No. 11183 of Oc-
 13 tober 3, 1964, may, during fiscal year 2005, accept dona-
 14 tions of money, property, and personal services: *Provided*
 15 *further*, That such donations, including those from prior
 16 years, may be used for the development of publicity mate-
 17 rials to provide information about the White House Fel-
 18 lows, except that no such donations shall be accepted for
 19 travel or reimbursement of travel expenses, or for the sala-
 20 ries of employees of such Commission.

21 OFFICE OF INSPECTOR GENERAL

22 SALARIES AND EXPENSES

23 (INCLUDING TRANSFER OF TRUST FUNDS)

24 For necessary expenses of the Office of Inspector
 25 General in carrying out the provisions of the Inspector
 26 General Act, as amended, including services as authorized

1 by 5 U.S.C. 3109, hire of passenger motor vehicles,
2 \$1,627,000, and in addition, not to exceed \$16,461,000
3 for administrative expenses to audit, investigate, and pro-
4 vide other oversight of the Office of Personnel Manage-
5 ment's retirement and insurance programs, to be trans-
6 ferred from the appropriate trust funds of the Office of
7 Personnel Management, as determined by the Inspector
8 General: *Provided*, That the Inspector General is author-
9 ized to rent conference rooms in the District of Columbia
10 and elsewhere.

11 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

12 HEALTH BENEFITS

13 For payment of Government contributions with re-
14 spect to retired employees, as authorized by chapter 89
15 of title 5, United States Code, and the Retired Federal
16 Employees Health Benefits Act (74 Stat. 849), as amend-
17 ed, such sums as may be necessary.

18 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE

19 LIFE INSURANCE

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

1 PAYMENT TO CIVIL SERVICE RETIREMENT AND
2 DISABILITY FUND

3 For financing the unfunded liability of new and in-
4 creased annuity benefits becoming effective on or after Oc-
5 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-
6 nuities under special Acts to be credited to the Civil Serv-
7 ice Retirement and Disability Fund, such sums as may
8 be necessary: *Provided*, That annuities authorized by the
9 Act of May 29, 1944, as amended, and the Act of August
10 19, 1950, as amended (33 U.S.C. 771–775), may here-
11 after be paid out of the Civil Service Retirement and Dis-
12 ability Fund.

13 GENERAL PROVISION—OFFICE OF PERSONNEL
14 MANAGEMENT

15 SEC. 420. Notwithstanding any other provision of
16 law, none of the funds appropriated or made available
17 under this Act or any other appropriations Act may be
18 used to implement or enforce restrictions or limitations on
19 the Coast Guard Congressional Fellowship Program, or to
20 implement the proposed regulations of the Office of Per-
21 sonnel Management to add sections 300.311 through
22 300.316 to part 300 of title 5 of the Code of Federal Reg-
23 ulations, published in the Federal Register, volume 68,
24 number 174, on September 9, 2003 (relating to the detail
25 of executive branch employees to the legislative branch):
26 *Provided*, That if such proposed regulations are final regu-

1 lations on the date of enactment of this Act, none of the
 2 funds appropriated or made available under this Act may
 3 be used to implement, administer, or enforce such final
 4 regulations.

5 OFFICE OF SPECIAL COUNSEL

6 SALARIES AND EXPENSES

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

19 UNITED STATES POSTAL SERVICE

20 PAYMENT TO THE POSTAL SERVICE FUND

21 For payment to the Postal Service Fund for revenue
 22 forgone on free and reduced rate mail, pursuant to sub-
 23 sections (c) and (d) of section 2401 of title 39, United
 24 States Code, \$90,709,000, of which \$61,709,000 shall not
 25 be available for obligation until October 1, 2005: *Provided,*

1 That mail for overseas voting and mail for the blind shall
 2 continue to be free: *Provided further*, That 6-day delivery
 3 and rural delivery of mail shall continue at not less than
 4 the 1983 level: *Provided further*, That none of the funds
 5 made available to the Postal Service by this Act shall be
 6 used to implement any rule, regulation, or policy of charg-
 7 ing any officer or employee of any State or local child sup-
 8 port enforcement agency, or any individual participating
 9 in a State or local program of child support enforcement,
 10 a fee for information requested or provided concerning an
 11 address of a postal customer: *Provided further*, That none
 12 of the funds provided in this Act shall be used to consoli-
 13 date or close small rural and other small post offices in
 14 fiscal year 2005.

15 EMERGENCY PREPAREDNESS

16 For an additional amount for “Payment to the Postal
 17 Service Fund” for emergency expenses to enable the Post-
 18 al Service to protect postal employees and postal cus-
 19 tomers from exposure to hazardous materials in the mail,
 20 \$507,000,000, to remain available until expended: *Pro-*
 21 *vided*, That the entire amount is designated as an emer-
 22 gency requirement pursuant to section 402 of S. Con. Res.
 23 95 (108th Congress), as made applicable to the House of
 24 Representatives by H. Res. 649 (108th Congress) and ap-
 25 plicable to the Senate by section 14007 of Public Law
 26 108–287.

1 UNITED STATES TAX COURT

2 SALARIES AND EXPENSES

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

7 WHITE HOUSE COMMISSION ON THE NATIONAL

8 MOMENT OF REMEMBRANCE

9 For necessary expenses of the White House Commis-
10 sion on the National Moment of Remembrance, \$250,000.

11 TITLE V

12 GENERAL PROVISIONS

13 THIS ACT

14 (INCLUDING TRANSFERS OF FUNDS)

15 SEC. 501. Such sums as may be necessary for fiscal
16 year 2005 pay raises for programs funded in this Act shall
17 be absorbed within the levels appropriated in this Act or
18 previous appropriations Acts.

19 SEC. 502. None of the funds in this Act shall be used
20 for the planning or execution of any program to pay the
21 expenses of, or otherwise compensate, non-Federal parties
22 intervening in regulatory or adjudicatory proceedings
23 funded in this Act.

24 SEC. 503. None of the funds appropriated in this Act
25 shall remain available for obligation beyond the current

1 fiscal year, nor may any be transferred to other appropria-
2 tions, unless expressly so provided herein.

3 SEC. 504. The expenditure of any appropriation
4 under this Act for any consulting service through procure-
5 ment contract pursuant to section 3109 of title 5, United
6 States Code, shall be limited to those contracts where such
7 expenditures are a matter of public record and available
8 for public inspection, except where otherwise provided
9 under existing law, or under existing Executive order
10 issued pursuant to existing law.

11 SEC. 505. None of the funds made available in this
12 Act may be transferred to any department, agency, or in-
13 strumentality of the United States Government, except
14 pursuant to a transfer made by, or transfer authority pro-
15 vided in, this Act or any other appropriations Act.

16 SEC. 506. None of the funds made available by this
17 Act shall be available for any activity or for paying the
18 salary of any Government employee where funding an ac-
19 tivity or paying a salary to a Government employee would
20 result in a decision, determination, rule, regulation, or pol-
21 icy that would prohibit the enforcement of section 307 of
22 the Tariff Act of 1930.

23 SEC. 507. No part of any appropriation contained in
24 this Act shall be available to pay the salary for any person
25 filling a position, other than a temporary position, for-

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

11 SEC. 508. No funds appropriated pursuant to this
12 Act may be expended by an entity unless the entity agrees
13 that in expending the assistance the entity will comply
14 with sections 2 through 4 of the Act of March 3, 1933
15 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
16 ica Act”).

17 SEC. 509. No funds appropriated or otherwise made
18 available under this Act shall be made available to any
19 person or entity that has been convicted of violating the
20 Buy American Act (41 U.S.C. 10a–10c).

21 SEC. 510. Except as otherwise specifically provided
22 by law, not to exceed 50 percent of unobligated balances
23 remaining available at the end of fiscal year 2005 from
24 appropriations made available for salaries and expenses
25 for fiscal year 2005 in this Act, shall remain available

1 through September 30, 2006, for each such account for
2 the purposes authorized: *Provided*, That a request shall
3 be submitted to the Committees on Appropriations for ap-
4 proval prior to the expenditure of such funds: *Provided*
5 *further*, That these requests shall be made in compliance
6 with reprogramming guidelines.

7 SEC. 511. None of the funds provided in this Act,
8 provided by previous appropriations Acts to the agencies
9 or entities funded in this Act that remain available for
10 obligation or expenditure in fiscal year 2005, or provided
11 from any accounts in the Treasury derived by the collec-
12 tion of fees and available to the agencies funded by this
13 Act, shall be available for obligation or expenditure
14 through a reprogramming of funds that: (1) creates a new
15 program; (2) eliminates a program, project, or activity; (3)
16 increases funds or personnel for any program, project, or
17 activity for which funds have been denied or restricted by
18 the Congress; (4) proposes to use funds directed for a spe-
19 cific activity by either the House or Senate Committees
20 on Appropriations for a different purpose; (5) augments
21 existing programs, projects, or activities in excess of
22 \$5,000,000 or 10 percent, whichever is less; (6) reduces
23 existing programs, projects, or activities by \$5,000,000 or
24 10 percent, whichever is less; or (7) creates, reorganizes,
25 or restructures offices different from the budget justifica-

1 tions submitted to the Committees on Appropriations or
2 the table accompanying the Committee Report accom-
3 panying this Act, whichever is more detailed, unless prior
4 approval is received from the House and Senate Commit-
5 tees on Appropriations: *Provided*, That not later than 60
6 days after the date of enactment of this Act, each agency
7 funded by this Act shall submit a report to the Committee
8 on Appropriations of the Senate and of the House of Rep-
9 resentatives to establish the baseline for application of re-
10 programming and transfer authorities for the current fis-
11 cal year: *Provided further*, That the report shall include
12 (1) a table for each appropriation with a separate column
13 to display the President's budget request, adjustments
14 made by Congress, adjustments due to enacted rescissions,
15 if appropriate, and the fiscal year enacted level; (2) a de-
16 lineation in the table for each appropriation both by object
17 class and program, project, and activity as detailed in the
18 budget appendix for the respective appropriation; and (3)
19 an identification of items of special congressional interest:
20 *Provided further*, That the amount appropriated or limited
21 for salaries and expenses for an agency shall be reduced
22 by \$100,000 per day for each day after the required date
23 that the report has not been submitted to the Congress.
24 SEC. 512. None of the funds made available in this
25 Act may be used by the Executive Office of the President

1 to request from the Federal Bureau of Investigation any
2 official background investigation report on any individual,
3 except when—

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

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

10 SEC. 513. The cost accounting standards promul-
11 gated under section 26 of the Office of Federal Procure-
12 ment Policy Act (Public Law 93–400; 41 U.S.C. 422)
13 shall not apply with respect to a contract under the Fed-
14 eral Employees Health Benefits Program established
15 under chapter 89 of title 5, United States Code.

16 SEC. 514. For the purpose of resolving litigation and
17 implementing any settlement agreements regarding the
18 nonforeign area cost-of-living allowance program, the Of-
19 fice of Personnel Management may accept and utilize
20 (without regard to any restriction on unanticipated travel
21 expenses imposed in an Appropriations Act) funds made
22 available to the Office pursuant to court approval.

23 SEC. 515. In order to promote Government access to
24 commercial information technology, the restriction on pur-
25 chasing nondomestic articles, materials, and supplies set

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

7 SEC. 516. Public Law 108–199 is amended in Divi-
 8 sion H, section 161, by inserting “and all Federal agen-
 9 cies” after “Office of Management and Budget”.

10 SEC. 517. PROHIBITION ON DETERMINATION. Not-
 11 withstanding any other provision of law, neither the Board
 12 of Governors of the Federal Reserve System nor the Sec-
 13 retary of the Treasury may determine, by rule, regulation,
 14 order, or otherwise, for purposes of section 4(K) of the
 15 Bank Holding Company Act of 1956, or section 5136A
 16 of the Revised Statutes of the United States, that real es-
 17 tate brokerage activity or real estate management activity
 18 (which, for purposes of this paragraph shall be defined to
 19 mean “real estate brokerage” and “property manage-
 20 ment” respectively, as those terms were understood by the
 21 Federal Reserve Board prior to March 11, 2000) is an
 22 activity that is financial in nature, is incidental to any fi-
 23 nancial activity, or is complementary to a financial activ-
 24 ity. For purposes of this paragraph, “real estate brokerage
 25 activity” shall mean “real estate brokerage,” and “real es-

1 tate management activity” shall mean “property manage-
 2 ment,” as those terms were understood by the Federal Re-
 3 serve Board prior to March 11, 2000.

4 SEC. 518. TREATMENT OF THE TENNESSEE VALLEY
 5 AUTHORITY. (a) SECURITIES ACT OF 1933.—The Securi-
 6 ties Act of 1933 (15 U.S.C. 77a et seq.) is amended—

7 (1) in section 3(a)(2) (15 U.S.C. 77c(a)(2)), by
 8 inserting “(other than the Tennessee Valley Author-
 9 ity)” after “Congress of the United States”;

10 (2) in section 3 (15 U.S.C. 77c), by adding at
 11 the end the following:

12 “(d) TENNESSEE VALLEY AUTHORITY BONDS NOT
 13 EXEMPT.—Notwithstanding any provision of this title, no
 14 bond issued or sold by the Tennessee Valley Authority
 15 pursuant to section 15d of the Tennessee Valley Authority
 16 Act (16 U.S.C. 831n–3(d)) shall be exempt from the re-
 17 quirements of this title.”; and

18 (3) in section 28 (15 U.S.C. 77z–3)—

19 (A) by inserting “(a) IN GENERAL.—” be-
 20 fore “The”; and

21 (B) by adding at the end the following:

22 “(b) APPLICABILITY.—Notwithstanding subsection
 23 (a), the Commission may not exempt from any provision
 24 of this title, or any rule or regulation issued under this
 25 title any bond issued or sold by the Tennessee Valley Au-

1 thority pursuant to section 15d of the Tennessee Valley
2 Authority Act (16 U.S.C. 831n–3(d)).”.

3 (b) SECURITIES EXCHANGE ACT OF 1934.—The Se-
4 curities Exchange Act of 1934 (15 U.S.C. 78a et seq.)
5 is amended—

6 (1) in section 3(c) (15 U.S.C. 78c(c)), by in-
7 serting “(other than the Tennessee Valley Author-
8 ity)” after “establishment of the United States”;

9 (2) in section 3 (15 U.S.C. 78c), by adding at
10 the end the following:

11 “(h) TENNESSEE VALLEY AUTHORITY.—Notwith-
12 standing any other provision of this title, no bond issued
13 or sold by the Tennessee Valley Authority pursuant to sec-
14 tion 15d of the Tennessee Valley Authority Act (16 U.S.C.
15 831n–3(d)) shall be exempt from the requirements of this
16 title or the rules or regulations issued under this title.”;
17 and

18 (3) in section 36(b) (15 U.S.C. 78mm(b))—

19 (A) by striking “exempt any” and insert-
20 ing “exempt—

21 “(1) any”;

22 (B) by striking the period at the end and
23 inserting “; or”; and

24 (C) by adding at the end the following:

1 “(2) any bond issued by the Tennessee Valley
2 Authority pursuant to section 15d of the Tennessee
3 Valley Authority Act (16 U.S.C. 831n–3(d)).”.

4 SEC. 519. Section 307 of the Denali Commission Act
5 of 1998 (42 U.S.C. 3121 note) is amended by adding at
6 the end the following new subsection:

7 “(e) DOCKS, WATERFRONT TRANSPORTATION DE-
8 VELOPMENT, AND RELATED INFRASTRUCTURE
9 PROJECTS.—The Secretary of Transportation is author-
10 ized to make direct lump sum payments to the Commis-
11 sion to construct docks, waterfront development projects,
12 and related transportation infrastructure, provided the
13 local community provides a ten percent non-federal match
14 in the form of any necessary land or planning and design
15 funds. To carry out this section, there is authorized to
16 be appropriated such sums as may be necessary.”.

17 SEC. 520. (a) PRIVACY OFFICER.—Each agency shall
18 have a Chief Privacy Officer to assume primary responsi-
19 bility for privacy and data protection policy, including—

20 (1) assuring that the use of technologies sus-
21 tain, and do not erode, privacy protections relating
22 to the use, collection, and disclosure of information
23 in an identifiable form;

24 (2) assuring that technologies used to collect,
25 use, store, and disclose information in identifiable

1 form allow for continuous auditing of compliance
2 with stated privacy policies and practices governing
3 the collection, use and distribution of information in
4 the operation of the program;

5 (3) assuring that personal information con-
6 tained in Privacy Act systems of records is handled
7 in full compliance with fair information practices as
8 defined in the Privacy Act of 1974;

9 (4) evaluating legislative and regulatory pro-
10 posals involving collection, use, and disclosure of
11 personal information by the Federal Government;

12 (5) conducting a privacy impact assessment of
13 proposed rules of the Department on the privacy of
14 information in an identifiable form, including the
15 type of personally identifiable information collected
16 and the number of people affected;

17 (6) preparing a report to Congress on an an-
18 nual basis on activities of the Department that af-
19 fect privacy, including complaints of privacy viola-
20 tions, implementation of section 552a of title 5, 11
21 United States Code, internal controls, and other rel-
22 evant matters;

23 (7) ensuring that the Department protects in-
24 formation in an identifiable form and information

1 systems from unauthorized access, use, disclosure,
2 disruption, modification, or destruction;

3 (8) training and educating employees on privacy
4 and data protection policies to promote awareness of
5 and compliance with established privacy and data
6 protection policies; and

7 (9) ensuring compliance with the Departments
8 established privacy and data protection policies.

9 (b) ESTABLISHING PRIVACY AND DATA PROTECTION
10 PROCEDURES AND POLICIES.—

11 (1) IN GENERAL.—Within 12 months of enact-
12 ment of this Act, each agency shall establish and im-
13 plement comprehensive privacy and data protection
14 procedures governing the agency's collection, use,
15 sharing, disclosure, transfer, storage and security of
16 information in an identifiable form relating to the
17 agency employees and the public. Such procedures
18 shall be consistent with legal and regulatory guid-
19 ance, including OMB regulations, the Privacy Act of
20 1974, and section 208 of the E-Government Act of
21 2002.

22 (c) RECORDING.—Each agency shall prepare a writ-
23 ten report of its use of information in an identifiable form,
24 along with its privacy and data protection policies and pro-
25 cedures and record it with the Inspector General of the

1 agency to serve as a benchmark for the agency. Each re-
2 port shall be signed by the agency privacy officer to verify
3 that the agency intends to comply with the procedures in
4 the report. By signing the report the privacy officer also
5 verifies that the agency is only using information in identi-
6 fiable form as detailed in the report.

7 (d) INDEPENDENT, THIRD-PARTY REVIEW.—

8 (1) IN GENERAL.—At least every 2 years, each
9 agency shall have performed an independent, third
10 party review of the use of information in identifiable
11 form as the privacy and data protection procedures
12 of the agency to—

13 (A) determine the accuracy of the descrip-
14 tion of the use of information in identifiable
15 form;

16 (B) determine the effectiveness of the pri-
17 vacy and data protection procedures;

18 (C) ensure compliance with the stated pri-
19 vacy and data protection policies of the agency
20 and applicable laws and regulations; and

21 (D) ensure that all technologies used to
22 collect, use, store, and disclose information in
23 identifiable form allow for continuous auditing
24 of compliance with stated privacy policies and
25 practices governing the collection, use and dis-

1 tribution of information in the operation of the
2 program.

3 (2) PURPOSES.—The purposes of reviews under
4 this subsection are to—

5 (A) ensure the agency’s description of the
6 use of information in an identifiable form is ac-
7 curate and accounts for the agency’s current
8 technology and its processing of information in
9 an identifiable form.

10 (B) measure actual privacy and data pro-
11 tection practices against the agency’s recorded
12 privacy and data protection procedures;

13 (C) ensure compliance and consistency
14 with both online and offline stated privacy and
15 data protection policies; and

16 (D) provide agencies with ongoing aware-
17 ness and recommendations regarding privacy
18 and data protection procedures.

19 (3) REQUIREMENTS OF REVIEW.—The Inspec-
20 tor General of each agency shall contract with an
21 independent, third party that is a recognized leader
22 in privacy consulting, privacy technology, data collec-
23 tion and data use management, and global privacy
24 issues, to—

1 (A) evaluate the agency's use of informa-
2 tion in identifiable form;

3 (B) evaluate the privacy and data protec-
4 tion procedures of the agency; and

5 (C) recommend strategies and specific
6 steps to improve privacy and data protection
7 management.

8 (4) CONTENT.—Each review under this sub-
9 section shall include—

10 (A) a review of the agency's technology,
11 practices and procedures with regard to the col-
12 lection, use, sharing, disclosure, transfer and
13 storage of information in identifiable form;

14 (B) a review of the agency's stated privacy
15 and data protection procedures with regard to
16 the collection, use, sharing, disclosure, transfer,
17 and security of personal information in identifi-
18 able form relating to agency employees and the
19 public;

20 (C) a detailed analysis of agency intranet,
21 network and Websites for privacy
22 vulnerabilities, including—

23 (i) noncompliance with stated prac-
24 tices, procedures and policies; and

1 (ii) risks for inadvertent release of in-
2 formation in an identifiable form from the
3 website of the agency.

4 (D) a review of agency compliance with
5 this act.

6 (e) REPORT.—

7 (1) IN GENERAL.—Upon completion of a re-
8 view, the Inspector General of an agency shall sub-
9 mit to the head of that agency a detailed report on
10 the review, including recommendations for improve-
11 ments or enhancements to management of informa-
12 tion in identifiable form, and the privacy and data
13 protection procedures of the agency.

14 (2) INTERNET AVAILABILITY.—Each agency
15 shall make each independent third party review, and
16 each report of the Inspector General relating to that
17 review available to the public.

18 (f) DEFINITION.—In this section, the definition of
19 “identifiable form” is consistent with Public Law 107–
20 347, the E-Government Act of 2002, and means any rep-
21 resentation of information that permits the identity of an
22 individual to whom the information applies to be reason-
23 ably inferred by either direct or indirect means.

24 SEC. 521. Section 312a(a) of the Federal Election
25 Campaign Act of 1971 (2 U.S.C. 439a(a)) is amended—

1 (1) by striking the “or” at the end of para-
2 graph (a)(3);

3 (2) by striking the period, and adding a semi-
4 colon at the end of paragraph (a)(4);

5 (3) by adding a new paragraph (a)(5) to read
6 as follows: “(5) for donations to State and local can-
7 didates subject to the provisions of State law; or”;
8 and

9 (4) by adding a new paragraph (a)(6) to read
10 as follows: “(6) for any other lawful purpose unless
11 prohibited by subsection (b) of this section.”.

12 SEC. 522. Section 302(e)(3)(B) of the Federal Elec-
13 tion Campaign Act of 1971 (2 U.S.C. 432(e)(3)(B)) is
14 amended by striking “\$1,000” and inserting in its place
15 “\$2,000”.

16 SEC. 523. The Former Presidents Act, 3 U.S.C. 102,
17 note, is amended to add the following at the end of Section
18 1(b): “Amounts provided for ‘Allowances and Office Staff
19 for Former Presidents’ may be used to pay fees of an inde-
20 pendent contractor who is not a member of the staff of
21 the office of a former President for the review of Presi-
22 dential records of a former President in connection with
23 the transfer of such records to the National Archives and
24 Records Administration or a Presidential Library without

1 regard to the limitation on staff compensation set forth
2 herein.”.

3 TITLE VI

4 GENERAL PROVISIONS

5 DEPARTMENTS, AGENCIES, AND CORPORATIONS

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

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

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

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

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

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

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

1 *further*, That the above penal clause shall be in addition
2 to, and not in substitution for, any other provisions of ex-
3 isting law: *Provided further*, That any payment made to
4 any officer or employee contrary to the provisions of this
5 section shall be recoverable in action by the Federal Gov-
6 ernment. This section shall not apply to citizens of Ire-
7 land, Israel, or the Republic of the Philippines, or to na-
8 tionals of those countries allied with the United States in
9 a current defense effort, or to international broadcasters
10 employed by the United States Information Agency, or to
11 temporary employment of translators, or to temporary em-
12 ployment in the field service (not to exceed 60 days) as
13 a result of emergencies.

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

24 SEC. 607. In addition to funds provided in this or
25 any other Act, all Federal agencies are authorized to re-

1 ceive and use funds resulting from the sale of materials,
2 including Federal records disposed of pursuant to a
3 records schedule recovered through recycling or waste pre-
4 vention programs. Such funds shall be available until ex-
5 pended for the following purposes:

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

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

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

18 SEC. 608. Funds made available by this or any other
19 Act for administrative expenses in the current fiscal year
20 of the corporations and agencies subject to chapter 91 of
21 title 31, United States Code, shall be available, in addition
22 to objects for which such funds are otherwise available,
23 for rent in the District of Columbia; services in accordance
24 with 5 U.S.C. 3109; and the objects specified under this
25 head, all the provisions of which shall be applicable to the

1 expenditure of such funds unless otherwise specified in the
2 Act by which they are made available: *Provided*, That in
3 the event any functions budgeted as administrative ex-
4 penses are subsequently transferred to or paid from other
5 funds, the limitations on administrative expenses shall be
6 correspondingly reduced.

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

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

20 SEC. 611. Funds made available by this or any other
21 Act to the Postal Service Fund (39 U.S.C. 2003) shall
22 be available for employment of guards for all buildings and
23 areas owned or occupied by the Postal Service and under
24 the charge and control of the Postal Service, and such
25 guards shall have, with respect to such property, the pow-

1 ers of special policemen provided by the first section of
2 the Act of June 1, 1948, as amended (62 Stat. 281; 40
3 U.S.C. 318), and, as to property owned or occupied by
4 the Postal Service, the Postmaster General may take the
5 same actions as the Administrator of General Services
6 may take under the provisions of sections 2 and 3 of the
7 Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C.
8 318a and 318b), attaching thereto penal consequences
9 under the authority and within the limits provided in sec-
10 tion 4 of the Act of June 1, 1948, as amended (62 Stat.
11 281; 40 U.S.C. 318c).

12 SEC. 612. None of the funds made available pursuant
13 to the provisions of this Act shall be used to implement,
14 administer, or enforce any regulation which has been dis-
15 approved pursuant to a resolution of disapproval duly
16 adopted in accordance with the applicable law of the
17 United States.

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

24 (1) during the period from the date of expira-
25 tion of the limitation imposed by the comparable sec-

1 tion for previous fiscal years until the normal effective date of the applicable wage survey adjustment
2 that is to take effect in fiscal year 2005, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule
3 in accordance with such section; and
4

5 (2) during the period consisting of the remainder of fiscal year 2005, in an amount that exceeds,
6 as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum
7 of—
8

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

12 (B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year
13 2005 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was
14 effective in the previous fiscal year under such section.
15

16 (b) Notwithstanding any other provision of law, no
17 prevailing rate employee described in subparagraph (B) or
18

1 (C) of section 5342(a)(2) of title 5, United States Code,
2 and no employee covered by section 5348 of such title,
3 may be paid during the periods for which subsection (a)
4 is in effect at a rate that exceeds the rates that would
5 be payable under subsection (a) were subsection (a) appli-
6 cable to such employee.

7 (c) For the purposes of this section, the rates payable
8 to an employee who is covered by this section and who
9 is paid from a schedule not in existence on September 30,
10 2004, shall be determined under regulations prescribed by
11 the Office of Personnel Management.

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

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

20 (f) For the purpose of administering any provision
21 of law (including any rule or regulation that provides pre-
22 mium pay, retirement, life insurance, or any other em-
23 ployee benefit) that requires any deduction or contribu-
24 tion, or that imposes any requirement or limitation on the
25 basis of a rate of salary or basic pay, the rate of salary

1 or basic pay payable after the application of this section
2 shall be treated as the rate of salary or basic pay.

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

7 (h) The Office of Personnel Management may provide
8 for exceptions to the limitations imposed by this section
9 if the Office determines that such exceptions are necessary
10 to ensure the recruitment or retention of qualified employ-
11 ees.

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

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

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

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

24 (1) the Central Intelligence Agency;

25 (2) the National Security Agency;

1 (3) the Defense Intelligence Agency;

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

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

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

15 (7) the Director of Central Intelligence.

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

1 of 1964, as amended, the Age Discrimination in Employ-
2 ment Act of 1967, and the Rehabilitation Act of 1973.

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

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

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

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

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

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

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

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

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

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

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

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

1 which protect against disclosure that may compromise the
2 national security, including sections 641, 793, 794, 798,
3 and 952 of title 18, United States Code, and section 4(b)
4 of the Subversive Activities Act of 1950 (50 U.S.C.
5 783(b)). The definitions, requirements, obligations, rights,
6 sanctions, and liabilities created by said Executive order
7 and listed statutes are incorporated into this agreement
8 and are controlling.”: *Provided*, That notwithstanding the
9 preceding paragraph, a nondisclosure policy form or agree-
10 ment that is to be executed by a person connected with
11 the conduct of an intelligence or intelligence-related activ-
12 ity, other than an employee or officer of the United States
13 Government, may contain provisions appropriate to the
14 particular activity for which such document is to be used.
15 Such form or agreement shall, at a minimum, require that
16 the person will not disclose any classified information re-
17 ceived in the course of such activity unless specifically au-
18 thorized to do so by the United States Government. Such
19 nondisclosure forms shall also make it clear that they do
20 not bar disclosures to Congress or to an authorized official
21 of an executive agency or the Department of Justice that
22 are essential to reporting a substantial violation of law.

23 SEC. 621. No part of any funds appropriated in this
24 or any other Act shall be used by an agency of the execu-
25 tive branch, other than for normal and recognized execu-

1 tive-legislative relationships, for publicity or propaganda
2 purposes, and for the preparation, distribution or use of
3 any kit, pamphlet, booklet, publication, radio, television or
4 film presentation designed to support or defeat legislation
5 pending before the Congress, except in presentation to the
6 Congress itself.

7 SEC. 622. None of the funds appropriated by this or
8 any other Act may be used by an agency to provide a Fed-
9 eral employee's home address to any labor organization
10 except when the employee has authorized such disclosure
11 or when such disclosure has been ordered by a court of
12 competent jurisdiction.

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

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

23 SEC. 625. (a) In this section the term "agency"—
24 (1) means an Executive agency as defined
25 under section 105 of title 5, United States Code;

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

4 (3) shall not include the General Accounting
5 Office.

6 (b) Unless authorized in accordance with law or regu-
7 lations to use such time for other purposes, an employee
8 of an agency shall use official time in an honest effort
9 to perform official duties. An employee not under a leave
10 system, including a Presidential appointee exempted under
11 section 6301(2) of title 5, United States Code, has an obli-
12 gation to expend an honest effort and a reasonable propor-
13 tion of such employee's time in the performance of official
14 duties.

15 SEC. 626. Notwithstanding 31 U.S.C. 1346 and sec-
16 tion 610 of this Act, funds made available for the current
17 fiscal year by this or any other Act to any department
18 or agency, which is a member of the Joint Financial Man-
19 agement Improvement Program (JFMIP), shall be avail-
20 able to finance an appropriate share of JFMIP adminis-
21 trative costs, as determined by the JFMIP, but not to ex-
22 ceed a total of \$800,000 including the salary of the Execu-
23 tive Director and staff support.

24 SEC. 627. Notwithstanding 31 U.S.C. 1346 and sec-
25 tion 610 of this Act, the head of each Executive depart-

1 ment and agency is hereby authorized to transfer to or
2 reimburse the “Government-wide Policy” account, General
3 Services Administration, with the approval of the Director
4 of the Office of Management and Budget, funds made
5 available for the current fiscal year by this or any other
6 Act, including rebates from charge card and other con-
7 tracts. These funds shall be administered by the Adminis-
8 trator of General Services to support Government-wide fi-
9 nancial, information technology, procurement, and other
10 management innovations, initiatives, and activities, as ap-
11 proved by the Director of the Office of Management and
12 Budget, in consultation with the appropriate interagency
13 groups designated by the Director (including the Chief Fi-
14 nancial Officers Council and the Joint Financial Manage-
15 ment Improvement Program for financial management
16 initiatives, the Chief Information Officers Council for in-
17 formation technology initiatives, the Chief Human Capital
18 Officers Council for human capital initiatives, and the
19 Federal Acquisition Council for procurement initiatives).
20 The total funds transferred or reimbursed shall not exceed
21 \$17,000,000. Such transfers or reimbursements may only
22 be made 15 days following notification of the Committees
23 on Appropriations by the Director of the Office of Man-
24 agement and Budget.

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

8 SEC. 629. Notwithstanding any other provision of
9 law, a woman may breastfeed her child at any location
10 in a Federal building or on Federal property, if the woman
11 and her child are otherwise authorized to be present at
12 the location.

13 SEC. 630. Notwithstanding section 1346 of title 31,
14 United States Code, or section 610 of this Act, funds
15 made available for the current fiscal year by this or any
16 other Act shall be available for the interagency funding
17 of specific projects, workshops, studies, and similar efforts
18 to carry out the purposes of the National Science and
19 Technology Council (authorized by Executive Order No.
20 12881), which benefit multiple Federal departments,
21 agencies, or entities: *Provided*, That the Office of Manage-
22 ment and Budget shall provide a report describing the
23 budget of and resources connected with the National
24 Science and Technology Council to the Committees on Ap-
25 propriations, the House Committee on Science; and the

1 Senate Committee on Commerce, Science, and Transpor-
2 tation 90 days after enactment of this Act.

3 SEC. 631. Any request for proposals, solicitation,
4 grant application, form, notification, press release, or
5 other publications involving the distribution of Federal
6 funds shall indicate the agency providing the funds, the
7 Catalog of Federal Domestic Assistance Number, as appli-
8 cable, and the amount provided. This provision shall apply
9 to direct payments, formula funds, and grants received by
10 a State receiving Federal funds.

11 SEC. 632. Subsection (f) of section 403 of Public Law
12 103–356 (31 U.S.C. 501 note), as amended, is further
13 amended by striking “October 1, 2004” and inserting
14 “October 1, 2005”.

15 SEC. 633. (a) PROHIBITION OF FEDERAL AGENCY
16 MONITORING OF INDIVIDUALS’ INTERNET USE.—None of
17 the funds made available in this or any other Act may
18 be used by any Federal agency—

19 (1) to collect, review, or create any aggregation
20 of data, derived from any means, that includes any
21 personally identifiable information relating to an in-
22 dividual’s access to or use of any Federal Govern-
23 ment Internet site of the agency; or

24 (2) to enter into any agreement with a third
25 party (including another government agency) to col-

1 lect, review, or obtain any aggregation of data, de-
2 rived from any means, that includes any personally
3 identifiable information relating to an individual's
4 access to or use of any nongovernmental Internet
5 site.

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

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

10 (2) any voluntary submission of personally iden-
11 tifiable information;

12 (3) any action taken for law enforcement, regu-
13 latory, or supervisory purposes, in accordance with
14 applicable law; or

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

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

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

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

7 SEC. 634. (a) None of the funds appropriated by this
8 Act may be used to enter into or renew a contract which
9 includes a provision providing prescription drug coverage,
10 except where the contract also includes a provision for con-
11 traceptive coverage.

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

14 (1) any of the following religious plans:

15 (A) Personal Care’s HMO; and

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

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

20 (c) In implementing this section, any plan that enters
21 into or renews a contract under this section may not sub-
22 ject any individual to discrimination on the basis that the
23 individual refuses to prescribe or otherwise provide for
24 contraceptives because such activities would be contrary
25 to the individual’s religious beliefs or moral convictions.

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

3 SEC. 635. The Congress of the United States recog-
4 nizes the United States Anti-Doping Agency (USADA) as
5 the official anti-doping agency for Olympic, Pan Amer-
6 ican, and Paralympic sport in the United States.

7 SEC. 636. None of the funds made available under
8 this or any other Act for fiscal year 2005 and each fiscal
9 year thereafter shall be expended for the purchase of a
10 product or service offered by Federal Prison Industries,
11 Inc. unless the agency making such purchase determines
12 that such offered product or service provides the best value
13 to the buying agency pursuant to governmentwide pro-
14 curement regulations, issued pursuant to section 25(c)(1)
15 of the Office of Federal Procurement Act (41 U.S.C.
16 421(c)(1)) that impose procedures, standards, and limita-
17 tions of section 2410n of title 10, United States Code.

18 SEC. 637. Each Executive department and agency
19 shall evaluate the creditworthiness of an individual before
20 issuing the individual a government purchase charge card
21 or government travel charge card. The department or
22 agency may not issue a government purchase charge card
23 or government travel charge card to an individual that ei-
24 ther lacks a credit history or is found to have an unsatis-
25 factory credit history as a result of this evaluation: *Pro-*

1 *vided*, That this restriction shall not preclude issuance of
2 a restricted-use charge, debit, or stored value card made
3 in accordance with agency procedures to (a) an individual
4 with an unsatisfactory credit history where such card is
5 used to pay travel expenses and the agency determines
6 there is no suitable alternative payment mechanism avail-
7 able before issuing the card, or (b) an individual who lacks
8 a credit history. Each Executive department and agency
9 shall establish guidelines and procedures for disciplinary
10 actions to be taken against agency personnel for improper,
11 fraudulent, or abusive use of government charge cards,
12 which shall include appropriate disciplinary actions for use
13 of charge cards for purposes, and at establishments, that
14 are inconsistent with the official business of the Depart-
15 ment or agency or with applicable standards of conduct.

16 SEC. 638. Notwithstanding any other provision of
17 law, funds appropriated for official travel by Federal de-
18 partments and agencies may be used by such departments
19 and agencies, if consistent with Office of Management and
20 Budget Circular A-126 regarding official travel for Gov-
21 ernment personnel, to participate in the fractional aircraft
22 ownership pilot program.

23 SEC. 639. (a) Not later than 180 days after the en-
24 actment of this Act, the head of each Federal agency shall
25 submit a report to Congress on the amount of the acquisi-

1 tions made by the agency from entities that manufacture
2 the articles, materials, or supplies outside of the United
3 States in that fiscal year.

4 (b) The report required by subsection (a) shall sepa-
5 rately indicate—

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

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

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

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

19 SEC. 640. (a) The adjustment in rates of basic pay
20 for employees under the statutory pay systems that takes
21 effect in fiscal year 2005 under sections 5303 and 5304
22 of title 5, United States Code, shall be an increase of 3.5
23 percent, and this adjustment shall apply to civilian em-
24 ployees in the Department of Defense and the Department
25 of Homeland Security and such adjustments shall be effec-

1 tive as of the first day of the first applicable pay period
2 beginning on or after January 1, 2005.

3 (b) Notwithstanding section 613 of this Act, the ad-
4 justment in rates of basic pay for the statutory pay sys-
5 tems that take place in fiscal year 2005 under sections
6 5344 and 5348 of title 5, United States Code, shall be
7 no less than the percentage in paragraph (a) as employees
8 in the same location whose rates of basic pay are adjusted
9 pursuant to the statutory pay systems under section 5303
10 and 5304 of title 5, United States Code. Prevailing rate
11 employees at locations where there are no employees whose
12 pay is increased pursuant to sections 5303 and 5304 of
13 title 5 and prevailing rate employees described in section
14 5343(a)(5) of title 5 shall be considered to be located in
15 the pay locality designated as “Rest of US” pursuant to
16 section 5304 of title 5 for purposes of this paragraph.

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

21 SEC. 641. Notwithstanding any other provision of
22 law, no executive branch agency shall purchase, construct,
23 and/or lease any additional facilities, except within or con-
24 tiguous to existing locations, to be used for the purpose
25 of conducting Federal law enforcement training without

1 the advance approval of the Committees on Appropria-
 2 tions, except that the Federal Law Enforcement Training
 3 Center is authorized to obtain the temporary use of addi-
 4 tional facilities by lease, contract, or other agreement for
 5 training which cannot be accommodated in existing Center
 6 facilities.

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

9 “(e)(1) Notwithstanding any other provision of law
 10 (including 42 U.S.C. 407 and 1383(d)(1), 30 U.S.C.
 11 923(b), and 45 U.S.C. 231(m), regulation, or administra-
 12 tive limitation, no limitation shall terminate the period
 13 within which an offset may be initiated or taken pursuant
 14 to this section.

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

18 SEC. 643. Section 653(j) of title 42, United States
 19 Code, is amended by adding at the end the following new
 20 paragraph:

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

23 “(A) FURNISHING OF INFORMATION BY
 24 THE SECRETARY OF THE TREASURY.—The Sec-
 25 retary of the Treasury shall furnish to the Sec-

retary, on such periodic basis as determined by the Secretary of the Treasury in consultation with the Secretary, information in the custody of the Secretary of the Treasury for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to persons—

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

(ii) whose debt has been referred to the Secretary of the Treasury in accordance with 31 U.S.C. 3711(g).

“(B) REQUIREMENT TO SEEK MINIMUM INFORMATION.—The Secretary of the Treasury shall seek information pursuant to this section only to the extent necessary to improve collection of the debt described in subparagraph (A).

“(C) DUTIES OF THE SECRETARY.—

“(i) INFORMATION DISCLOSURE.—The Secretary, in cooperation with the Secretary of the Treasury, shall compare information in the National Directory of New Hires with information provided by the Secretary of the Treasury with respect to persons described in subparagraph (A)

1 and shall disclose information in such Di-
2 rectory regarding such persons to the Sec-
3 retary of the Treasury in accordance with
4 this paragraph, for the purposes specified
5 in this paragraph. Such comparison of in-
6 formation shall not be considered a match-
7 ing program as defined in 5 U.S.C. 552a.

8 “(ii) CONDITION ON DISCLOSURE.—

9 The Secretary shall make disclosures in ac-
10 cordance with clause (i) only to the extent
11 that the Secretary determines that such
12 disclosures do not interfere with the effec-
13 tive operation of the program under this
14 part. Support collection under section
15 466(b) of this title shall be given priority
16 over collection of any delinquent federal
17 nontax debt against the same income.

18 “(D) USE OF INFORMATION BY THE SEC-

19 RETARY OF THE TREASURY.—The Secretary of
20 the Treasury may use information provided
21 under this paragraph only for purposes of col-
22 lecting the debt described in subparagraph (A).

23 “(E) DISCLOSURE OF INFORMATION BY

24 THE SECRETARY OF THE TREASURY.—

1 “(i) PURPOSE OF DISCLOSURE.—The
2 Secretary of the Treasury may make a dis-
3 closure under this subparagraph only for
4 purposes of collecting the debt described in
5 subparagraph (A).

6 “(ii) DISCLOSURES PERMITTED.—
7 Subject to clauses (iii) and (iv), the Sec-
8 retary of the Treasury may disclose infor-
9 mation resulting from a data match pursu-
10 ant to this paragraph only to the Attorney
11 General in connection with collecting the
12 debt described in subparagraph (A).

13 “(iii) CONDITIONS ON DISCLOSURE.—
14 Disclosures under this subparagraph shall
15 be—

16 “(I) made in accordance with
17 data security and control policies es-
18 tablished by the Secretary of the
19 Treasury and approved by the Sec-
20 retary;

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

23 “(III) subject to the sanctions
24 under subsection (l)(2).

25 “(iv) ADDITIONAL DISCLOSURES.—

1 “(I) DETERMINATION BY SECRE-
2 TARIES.—The Secretary of the Treas-
3 ury and the Secretary shall determine
4 whether to permit disclosure of infor-
5 mation under this paragraph to per-
6 sons or entities described in subclause
7 (II), based on an evaluation made by
8 the Secretary of the Treasury (in con-
9 sultation with and approved by the
10 Secretary), of the costs and benefits
11 of such disclosures and the adequacy
12 of measures used to safeguard the se-
13 curity and confidentiality of informa-
14 tion so disclosed.

15 “(II) PERMITTED PERSONS OR
16 ENTITIES.—If the Secretary of the
17 Treasury and the Secretary determine
18 pursuant to subclause (I) that disclo-
19 sures to additional persons or entities
20 shall be permitted, information under
21 this paragraph may be disclosed by
22 the Secretary of the Treasury, in con-
23 nection with collecting the debt de-
24 scribed in subparagraph (A), to a con-
25 tractor or agent of either Secretary

1 and to the Federal agency that re-
2 ferred such debt to the Secretary of
3 the Treasury for collection, subject to
4 the conditions in clause (iii) and such
5 additional conditions as agreed to by
6 the Secretaries.

7 “(v) RESTRICTIONS ON REDISCLO-
8 SURE.—A person or entity to which infor-
9 mation is disclosed under this subpara-
10 graph may use or disclose such informa-
11 tion only as needed for collecting the debt
12 described in subparagraph (A), subject to
13 the conditions in clause (iii) and such addi-
14 tional conditions as agreed to by the Secre-
15 taries.

16 “(F) REIMBURSEMENT OF HHS COSTS.—
17 The Secretary of the Treasury shall reimburse
18 the Secretary, in accordance with subsection
19 (k)(3), for the costs incurred by the Secretary
20 in furnishing the information requested under
21 this paragraph. Any such costs paid by the Sec-
22 retary of the Treasury shall be considered costs
23 of implementing 31 U.S.C. 3711(g) in accord-
24 ance with 31 U.S.C. 3711(g)(6) and may be

1 paid from the account established pursuant to
2 31 U.S.C. 3711(g)(7).”.

3 SEC. 644. (a) IN GENERAL.—Section 6402 of title
4 26, United States Code, is amended by redesignating sub-
5 sections (f) through (k) as subsections (g) through (l), re-
6 spectively, and by inserting after subsection (e) the fol-
7 lowing new subsection:

8 “(f) COLLECTION OF PAST-DUE, LEGALLY EN-
9 FORCEABLE STATE UNEMPLOYMENT COMPENSATION
10 DEBTS.—

11 “(1) IN GENERAL.—Upon receiving notice from
12 any State that a person owes a past-due, legally en-
13 forceable State unemployment compensation debt to
14 such State, the Secretary shall, under such condi-
15 tions as may be prescribed by the Secretary—

16 “(A) reduce the amount of any overpay-
17 ment payable to such person by the amount of
18 such unemployment compensation debt;

19 “(B) pay the amount by which such over-
20 payment is reduced under subparagraph (A) to
21 such State and notify such State of such per-
22 son’s name, taxpayer identification number, ad-
23 dress, and the amount collected; and

24 “(C) notify the person making such over-
25 payment that the overpayment has been re-

1 duced by an amount necessary to satisfy a past-
 2 due, legally enforceable State unemployment
 3 compensation debt. If an offset is made pursu-
 4 ant to a joint return, the notice under subpara-
 5 graph (B) shall include the names, taxpayer
 6 identification numbers, and addresses of each
 7 person filing such return.

8 “(2) PRIORITIES FOR OFFSET.—Any overpay-
 9 ment by a person shall be reduced pursuant to this
 10 subsection—

11 “(A) after such overpayment is reduced
 12 pursuant to—

13 “(i) subsection (a) with respect to any
 14 liability for any internal revenue tax on the
 15 part of the person who made the
 16 overpayment;

17 “(ii) subsection (c) with respect to
 18 past-due support;

19 “(iii) subsection (d) with respect to
 20 any past-due, legally enforceable debt owed
 21 to a Federal agency; and

22 “(B) before such overpayment is credited
 23 to the future liability for any Federal internal
 24 revenue tax of such person pursuant to sub-
 25 section (b). If the Secretary receives notice from

1 a State or States of more than one debt subject
2 to paragraph (1) and/or subsection (e) that is
3 owed by a person to such State or States, any
4 overpayment by such person shall be applied
5 against such debts in the order in which such
6 debts accrued.

7 “(3) NOTICE; CONSIDERATION OF EVIDENCE.—
8 No State may take action under this subsection until
9 such State—

10 “(A) notifies the person owing the past-due
11 legally enforceable State unemployment com-
12 pensation debt that the State proposes to take
13 action pursuant to this section;

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

17 “(C) considers any evidence presented by
18 such person and determines that an amount of
19 such debt is past-due and legally enforceable;
20 and

21 “(D) satisfies such other conditions as the
22 Secretary may prescribe to ensure that the de-
23 termination made under subparagraph (C) is
24 valid and that the State has made reasonable

1 efforts to obtain payment of such unemploy-
2 ment compensation debt.

3 “(4) PAST-DUE, LEGALLY ENFORCEABLE STATE
4 UNEMPLOYMENT COMPENSATION DEBT.—For pur-
5 poses of this subsection, the term ‘past-due, legally
6 enforceable State unemployment compensation debt’
7 means overpayments of unemployment compensation
8 assessed under the law of a State certified by the
9 Secretary of Labor pursuant to section 3304 of the
10 Internal Revenue Code, which have become final
11 under State law and remain uncollected.

12 “(5) REGULATIONS.—The Secretary shall issue
13 regulations prescribing the time and manner in
14 which States must submit notices of past-due, legally
15 enforceable State unemployment compensation debt
16 and the necessary information that must be con-
17 tained in or accompany such notices. The regula-
18 tions shall specify the minimum amount of debt to
19 which the reduction procedure established by para-
20 graph (1) may be applied. The regulations may re-
21 quire States to pay a fee to the Secretary, which
22 may be deducted from amounts collected, to reim-
23 burse the Secretary for the cost of applying such
24 procedure. Any fee paid to the Secretary pursuant to
25 the preceding sentence shall be used to reimburse

1 appropriations which bore all or part of the cost of
2 applying such procedure. The regulations may in-
3 clude a requirement that States submit notices of
4 past-due, legally enforceable State unemployment
5 compensation debt to the Secretary via the Secretary
6 of Labor in accordance with procedures established
7 by the Secretary of Labor. Such procedures may re-
8 quire States to pay a fee to the Secretary of Labor
9 to reimburse the Secretary of Labor for the costs of
10 applying this subsection. Any such fee shall be es-
11 tablished in consultation with the Secretary of the
12 Treasury. Any fee paid to the Secretary of Labor
13 may be deducted from amounts collected and shall
14 be used to reimburse the appropriation account
15 which bore all or part of the cost of applying this
16 subsection.

17 “(6) ERRONEOUS PAYMENT TO STATE.—Any
18 State receiving notice from the Secretary that an er-
19 roneous payment has been made to such State under
20 paragraph (1) shall pay promptly to the Secretary,
21 in accordance with such regulations as the Secretary
22 may prescribe, an amount equal to the amount of
23 such erroneous payment (without regard to whether
24 any other amounts payable to such State under such
25 paragraph have been paid to such State).”.

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

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

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

12 (3) The heading of paragraph (10) is amended
 13 by striking “subsection (c), (d), or (e) of section
 14 6402 and inserting “subsection (c), (d), (e) or (f) of
 15 section 6402.”.

16 (c) CONFORMING AMENDMENTS.—

17 (1) Subsection (a) of section 6402 is amended
 18 by striking “(c), (d), and (e),” and inserting “(c),
 19 (d), (e) and (f)”.

20 (2) Paragraph (2) of section 6402(d) is amend-
 21 ed by striking “and before such overpayment is re-
 22 duced pursuant to subsection (e)” and inserting
 23 “and before such overpayment is reduced pursuant
 24 to subsections (e) and (f)”.

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

4 (4) Subsection (i) of section 6402, as redesign-
5 nated by subsection (a), is amended by striking
6 “subsection (c) or (e)” and inserting “subsection (c),
7 (e) or (f)”.

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

12 SEC. 645. Notwithstanding section 1346 of title 31,
13 United States Code, and section 610 of this Act, the head
14 of each executive department and agency shall transfer to
15 or reimburse the Federal Aviation Administration, with
16 the approval of the Director of the Office of Management
17 and Budget, funds made available by this or any other
18 Act for the purposes described below, and shall submit
19 budget requests for such purposes. These funds shall be
20 administered by the Federal Aviation Administration as
21 approved by the Director of the Office of Management and
22 Budget, in consultation with the appropriate interagency
23 groups designated by the Director to ensure the operation
24 of the Midway Atoll Airfield by the Federal Aviation Ad-
25 ministration pursuant to an operational agreement with

1 the Department of the Interior. The total funds trans-
2 ferred or reimbursed shall not exceed \$6,000,000 and
3 shall not be available for activities other than the oper-
4 ation of the airfield. The Director of the Office of Manage-
5 ment and Budget shall notify the Committees on Appro-
6 priations of such transfers or reimbursements within 15
7 days of this Act. Such transfers or reimbursements shall
8 begin within 30 days of enactment of this Act.

9 SEC. 646. None of the funds made available by this
10 Act or any other Act may be used to implement the revi-
11 sion to Office of Management and Budget Circular A-76
12 made on May 29, 2003.

13 This Act may be cited as the “Transportation, Treas-
14 ury, and General Government Appropriations Act, 2005”.

Calendar No. 696

108TH CONGRESS
2D Session

S. 2806

[Report No. 108-342]

A BILL

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

SEPTEMBER 15, 2004

Read twice and placed on the calendar