

you my understanding. It is my understanding that tomorrow we would proceed to the District of Columbia appropriations bill.

Mr. OBEY. So, to repeat, we would be finished with consideration of this bill until Tuesday after the votes on amendments are taken in approximately 1 hour?

Mr. ISTOOK. That is correct.

Mr. OBEY. And then tomorrow it is the gentleman's understanding that the District of Columbia appropriation bill would be considered?

Mr. ISTOOK. Yes. Of course, there might be other further business before the House in addition to that. I do not know the exact schedule.

Mr. OBEY. I had thought that there would be one additional matter which would be before the House. My understanding is that we were going to have the naming of energy conferees tomorrow, as well as a motion to instruct.

Mr. ISTOOK. I was just so advised that the gentleman is correct.

Mr. OBEY. I am corrected. I am told the energy conference debate would occur tonight.

Mr. ISTOOK. I am told there is the possibility that the chairman and ranking member are discussing the timing of that right now. That is what I am told.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2989, and that I may include tabular and extraneous material.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 351 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2989.

□ 1915

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

□ 1915

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentlewoman from Texas (Ms. JACKSON-LEE) had been postponed.

Pursuant to the order of the House of today, no amendment to the bill may be offered except:

Pro forma amendments by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

The amendments printed in the CONGRESSIONAL RECORD and numbered 1, 6, 11, 14 and 24;

The amendment printed in the CONGRESSIONAL RECORD and numbered 2, which shall be debatable for 15 minutes;

The amendment printed in the CONGRESSIONAL RECORD and numbered 15, which shall be debatable for 20 minutes;

An amendment by the gentleman from Florida (Mr. HASTINGS) regarding OMB Circular A-76, which shall be debatable for 30 minutes;

One proper amendment by the gentleman from Vermont (Mr. SANDERS) regarding a district court memorandum and order addressing IBM's pension plan, which shall be debatable for 1 hour;

An amendment by the gentlewoman from Ohio (Ms. KAPTUR) regarding the Help America Vote Act;

An amendment by the gentleman from Maryland (Mr. VAN HOLLEN) regarding OMB Circular A-76, which shall be debatable for 30 minutes;

One proper amendment by the gentleman from Arizona (Mr. FLAKE) regarding Cuba travel, which shall be debatable for 1 hour;

An amendment by the gentleman from California (Mr. HONDA) regarding San Jose light rail;

An amendment by the gentleman from Tennessee (Mr. COOPER), the gentlewoman from Connecticut (Ms. DELAURO) or the gentlewoman from Michigan (Ms. KILPATRICK) regarding tax law enforcement, which shall be debatable for 1 hour;

An amendment by the gentleman from Florida (Mr. DAVIS) regarding educational exchanges with Cuba;

An amendment by the gentleman from Florida (Mr. MICA) regarding the National Railroad Passenger Corporation;

An amendment by the gentleman from California (Mr. FARR) regarding locality pay;

And an amendment by the gentleman from Kansas (Mr. MORAN) regarding essential air service program.

Each amendment may be offered only by the Member designated, or a designee, or the Member who caused it to be printed, or a designee; shall be considered as read; shall not be subject to amendment; and shall not be subject to a demand for a division of the question. Except as specified, each amendment

shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

Mr. ISTOOK. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 157, line 2 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of the bill from page 53, line 3, through page 157, line 2 is as follows:

SEC. 164. Section 5323(j) of title 49, United States Code, is amended—

(1) by adding at the end of paragraph (1) the following: "The term 'manufactured goods' as used in this paragraph means each individual item specified in each line item of a procurement. If the individual items to be procured are listed in the bill of materials and specifications rather than a line item, the term 'manufactured goods' shall apply to each such item. The definition of 'manufactured goods' shall not be applicable to the procurement of rolling stock as set forth in paragraph (2)(C).";

(2) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively;

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

"(3) When issuing a waiver based upon a public interest determination under paragraph (2)(A), the Secretary shall produce a detailed written justification as to why the waiver is in the public interest. The Secretary shall publish this justification in the Federal Register and provide the public a reasonable period for notice and comment."; and

(4) by adding at the end of the following:

"(9) APPLICATION OF WAIVERS.—The Secretary may grant a waiver under paragraph (2) for a microprocessor, but not for microcomputer equipment. For purposes of this paragraph 'microprocessor' means a computer processor on a microchip.

"(10) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of the Administrative Procedure Act, title 5, United States Code."

SEC. 165. Notwithstanding any other provision of law, funds made available for the Roaring Fork Transportation Authority, Colorado, under Public Laws 106-69 and 106-346 shall be made available for the Roaring Fork Valley Bus Rapid Transit project.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint

Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$14,700,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

MARITIME ADMINISTRATION
MARITIME SECURITY PROGRAM

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

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$105,897,000, of which \$22,000,000 shall remain available until September 30, 2004, for salaries and benefits of employees of the United States Merchant Marine Academy; of which \$13,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; of which \$9,063,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair; of which \$500,000 shall remain available until expended for the evaluation and provision of the fourteen commercially strategic ports; and of which \$1,000,000 shall remain available until September 30, 2005, for Maritime Security Professional Training in support of Section 109 of the Maritime Transportation Security Act of 2002.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$14,000,000, to remain available until expended.

GENERAL PROVISIONS—MARITIME
ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this or any other Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be deposited into the Treasury as miscellaneous receipts. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior Appropriations Act.

SEC. 171. Chapter 10 of title I of the Emergency Wartime Supplemental Appropriations Act (Public Law 108-11) is amended by striking "For the cost of guaranteed loans, as authorized, \$25,000,000, to remain available until September 30, 2005:" and inserting "For the cost of guaranteed loans and associated administrative expenses, as authorized, \$25,000,000, to remain available until September 30, 2005, of which up to \$4,498,000 may be used for associated administrative expenses:".

RESEARCH AND SPECIAL PROGRAMS
ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, \$47,018,000, of which \$645,000 shall be derived from the Pipeline Safety Fund, and of which \$2,437,000 shall remain available until September 30, 2006: *Provided*, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in

the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$64,054,000, of which \$9,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2006; of which \$55,054,000 shall be derived from the Pipeline Safety Fund, of which \$21,786,000 shall remain available until September 30, 2006.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

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

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$55,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$19,521,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,050,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2004, to result in a final appropriation from the general fund estimated at no more than \$18,471,000.

TITLE II—DEPARTMENT OF THE
TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$3,000,000, to remain available until September 30, 2005 for information technology modernization requirements; not to exceed \$150,000 for official reception and representation expenses; not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, \$175,809,000: *Provided*, That no less than \$21,855,000 is for the Office of Foreign Assets Control: *Provided further*, That of these amounts \$2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering: *Provided further*, That of these amounts, \$3,393,000, to remain available until September 30, 2005, shall be for the Treasury-wide Financial Statement Audit Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL
INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$36,653,000, to remain available until September 30, 2006: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$12,792,000.

TREASURY INSPECTOR GENERAL FOR TAX
ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed \$6,000,000 for official travel expenses; and not to exceed \$500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, \$128,034,000.

AIR TRANSPORTATION STABILIZATION
PROGRAM

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107-42), \$2,538,000, to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND
RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, \$25,000,000, to remain available until September 30, 2006.

FINANCIAL CRIMES ENFORCEMENT
NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$57,571,000, of which not to exceed \$4,500,000 shall remain available until September 30, 2006; and of which \$8,152,000 shall remain available until September 30, 2005; *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$228,558,000, of which not to exceed \$9,220,000 shall remain available until September 30, 2006, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND
TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$80,000,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for Laboratory Services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE
FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2004 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$40,652,000. From amounts in the United States Mint Public Enterprise Fund, the Secretary of the Treasury shall pay to the Comptroller General an amount not to exceed \$375,000 to reimburse the Comptroller General for the cost of a study to be contracted for by the Comptroller General on the potential and cost-effectiveness of expanded use of pre-made "blanks" by the U.S. Mint in the production of circulating coins. The amounts reimbursed to the Comptroller

General pursuant to this paragraph shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$178,052,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until expended for systems modernization; *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2004 shall be reduced by not more than \$4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2004 appropriation from the General Fund estimated at \$173,652,000. In addition, \$40,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,037,834,000, of which \$4,250,000 shall be for the Tax Counseling for the Elderly Program, of which \$8,000,000 shall be available for low-income taxpayer clinic grants, and of which not to exceed \$25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; funding essential earned income tax credit compliance and error reduction initiatives; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,221,408,000, of which not to exceed \$1,000,000 shall remain available until September 30, 2006, for research, and of which not to exceed \$10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105-33).

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$1,628,739,000, of which \$165,000,000 shall remain available until September 30, 2005.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, \$429,000,000, to remain available until September 30, 2006, for the

capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109; *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11 part 3; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT
ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$35,000,000, to remain available until September 30, 2005.

GENERAL PROVISIONS—DEPARTMENT
OF THE TREASURY

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

SEC. 205. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 206. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between

such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 207. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 208. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 209. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 210. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 211. For fiscal year 2004 and each fiscal year thereafter, there are appropriated to the Secretary of the Treasury such sums as may be necessary to reimburse financial institutions in their capacity as depositories and financial agents of the United States for all services required or directed by the Secretary of the Treasury, or the Secretary's designee, to be performed by such financial institutions on behalf of the Department of the Treasury or other Federal agencies, including services rendered prior to fiscal year 2004.

PROHIBITION ON CONTRACTS WITH CORPORATE EXPATRIATES

SEC. 212. (a) IN GENERAL.—The Secretary may not enter into any contract with a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b), or any subsidiary of such entity.

(b) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

(1) the entity has completed the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

(2) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

(A) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

(B) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership by reason of holding a capital or profits interest in the domestic partnership, and

(3) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) RULES FOR APPLICATION OF SUBSECTION (b).—In applying subsection (b) for purposes of subsection (a), the following rules shall apply:

(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (b)(2)—

(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (b)(1).

(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (b)(2) are met, such actions shall be treated as pursuant to a plan.

(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (b) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482 of the Internal Revenue Code of 1986) shall be treated as 1 partnership.

(E) TREATMENT OF CERTAIN RIGHTS.—The Secretary shall prescribe such regulations as may be necessary—

(i) to treat warrants, options, contracts to acquire stock, convertible debt instruments, and other similar interests as stock, and

(ii) to treat stock as not stock.

(2) EXPANDED AFFILIATED GROUP.—The term "expanded affiliated group" means an affiliated group as defined in section 1504(a) of the Internal Revenue Code of 1986 (without regard to section 1504(b) of such Code), except that section 1504(a) of such Code shall be applied by substituting "more than 50 percent" for "at least 80 percent" each place it appears.

(3) FOREIGN INCORPORATED ENTITY.—The term "foreign incorporated entity" means any entity which is, or but for subsection (b) would be, treated as a foreign corporation for purposes of the Internal Revenue Code of 1986.

(4) OTHER DEFINITIONS.—The terms "person", "domestic", and "foreign" have the meanings given such terms by paragraphs (1), (4), and (5) of section 7701(a) of the Internal Revenue Code of 1986, respectively.

(d) WAIVER.—The President may waive subsection (a) with respect to any specific contract if the President certifies to Congress that the waiver is required in the interest of national security.

(e) EFFECTIVE DATE.—This section shall take effect one day after the date of this bill's enactment.

TITLE III—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$65,521,000, of which \$36,521,000 shall not be available for obligation until October 1, 2004: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to

implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2004.

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

COMPENSATION OF THE PRESIDENT

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

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, \$66,057,000: *Provided*, That \$8,650,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$12,501,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure

that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$4,225,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$4,000,000.

OFFICE OF POLICY DEVELOPMENT SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$4,109,000.

NATIONAL SECURITY COUNCIL SALARIES AND EXPENSES

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

OFFICE OF ADMINISTRATION SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$82,826,000, of which \$17,470,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of

passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$62,772,000, of which not to exceed \$1,500 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs: *Provided further*, That none of the funds appropriated in this Act may be available to pay the salary or expenses of any employee of the Office of Management and Budget who, after February 15, 2003, calculates, prepares, or approves any tabular or other material that proposes the sub-allocation of budget authority or outlays by the Committees on Appropriations among their subcommittees.

OFFICE OF NATIONAL DRUG CONTROL POLICY SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) as amended; not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$28,790,000; of which \$2,850,000 shall remain available until expended, consisting of \$1,350,000 for policy research and evaluation, and \$1,500,000 for the National Alliance for Model State Drug Laws: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.) as amended, \$40,000,000, which shall remain available until expended, consisting of \$18,000,000 for counternarcotics research and development projects, and \$22,000,000 for the continued operation of the technology transfer program: *Provided*, That the \$18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

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

For necessary expenses of the Office of National Drug Control Policy's High Intensity

Drug Trafficking Areas Program, \$226,350,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2005, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than \$2,100,000 shall be used for auditing services and associated activities, and at least \$500,000 of the \$2,100,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2003, shall be funded at no less than the fiscal year 2003 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That no funds of an amount in excess of the fiscal year 2004 budget request shall be obligated prior to the approval of the Committee on Appropriations.

OTHER FEDERAL DRUG CONTROL PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by (21 U.S.C. 1701 et seq.) as amended, \$230,000,000, to remain available until expended, of which the following amounts are available as follows: \$150,000,000 to support a national media campaign; \$70,000,000 for a program of assistance and matching grants to local coalitions and other activities, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; \$4,500,000 for the Counterdrug Intelligence Executive Secretariat; \$2,000,000 for evaluations and research related to National Drug Control Program performance measures; \$1,000,000 for the National Drug Court Institute; \$1,500,000 for the United States Anti-Doping Agency for anti-doping activities; and \$1,000,000 for the United States membership dues to the World Anti-Doping Agency: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, no less than 77 percent shall be used for the purchase of advertising time and space for the national media campaign.

UNANTICIPATED NEEDS

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

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,461,000.

OPERATING EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$331,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

TITLE V—INDEPENDENT AGENCIES
ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended \$5,401,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses, to be available for the purpose of this account.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$76,679,000, of which not to exceed \$2,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, \$600,000, to remain available until expended: *Provided*, That these funds shall be available only to the extent necessary to restore the balance of the emergency fund to \$2,000,000 (29 U.S.C. 1118 (b)).

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, \$4,725,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$50,440,000, of which not less than \$6,389,900 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the Help America Vote Act of 2002, \$5,000,000.

ELECTION REFORM PROGRAMS

For necessary expenses to carry out a program of requirements payments to States as authorized by Section 257 of the Help America Vote Act of 2002, \$495,000,000: *Provided*, That no more than $\frac{1}{10}$ of 1 percent of funds available for requirements payments under Section 257 of the Help America Vote Act of 2002 shall be allocated to any territory.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$29,611,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$18,471,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

(FEDERAL BUILDINGS FUND)

(LIMITATIONS ON AVAILABILITY OF REVENUE)
(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for 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), \$247,350,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$6,557,518,000, of which: (1) \$406,168,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

California:
San Diego, Border Station, \$34,211,000
Georgia:
Atlanta, Tuttle Building Annex, \$10,600,000
Maine:
Jackman, Border Station, \$7,712,000
Maryland:
Suitland, United States Census Bureau, \$146,451,000
Michigan:
Detroit, Ambassador Bridge Border Station, \$25,387,000
New York:
Champlain, Border Station, \$31,031,000
Texas:
Del Rio, Border Station, \$23,966,000
Eagle Pass, Border Station, \$31,980,000
Houston, Federal Bureau of Investigation, \$58,080,000
McAllen, Border Station, \$17,938,000
Washington:
Blaine, Border Station, \$9,812,000
Nonprospectus Construction, \$9,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2005, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) \$1,010,454,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Colorado:

Denver, Byron G. Rogers Federal Building—Courthouse, \$39,436,000
District of Columbia:
320 First Street, \$7,485,000
Eisenhower Executive Office Building, \$65,757,000
Federal Office Building 8, \$134,872,000
Main Interior Building, \$15,603,000
Fire & Life Safety, \$68,188,000
Georgia:
Atlanta, Richard B. Russell Federal Building, \$32,173,000
Illinois:
Chicago, Dirksen Courthouse & Kluczynski Federal Building, \$24,056,000
Springfield, Paul H. Findley Federal Building—Courthouse, \$6,183,000
Massachusetts:
Boston, John W. McCormack Post Office and Courthouse, \$73,037,000
New York:
Brooklyn, Emanuel Celler Courthouse, \$65,511,000
North Dakota:
Fargo, Federal Building—Post Office, \$5,801,000
Ohio:
Columbus, John W. Bricker Federal Building, \$10,707,000
Washington:
Auburn, Building 7, Auburn Federal Building, \$18,315,000
Seattle, Henry M. Jackson Federal Building, \$6,868,000
Special Emphasis Programs:
Chlorofluorocarbons Program, \$5,000,000
Energy Program, \$5,000,000
Glass Fragmentation Program, \$20,000,000
Design Program, \$41,462,000
Basic Repairs and Alterations, \$365,000,000:

Provided further, That of the funds provided in this Act for the repair of the Eisenhower

Executive Office Building, \$30,757,000 is not available for obligation until 15 days after the Executive Office of the President submits a report to the Committees on Appropriations regarding the use of non-Federal funding in renovation and furnishing efforts for the Eisenhower Executive Office Building: *Provided further*, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2005 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) \$169,745,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$3,308,187,000 for rental of space which shall remain available until expended; and (5) \$1,608,708,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2004, excluding reimbursements under section 210(f)(6) of the Federal Property and

Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of \$6,557,518,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES
GOVERNMENTWIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, \$56,383,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; telecommunications, information technology management, and related technology activities; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses, \$79,110,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, \$39,169,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of inter-agency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, \$1,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS
(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95-138, \$3,393,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 501. The appropriate appropriation or fund available to the General Services Ad-

ministration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 502. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 503. Funds in the Federal Buildings Fund made available for fiscal year 2004 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 504. No funds made available by this Act shall be used to transmit a fiscal year 2005 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2005 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 505. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 506. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757) and sections 5124(b) and 5128 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428), for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 507. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 508. None of the funds in this Act may be used by the General Services Administration to develop or implement a mandatory system without exceptions that requires agencies government-wide to use a specific electronic travel solution or the eTravel Service: *Provided*, That this section shall also apply to the Department of Transportation in any development of electronic travel solutions for its modal administrations.

SEC. 509. (a) The Administrator of General Services shall carry out the authority of the Election Assistance Commission to make election assistance payments under subtitle D of title II of the Help America Vote Act of 2002, including the authority under such subtitle to receive statements and applications from entities seeking such payments and reports from entities receiving such payments.

(b) The authority of the Administrator of General Services under subsection (a) shall apply with respect to amounts appropriated

for fiscal year 2004 and amounts appropriated for fiscal year 2003 which remain unobligated and unexpended at the end of fiscal year 2003, except that this authority shall expire upon the earlier of—

(1) the expiration of the 3-month period which begins on the date on which all members of the Election Assistance Commission are appointed; or

(2) June 30, 2004.

(c) Upon the appointment of all members of the Election Assistance Commission, the Administrator of General Services shall transmit to the Commission all statements, applications, and reports received by the Administrator in carrying out this section.

SEC. 510. None of the funds made available in this Act may be used by the General Services Administration to establish a quick response team processing center on East Brainerd Road in Chattanooga, Tennessee.

**MERIT SYSTEMS PROTECTION BOARD
SALARIES AND EXPENSES**

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, \$32,877,000, together with not to exceed \$2,626,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

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

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$1,300,000, to remain available until expended of which \$100,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8 and 9 of Public Law 102-259: *Provided*, That up to 70 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$1,300,000, to remain available until expended.

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
OPERATING EXPENSES**

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, \$255,191,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for hold-

ings: *Provided further*, That, of the funds provided in this paragraph, \$600,000 shall be for the preservation of the records of the Freedmen's Bureau.

ELECTRONIC RECORDS ARCHIVE

For necessary expenses in connection with the development of an electronic records archive, to include all direct project costs associated with research, analysis, design, development, and program management, \$35,914,000, of which \$22,000,000 shall remain available until September 30, 2006.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$6,458,000, to remain available until expended, of which \$500,000 is for the Military Personnel Records Center requirements study.

**NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION
GRANTS PROGRAM**

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, \$10,000,000, to remain available until expended.

**OFFICE OF GOVERNMENT ETHICS
SALARIES AND EXPENSES**

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$10,738,000.

**OFFICE OF PERSONNEL MANAGEMENT
SALARIES AND EXPENSES**

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$119,498,000, of which \$2,000,000 shall remain available until expended for the cost of the enterprise human resources integration project, \$2,500,000 shall remain available until expended for the cost of leading the government-wide initiative to modernize federal payroll systems and service delivery, and \$2,500,000 shall remain available through September 30, 2005 to coordinate and conduct program evaluation and performance measurement; and in addition \$126,854,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which \$27,640,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as pro-

vided by sections 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2004, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

**OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF TRUST FUNDS)**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$1,498,000, and in addition, not to exceed \$14,427,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

**GOVERNMENT PAYMENT FOR ANNUITIES,
EMPLOYEES HEALTH BENEFITS**

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

**GOVERNMENT PAYMENT FOR ANNUITIES,
EMPLOYEE LIFE INSURANCE**

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

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

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

**HUMAN CAPITAL PERFORMANCE FUND
(INCLUDING TRANSFER OF FUNDS)**

For a human capital performance fund, \$2,500,000: *Provided*, That such amount shall not be available for obligation or transfer until enactment of legislation that establishes a human capital performance fund within the Office of Personnel Management: *Provided further*, That such amounts as determined by the Director of the Office of Personnel Management may be transferred to federal agencies to carry out the purposes of this fund as authorized: *Provided further*, That no funds shall be available for obligation or transfer to any federal agency until the Director has notified the relevant subcommittees of jurisdiction of the Committees on Appropriations of the approval of a

performance pay plan for that agency, and the prior approval of such subcommittees has been attained.

OFFICE OF SPECIAL COUNSEL
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101-12), as amended, Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$13,504,000.

UNITED STATES TAX COURT
SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$40,187,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

WHITE HOUSE COMMISSION ON THE
NATIONAL MOMENT OF REMEMBRANCE

For necessary expenses of the White House Commission on the National Moment of Remembrance, \$250,000.

TITLE VI—GENERAL PROVISIONS
THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 601. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 602. Such sums as may be necessary for fiscal year 2004 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 603. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 604. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 605. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 606. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 607. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 608. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 609. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), no department or agency shall withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 610. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 611. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 612. None of the funds in title I of this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 613. For the purpose of any applicable law, for fiscal year 2004, the city of Norman, Oklahoma, shall be considered to be part of the Oklahoma City Transportation Management Area.

SEC. 614. None of the funds in this Act may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 615. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 616. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 617. Amounts made available in this or any other Act that the Secretary deter-

mines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

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

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

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

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

SEC. 618. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 619. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 620. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 621. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 622. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2004 from appropriations made available for salaries and expenses for fiscal year 2004 in this Act, shall remain available through September 30, 2005, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 623. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not

more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 624. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 625. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 626. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 627. The provision of section 626 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 628. For the purpose of assisting State-supported intercity rail service, in order to demonstrate whether competition will provide higher quality rail passenger service at reasonable prices, the Secretary of Transportation, working with affected States, shall develop and implement a procedure for fair competitive bidding by Amtrak and non-Amtrak operators for State-supported routes: *Provided*, That in the event a State desires to select or selects a non-Amtrak operator for the route, the State may make an agreement with Amtrak to use facilities and equipment of, or have services provided by, Amtrak under terms agreed to by the State and Amtrak to enable the non-Amtrak operator to provide the State-supported service: *Provided further*, That if the parties cannot agree on terms, the Secretary shall, as a condition of receipt of Federal grant funds, order that the facilities and equipment be made available and the services be provided by Amtrak under reasonable terms and compensation: *Provided further*, That when prescribing reasonable compensation to Amtrak, the Secretary shall consider quality of service as a major factor when determining whether, and the extent to which, the amount of compensation shall be greater than the incremental costs of using the facilities and providing the services: *Provided further*, That the Secretary may reprogram up to \$5,000,000 from the Amtrak operating grant funds for costs associated with the implementation of the fair bid procedure and demonstration of competition under this section.

SEC. 629. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2004, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates a new program;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress;
- (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; or

(6) reduces existing programs, projects, or activities by 10 percent—
unless the House and Senate Committees on Appropriations are notified at least 15 days in advance of such reprogramming.

SEC. 630. None of the funds made available in this Act may be used to require a State or local government to post a traffic control device or variable message sign, or any other type of traffic warning sign, in a language other than English, except with respect to the names of cities, streets, places, events, or signs related to an international border.

SEC. 631. EXEMPTION FROM LIMITATIONS ON PROCUREMENT OF FOREIGN INFORMATION TECHNOLOGY THAT IS A COMMERCIAL ITEM.—
(a) EXEMPTION.—Notwithstanding any other provision of law, in order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), and the prohibition on acquiring foreign products under section 302(a)(1) of the Trade Agreements Act of 1979 (Public Law 96-39; 19 U.S.C. 2512(a)(1)), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code, that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).

(b) DEFINITION.—Section 11101(6) of title 40, United States Code, is amended—

(1) in subparagraph (A), by inserting after “storage,” the following: “analysis, evaluation,”; and

(2) in subparagraph (B), by striking “ancillary equipment,” and inserting “ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer,”.

SEC. 632. It is the sense of the House of Representatives that empowerment zones within cities should have the necessary flexibility to expand to include relevant communities so that empowerment zone benefits are equitably distributed.

SEC. 633. It is the sense of the House of Representatives that all census tracts contained in an empowerment zone, either fully or partially, should be equitably accorded the same benefits.

SEC. 634. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 635. It is the sense of Congress that, after proper documentation, justification, and review, the Department of Transportation should consider programs to reimburse general aviation ground support services at Ronald Reagan Washington National Airport, and airports located within fifteen miles of Ronald Reagan Washington National Airport, for their financial losses due to Government actions after the terrorist attacks of September 11, 2001.

SEC. 636. It is the sense of the House of Representatives that public private partnerships (PPPs) could help eliminate some of the cost drivers behind complex, capital-intensive highway and transit projects. The House of Representatives encourages the

Secretary of Transportation to apply available funds to select projects that are in the development phase, eligible under title 23 and title 49, United States Code, except 23 U.S.C. 133(b)(8), and that employ a PPP strategy.

TITLE VII—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 702. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2004 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 703. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 704. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 705. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese

Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 706. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 707. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

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

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

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

SEC. 708. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 709. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 710. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 711. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 712. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 713. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2004, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for the previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2004, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2004, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2004 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2004 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

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

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2003, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2003, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2003.

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

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

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

SEC. 714. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 715. Notwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 716. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

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

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

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

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

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

(7) the Director of Central Intelligence.

SEC. 717. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 718. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

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

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

SEC. 719. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

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

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

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

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

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

SEC. 720. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.”: *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 721. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 722. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee’s home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 723. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 724. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 725. Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to

perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee’s time in the performance of official duties: *Provided*, That in this section the term “agency”—

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

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

(3) shall not include the General Accounting Office.

SEC. 726. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of \$800,000 including the salary of the Executive Director and staff support.

SEC. 727. Notwithstanding 31 U.S.C. 1346 and section 710 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse the “Governmentwide Policy” account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed \$17,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 728. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 729. Notwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 730. Any request for proposals, solicitation, grant application, form, notification,

press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 731. Subsection (f) of section 403 of Public Law 103-356 (31 U.S.C. 501 note) is amended by striking "October 1, 2001" and inserting "October 1, 2004".

SEC. 732. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON USE OF INTERNET.—None of the funds made available in this or any other Act may be used by any Federal agency—

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

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

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

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

(2) any voluntary submission of personally identifiable information;

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

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

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

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

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

SEC. 733. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

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

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF Health Plans, Inc.; and

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

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

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

SEC. 734. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 735. Not later than 6 months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

SEC. 736. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. The department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to (a) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card, or (b) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 737. Notwithstanding section 1346 of title 31, United States Code, or section 710 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of the National Oceanographic Partnership Program Office, authorized by 10 U.S.C. 7902, and the Coastal America program, which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Department of Commerce shall provide a report describing the budget of and resources connected with the National Oceanographic Partnership Program Office and the Coastal America program to the House and Senate Committees on Appropriations, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation 90 days after the enactment of this Act.

SEC. 738. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 2 U.S.C. 437g note 1), as amended by section 642 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107-67), is amended by striking "December 31, 2003" and inserting "December 31, 2005".

SEC. 739. Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended as follows:

(1) in clauses (a)(2)(A)(i) and (a)(4)(A)(ii) by striking the parenthetical "(or posted by registered or certified mail no later than the 15th day before)" and inserting in its place, "(or posted by any of the following: registered mail, certified mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, or delivered to an overnight delivery service with an on-line tracking system, if posted or delivered no later than the 15th day before)"; and

(2) by striking paragraph (a)(5) and inserting in its place,

"(5) If a designation, report, or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii) or subsection (g)(1)) is sent by registered mail, certified

mail, priority mail having a delivery confirmation, or express mail having a delivery confirmation, the United States postmark shall be considered the date of filing the designation, report or statement. If a designation, report or statement filed pursuant to this Act (other than under paragraph (2)(A)(i) or (4)(A)(ii), or subsection (g)(1)) is sent by an overnight delivery service with an on-line tracking system, the date on the proof of delivery to the delivery service shall be considered the date of filing of the designation, report, or statement."

SEC. 740. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2004 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2004.

(b) Notwithstanding section 713 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2004 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2004.

SEC. 741. Not later than December 31 of each year, the head of each agency shall submit to Congress a report on the competitive sourcing activities performed during the previous fiscal year by Federal Government sources that are on the list required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 31 U.S.C. 501 note). The report shall include—

(1) the number of full time equivalent Federal employees studied for competitive sourcing;

(2) the total agency cost required to carry out its competitive sourcing program;

(3) the costs attributable to paying outside consultants and contractors to carry out the agency's competitive sourcing program;

(4) the costs attributable to paying agency personnel to carry out its competitive sourcing program; and

(5) an estimate of the savings attributed as a result of the agency competitive sourcing program.

POINTS OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against section 164 which begins on page 53, line 3 and ends on page 54, line 12. This section amends the Buy America requirements for transit capital purchases of steel, iron, manufactured goods, and rolling stock. The amendments made by section 164 are meant to strengthen Buy America, but the Department of Transportation

analysis has determined that there will be serious unintended consequences that will significantly slow the purchase and construction of transit system components and systems and also will result in more foreign-made products being purchased by transit agencies. This provision is legislative in nature and also in violation of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and this section is stricken from the bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 212 on the grounds that the section changes existing law in violation of clause 2(b) of House rule XXI and is therefore legislation included in a general appropriations bill.

The CHAIRMAN. Do any Members wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and this section is stricken from the bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 621. This section changes existing law in violation of clause 2(b) of House rule XXI and is therefore legislation included in a general appropriations bill.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede that point of order.

The CHAIRMAN. The point of order is conceded and sustained, and that section is stricken from the bill.

Mr. BRADY of Texas. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BRADY of Texas. Mr. Chairman, I raise a point of order against the words "notwithstanding any other provision of law" on page 126, lines 15 and 16, and beginning with the words "the prohibition" on page 126, line 20 through "2512(a)(1)" on line 23 on the grounds that this provision violates clause 2(b) of House rule XXI because it is legislation included in a general appropriations bill.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, we would concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained and the language is stricken from the bill.

AMENDMENT OFFERED BY MR. COOPER

Mr. COOPER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COOPER:

Page 67, line 23, after the first dollar amount insert "(reduced by \$75,000,000) (increased by \$75,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Tennessee (Mr. COOPER) and a Member opposed will each control 30 minutes.

Mr. ISTOOK. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) will control the time in opposition.

The proponent of the amendment, the gentleman from Tennessee (Mr. COOPER), is recognized for 30 minutes in support of his amendment.

Mr. COOPER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of the amendment that I am offering tonight along with the distinguished gentleman from Michigan (Ms. KILPATRICK) and the gentlewoman from Connecticut (Ms. DELAURO) is to decrease funding for very ill-considered and heavy-handed IRS enforcement effort that tries to precertify working poor families for the earned income tax credit or the EITC.

The amendment we are proposing will reduce funding by \$75 million for the IRS's precertification proposal and it would in turn increase funding by \$75 million for investigation and audit of large and mid-size corporations. The amendment would continue to allow \$25 million for implementation of the precertification program.

I certainly understand the Treasury's concerns about high error rates associated with the EITC. And as a proponent of good government, I am eager to reduce any waste, fraud or abuse in government. But the Treasury's proposal will create, probably, an even more burdensome bureaucracy than they realize, and it is a clumsy and heavy-handed attack on the poor.

Even the IRS realizes this because in a recent announcement they decided to delay and decrease their precertification program. EITC compliance accounts for about 3 percent of the estimated total taxes that go uncollected, about 3 percent. But in contrast, according to the General Accounting Office, individuals who under report business income on their taxes are defrauding the government by about \$40 billion a year or about 12 percent of uncollected taxes, more than the cost of the entire EITC program. Yet, guess what? There is no major effort to target these taxpayers even though it is a much larger amount.

I suggest we follow the Willie Sutton rule, the famous bank robber, who when asked why he robbed banks, he said, "That's where the money is."

Instead, the IRS has requested a 68.5 percent increase in EITC enforcement while barely increasing their other enforcement efforts. In my mind, this

represents a gross misallocation of resources, especially in view of declining overall tax enforcement by the IRS.

I am willing to bet that the administrative costs of precertification will far outstrip any potential savings, especially if the IRS goes forward with the plans to eventually expand the precertification process to as many as two million taxpayers. That is why our amendment would direct \$75 million toward much more sensible and cost-effective compliance efforts, where the money is, toward auditing and investigating mid-size and large corporations. Because according to the IRS, 7,000 corporations that should be audited every year are not. This translates into a direct loss to the Treasury of \$6.5 billion a year in tax revenues.

Moreover, according to a recent report by former IRS Commissioner Rossotti, the IRS lacks the resources to carry out nearly a third of the corporate audits it should be accomplishing each year.

So why is the administration focusing on the few dollars of poor working families under the EITC and not on the big dollars of these companies? Why is the U.S. Government trying to make this vital tax credit so hard to claim? I am afraid the real IRS motive may not be just a desire to curb waste, fraud and abuse. It may be gross insensitivity to the needs of working poor families, simple hard-heartedness and lack of compassion for these hard-pressed American families.

In the national metropolitan area which makes up the heart of my congressional district, approximately 14 percent of my constituents rely on the EITC every year, receiving a credit of about \$1,500. In total, this credit puts about \$87 million a year into these families and into the national economy. Nationally, the EITC is directly responsible for lifting some four million people every year above the poverty line, including two million children. Precertification programs, as proposed by the IRS, will discourage many of these families from even applying for the EITC.

Under the precertification proposal, the IRS now says it will now want to prove that children claimed under the credit have been living with the claiming taxpayer for the required six months. The practical obstacles posed by this requirement are mind boggling. Although the IRS would allow a landlord or property manager to submit an affidavit, what landlords would testify on penalty of perjury to the intimate living arrangements of their tenants? Neighbors and relatives who are, in fact, in the best position to know these arrangements, are forbidden under the IRS approach from providing supporting documentation.

I also object to the discriminatory treatment of lower income taxpayers that would result from precertification. For those subject to the process of precertification, this effectively means a 100 percent chance of

audit in advance of even filing your tax return. No other taxpayers in America face a comparable burden. Why is the IRS not also demanding precertification for taxpayers claiming credits for dependent care expenses, educational expenses, or charitable contributions? There is significant evidence that these credits are a widespread source of exaggeration and non-compliance and abuse, yet no one is requiring these other taxpayers to file receipts in advance for day care expenses or donations of such things as used automobiles or clothing.

I fear that rather than reducing errors, the IRS proposal would, in fact, intimidate people into not using the EITC at all, and that would be a severe injustice to these people.

Mr. Chairman, I reserve the balance of my time.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, people are easily confused about what we are talking about here. And it is a very strange amendment that is being offered because, frankly, the amendment does not really do anything. It is an opportunity for people to get up and speak, but I will read, Mr. Chairman, what the text of the amendment says. It says: Take the dollar amount on page 67, line 23 and first reduce it by \$75 million and then increase it by \$75 million.

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Well, the net effect of that is zero. The amendment makes no change in the amount of the money in the bill for the IRS to enforce the tax laws. No change whatsoever. It is simply an opportunity for people to get up and talk about it.

It deserves to be opposed as something that is senseless and, for that matter, that blocks reform. Because although it is labeled as a, quote, tax credit, the EITC, earned income tax credit, is not a tax credit program. It is an assistance program designed for people with low income that says you tell us how much you made, and if it is not enough we are going to send you a check. It is a public assistance program.

Now, any other public assistance program, you have to go through a process of showing that you are eligible. If you want food stamps, you go through a process to be certified that you are eligible for it. If you want housing subsidies, you go through a process to be certified that before you get this money from taxpayers that you are actually eligible for it, you qualify. If you want temporary assistance to needy families, you are certified in advance as being eligible.

The big problem with the EITC is it is a public assistance program where there is no oversight. There are 19 million, let me repeat that figure, 19 million Americans each year that file an income tax return and say send me a check, I claim this. It is not a tax refund. It is a check over and beyond

whatever you may have paid in in your income taxes.

And it has been proven over the years that a fourth to a third of all those claims are for people who do not qualify. It is costing taxpayers \$10 billion a year. That is not small change.

That is not harassing people as the gentleman from Tennessee (Mr. COOPER) I believe represented. That is saying if we are going to have \$35 billion and \$10 billion of it goes to people who do not qualify under the program going out of the Treasury, not a refund, not getting a refund for taxes you paid in, but a form of public assistance, maybe we ought to pay attention to whether people are actually eligible before we spend this much money.

The program that the IRS is putting into place will not affect 80 percent of these 19 million people, but it is targeted to those that the IRS has reason to believe are the ones that are most likely to be part of that \$10 billion a year that we are paying out that should not be paid out.

We are saying we need you to do some verification to show to us that you are entitled to this taxpayer money just the same as you would do if you are asking for a government check for anything else. That is not burdensome. That is not too much.

It really bothers me to hear the way that some of this rhetoric is being tossed about as though we are picking on people. No. People want the government to give them the check. If they qualify under the government program, then they have it coming. But they would not say I am just going to walk in off the street and say I ought to get food stamps, and that is it, and nobody ever checks to see if you are eligible.

That is why we have this error rate, because we do not have anybody checking up on it. The IRS is trying to establish a system for the first time of doing some checking on this.

Some people are more concerned about shoveling money out of the Federal Treasury faster, rather than saying we ought to be good stewards and prudent watchdogs of the taxpayers' money. That is all the IRS has tried to put into place.

It really is rather silly to say that somehow we are even talking about or addressing this situation with an amendment that says add \$75 million to this tax enforcement program and then take \$75 million of it away. It is a wash. It does nothing.

The IRS is trying to do something. It is trying to be good stewards of our money. And it is not only going after the people in the EITC that are not eligible for it, it is going after the corporate scofflaws. It is going after the big businesses or small businesses or whatever they may be that are not being honest in how they file with the IRS and treat their taxes.

The provision of the bill that we are talking about on page 67 makes it clear that this overall figure is for necessary expenses of the Internal Revenue Serv-

ice for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns, collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; compiling statistics of income and conducting compliance research; funding essential earned income tax credit compliance and error reduction initiatives and services as authorized by law. All of these, one big catch-all figure.

The gentleman has not singled out in his amendment the earned income tax initiative or compliance of it. He has taken all of the enforcement activities of the IRS, a \$4.2 billion account, and said from that \$4.2 billion, subtract \$75 million and then add \$75 million. Total net change, zero.

The amendment does not do what the gentleman has represented that it would do because it is not specific to EITC, but furthermore, the IRS needs to be going forward with this enforcement program. Those that say the government should send me a check above and beyond what may be a refund on my income taxes, they should have a little bit of burden of proof when the IRS says they ought to substantiate this; they ought to show something so that we can separate the honest people from the dishonest people that are costing taxpayers \$10 billion a year.

Mr. Chairman, I reserve the balance of my time.

Mr. COOPER. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Oklahoma has been quite unfair in his characterization, first in the nature of the amendment. We drafted this with the advice of the Parliamentarian as the only way to affect this important area in the bill without being subject to a point of order. I think the gentleman really thinks a more explicit amendment would have been subject to a point of order, which is exactly what the gentleman from Oklahoma would have preferred.

Second point, picking on poor people. If my colleague is going to do it, at least be fair about it. Remember, under this bill we would still allow \$25 million to be spent to implement the IRS precertification. Remember, again, that even the IRS has admitted that their prior efforts have gone too far because they, IRS, on their own initiative has delayed and canceled their program because even they have realized they were insensitive to the needs of these families.

Another mischaracterization, the program was put into place, as I recall, years ago before my time by a Republican President, and I think it was Richard Nixon, because he and many Americans realized the detrimental effect of a high marginal rate of taxation. As a person works and moves out of poverty, they are subject to an extraordinarily high and punitive tax

rate. The EITC is designed to bring that back to a decent, bearable level for these hardworking families.

So it is basically a Republican program we are talking about here. No one wants it to be abused. But I would suggest to the gentleman that there are other, fairer ways to police this program, and guess what, this and prior Congresses have already thought up several of them because, guess what, the study that the gentleman cited about waste or abuse in the program is from a 1999 study, and this Congress has already implemented several reforms to improve administration of this program. No study has been conducted since 1999. So let us at least find out the true facts before we jump to conclusions, especially when at the same time we are jumping on the backs of the poor.

This is an important opportunity to balance IRS enforcement, to allow the IRS to go where the money really is. As I mentioned, the average recipient in my district, at least of this money, gets \$1,500. There are many other places the IRS could go to really retrieve big dollars for the taxpayer. The IRS has listed them. We are allowing \$75 million to go help the IRS in these efforts while we still preserve \$25 million for this precertification program.

So if the gentleman were more careful with his facts and more sensitive to the needs of the working poor, he would not simply dismiss this as a public assistance program. This is an example, if my colleague wants to use it, of compassionate conservatism, but unfortunately in this Congress we are seeing very little compassion.

Let us have some compassion for the working poor, and this amendment is an opportunity to show it.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I thank my colleague very much for bringing forth this very well-thought-out amendment in the time that we have, and I do know that he worked with the Parliamentarian to make it germane.

Let me back up just a moment here before I get started. In the early seventies when the earned income tax credit was started, it was a Republican initiative, and the reason they put it forth and it was adopted is because they said if we give people who earn income, low income, I might tell my colleagues, with children, \$34,600 and less, with children, if they will remain working, we will give them an earned income tax credit so that they can keep working and not go onto the welfare rolls. That was the reason for the earned income tax credit as it passed this Congress in the early seventies by Republican initiatives, and I think it was good then and it is certainly good now.

As the gentleman from Tennessee (Mr. COOPER) states, this is a hit at those who can least afford it. Statistics show that this may recoup some \$9 bil-

lion, and we need to go back for that. We need to go and look for the \$9 billion for those people who have used the earned income tax credit and are not to get it, that they do not take that from the Treasury. We do need to go back on that, and I think we all feel that.

We also ought to go after the \$132 billion that individual taxpayers cheat on their tax forms with. We also need to go for the \$70 billion that offshore corporations steal from our Federal Government, and we also need to go for the \$46 billion that corporations cheat our Federal Government for.

Our point is that in this budget, where I am proud to serve as a member of the Subcommittee on Transportation, Treasury and Independent Agencies with my esteemed chairman and ranking member, \$100 million is allowed to go after 45,000 low-income people who work every day and earn less than \$34,000 with children, one or more children. Why not go back where the money is?

We have got the biggest deficit our country has ever seen. We need to go back and recoup some of that money. I am standing here in the well of the House tonight to tell my colleagues that money, yes, go get it from those people from the earned income tax credit who are cheating our government; but, more importantly, go after the big corporations, those offshore corporations and other high income and other individuals who cheat our country. This is not the time to again put a black eye and to go after those families who are working every day trying to raise their children. The earned income tax credit is a great program, and we ought not go after it to decimate it.

So what our amendment says is of the \$100 million that has been appropriated in this budget, leave \$25 million there and go after them, try to find those low-income people who are using the system to cheat our government. We hope that we find them. But with the \$75 million that is left of the \$100 million, go after the offshore corporations who cheat our country, over \$170 billion worth. Go after those corporations who cheat our citizens out of \$46 billion. So we want to make it even. Go after those in the earned income tax credit who may be making those claims, and not justifiably, appropriately, for them.

This line in our budget, enforcement compliance in the EITC has increased 68 percent over last year's budget. Do we need to increase it that much or should we go after where the big money is? That is all the Congressman is doing, and I surely support the Congressman and commend him for bringing the amendment forward. I am happy to be a cosponsor with it.

The working poor deserve our support during these difficult times. Many of the working poor have sons and daughters who are fighting offshore. I have some of those in my district. I want to try to help them keep their

families together, keep their children safe. And the EITC is just one small thing that this government gives them so that they continue to work, yes, many times with no health insurance, earning less than \$35,000 a year, raising their families so that they do not go on welfare.

□ 1945

Of course we can do this, and we offer this amendment to say work with the low-income families. They are not asking for a handout. They just need a hand. And we are the Congress that can do that for them. So I support the gentleman from Tennessee (Mr. COOPER). I think he has done an outstanding job here. I am proud to be a cosponsor. Let us go after the big cheats. That is what that \$75 million is there for.

All of us want to encourage policies that encourage tax compliance among tax filers, but we know 100 percent compliance is impossible to obtain. Part of the problem is that the IRS does not have the resources to perform the investigations and audits in just about all filing categories.

However, over the years Congress has concentrated its emphasis on tax compliance efforts at the working poor. None of us wants to encourage tax scofflaws, but focusing greater tax compliance solely on the working poor who qualify for the earned income tax credit demonstrates the mistaken tax priorities of this administration.

Former IRS Commissioner Charles Rossotti has offered the estimate that the IRS assesses almost \$30 billion of taxes that is cannot collect because of tax fraud. That is a big problem, especially when our government is going to generate a budget deficit of \$480 billion and possibly even more by the end of the fiscal year.

This bill provides more money for increase tax compliance efforts. But where does it focus its efforts at greater tax compliance: fraud and mistakes in the Earned Income Tax Credit Program. The administration is shocked by that the EITC has an error rate that is estimated between 27 and 32 percent. According to the IRS, the avoidance costs amount to \$7.8 billion or 2.8 percent of the tax compliance problem. Now that's going after the big bucks.

If you looked at the tax compliance mandate contained in this, you would come away with the impression that the working poor are the number one tax scofflaw problem facing the nation. This bill increases provides \$100 million in the EITC enforcement budget, over a 68 percent increase. Never mind the fact that 56 percent of the non-compliant taxpayers have incomes in excess of \$100,000, and yet they are in the income category that is less likely to be audited.

Simply put, the tax compliance priorities contained in this bill is a misallocation of funds.

The Cooper, DeLauro, Kilpatrick amendment scales back the EITC precertification pilot program to \$25 million and intends to restore greater balance in our tax compliance efforts by making more money available for investigating and auditing large and medium sized businesses. That's where the money is. That's where the greater incidence of tax cheating occurs.

The amendment allows the IRS to move forward with the precertification program, but it also encourages the IRS to go after the big tax dodgers like major tax shelters such as corporate trusts, offshore accounts, other abusive corporate tax shelters.

This amendment says lets go after tax cheats poor and rich, and represents a departure from the administration's policy of increasing the tax burden on the poor.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

The error rate we are discussing regarding the EITC is not an old number. This was something that a special task force was formed within the IRS and the Treasury Department, and their most recent comprehensive survey was January of last year, January of 2002, where they established the EITC error rate is between 27 and 32 percent. If we compare that with other major social benefit programs, such as temporary assistance to needy families, food stamps, Social Security, disability, and Medicaid, they have the error rates below 10 percent, whereas the EITC error rate is 27 to 32 percent. Three times as many mistakes. Why? Because we do not have any checking up on people.

And we are not just checking up on this program. We have, in the IRS budget, an increase of \$160 million going after upper-income taxpayers, people that may be scofflaws and trying to bend or twist or distort our tax laws. We are trying to go after this across the board, but we need to have verification and documentation for people that expect the taxpayers to be doing this for them.

Under the EITC, a person can receive a check from the Federal Treasury for as much as \$4,204. That is above and beyond whatever they might or might not have paid in income taxes. On average, for these 19 million people, on average they receive \$1,705 above and beyond what they paid in income taxes. Is it asking too much for someone that expects the taxpayers to write them a check for an average of \$1,700 to do a little bit of documentation in 20 percent of the cases to show that they actually qualify? That is not asking much.

In fact, it is not picking on the poor either, because more than a third, about 35 percent, more than a third of the EITC recipients exceed the poverty guidelines in their income. This is a program that goes beyond just helping the poor because it has become so easy for people to falsely or fraudulently, and, yes, sometimes mistakenly get this money from the Federal Treasury. We should not close the door on efforts to try to stop a wrongful outflow of \$10 billion a year out of the Federal Treasury. We should oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. COOPER. Mr. Chairman, I yield myself such time as I may consume to note once again that my friend, the gentleman from Oklahoma, is being unfair. We are not trying to stop en-

forcement of EITC. We are trying to do it in a fair and balanced way so that the IRS can go after where the big money is as well as where the small money is.

And the gentleman is unfair as well because it is not just a little bit of paperwork. They have to find folks who will certify that their own children have been living with them for 6 months, and they disqualify relatives and neighbors and building managers. So who else can they turn to, people who do not know them? And under penalty of perjury, they want an absentee landlord to sign a piece of paper saying someone's kids have been living with them? Why not a simpler approach? Why not say, in the situation of a divorce or legal separation, why not go to the court and find out who has custody of the children and get a certificate there and make that work? That would be a simple, fair way to do it. But, no, the IRS has not chosen that path.

There are other simpler ways of solving this problem, and that is all that we ask. Even the IRS acknowledges that. That is why they have, on their own initiative, delayed and downsized their proposed program.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO), my good friend and colleague and cosponsor of this key amendment.

Ms. DELAURO. Mr. Chairman, I cannot tell you how proud I am to stand tonight with the gentleman from Tennessee (Mr. COOPER) and the gentlewoman from Michigan (Ms. KILPATRICK) to offer this amendment, which in essence just says let us redirect. It does not close any doors. Let us redirect some of the funds intended for the IRS's EITC precertification program to increase tax compliance for mid- and large corporations. In fact, what this new IRS rule is all about is creating a two-tiered tax enforcement system, one for high-income Americans and one for low-wage workers that is far more burdensome.

My colleague from Tennessee pointed out child care records, school records, medical records, leases, religious records, a letter on letterhead from a member of the clergy, child care providers, employers, health care providers, landlords, utility managers, third-party affidavits. That is what they are asking of low-wage workers. No other group of taxpayers has got to go through those kinds of gyrations.

But it is what we could anticipate. This is the same crowd that says no to a child tax credit for people who make \$10,500 a year to \$26,000 a year. They are workers, hard workers; they just happen to make low wages, so let us go after them. That is what this new rule is about. We know their problems with the EITC.

No one here is defending overclaims, but let us not forget a 2001 GAO report found that about 4.3 million eligible households did not claim the EITC in

1999. Overall, we know that every year we lose about \$30 billion through underpayment of taxes. Only a very small proportion of this comes from the EITC. The vast majority is high-income earners and corporations. And it is worth repeating what my colleagues have said tonight. The estimate of taxes that the IRS says are avoided, evaded or not paid by individuals, \$132 billion, offshore accounts \$70 billion.

Let us remember offshore accounts. Only a few minutes ago on this floor the gentleman from Virginia got up and said we should not take up the issue of expatriates. These are companies that go offshore to avoid paying taxes then come back to the Federal Government to get contracts to further their own business interests. They do not want to discuss that. Seventy billion dollars is lost on taxes by those corporations who go offshore just specifically for the purpose of not paying taxes to the U.S. Government. Where is the task force, where is the task force that is going after that \$70 billion? They do not want to go down that route.

Partnership investors. Thirty billion dollars is lost. The fact of the matter is that the number that my colleague uses of \$10 billion is a 1999 number as well. There have been subsequent changes to the tax law that would reduce that. We are talking about \$6.5 billion, yes, that undeserved EITC tax credits paid, nowhere near what individuals or offshore accounts do. The government loses \$6.5 billion in direct tax revenue annually from mid- and large corporations not audited due to the fact that the IRS does not have enforcement dollars to go after them.

According to an end-of-term report by former IRS Commissioner Rossotti, the IRS lacks the resources to address 28 percent of the mid- and large corporation workload that should be accomplished each year. This amendment would begin to address that problem. It redirects \$75 million of funding from the EITC precertification initiative towards the investigation of high-yielding tax compliance activities. It does not stop the EITC initiative from moving forward. It will provide \$25 million for that program in addition to the \$150 million that is already there to take a look at this issue.

It simply ensures, quite frankly, that we will focus our interests on the area that gives us more bang for the buck. None of us wants to see fraud go unpunished; but let us be fair, my friends. Let us not require the lowest-income Americans to meet precertification standards that no one else is required to meet while at the same time failing to crack down at all on fraud in businesses and higher-income taxpayers.

Support the Cooper-DeLauro-Kilpatrick amendment.

Mr. COOPER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding me

this time and for bringing this amendment forward.

I want to say something about this issue that has to do with the broader impact that it has on the people of my State of South Carolina. If you were to look at the fact that according to GAO about 3 percent of the estimated total taxes that go uncollected for non-compliance compares with the fact that the underreporting of business income for taxes in fraud are over \$40 billion a year, which is around \$10 billion a year more than the EITC program is all together. I think the program is around \$31 billion. Now, if we were to look at this and take into account what kind of fraud is taking place, one of the things we are going to see is what was just talked about, and that is about \$70 billion a year going to off-shore companies.

I have a real problem with that because in my State one of the industries that the people who are eligible for the earned income tax credits, one of the categories of work that they have relied on for years, working in the textile and apparel industry, has gone offshore to the tune of 50 percent in South Carolina. Ten years ago we had 126,000 textile jobs in our State. Today, 63,000 textile jobs are going offshore. So not only do we see the money going offshore, we also see the jobs that these people have to rely upon going offshore.

So I think this is a very good amendment because it will work to help us focus protection.

Mr. COOPER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER), the ranking member of the subcommittee.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of his amendment.

The IRS has started, has already started an earned income tax credit pilot program that will require 45,000 EITC recipients in the 2003 taxable year to precertify their eligibility before they can claim the tax credit. Without examining the results of that pilot and whatever impacts that precertification program would have on the participation in the program, and in fact the IRS has now slowed down their pilot project because of controversies it has raised, the IRS has included \$100 million, and this budget includes that in their budget, so they can precertify not 45,000, but 2 million, households, and later increase that, ramp it up to 4 or 5 million households thereafter.

Under the IRS proposal, 25 to 30 percent of all low-income working families that receive the EITC would be subject to the precertification. Well, that sounds like being guilty until you can prove yourself innocent to me. Clearly, this money would be better spent investigating high-yielding audits of midsize and large corporations.

Let me remind my colleagues that the EITC is a tax credit program for the working poor, a program which

former President Ronald Reagan called our most effective program to fight poverty. It is not a welfare program. No other group of tax filers is required to precertify 6 months before filing their taxes for tax credits and deductions.

□ 2000

We do not require precertification for families and individuals that claim the child tax credit, home mortgage deductions, student loan deductions, lifetime learning credits, or any other tax program. Why target the working poor? Well, there is no question we should reduce illegitimate payments in the EITC. The highest estimates peg EITC overpayments at between \$8 and \$10 billion. Those estimates do not even take into account the tax changes in 2001 which are expected to reduce the overpayments by at least \$2 billion.

Finally, the alleged overpayments are a pittance compared to \$132 billion in lost tax revenue for individuals, the \$70 billion in lost tax revenue for off-shore accounts, and the \$46 billion in lost tax revenues for corporations. Again I ask, why target the working poor? Let us put our enforcement resources where we get the highest return. I urge an aye vote for the Cooper amendment.

Mr. COOPER. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I remain concerned that the proposed funding for the EITC compliance activities will create an undue burden on our most vulnerable citizens. The bill includes \$100 billion to make it more difficult for hard-working families with low incomes to apply for the credit. That does not sound to me like the opportunity of society which the majority party talks so long and often about.

If we must spend that much on EITC compliance, and all of us want to ensure that there is not fraud in the system, we agree on that. However, it would be better spent on hiring more customer service and assistant personnel to make sure that those who President Reagan thought ought to be helped were helped in a positive way by giving them a tax credit as opposed to a handout.

Statistics illustrate that the focus on low-income filers rather than higher-income filers may be unwarranted. Audit rates are not consistent for different income levels. On 4-27 the New York Times said 1 of every 175 individual tax returns was audited in 2002; 1 of every 64 EITC claimants was audited; but 1 of every 120 taxpayers with annual incomes over \$100,000 was audited. In other words, we are doing one sixty-fourth in terms of poorer people, and we are doing half of that for wealthier people.

One in about every 400 partnerships were audited. Under the EITC

precertification proposal, which is essentially a preaudit, between 1 out of every 4 to 8 EITC claimants would be audited.

That is a big expenditure for very small returns. Approximately 70 percent of all EITC claimants receive tax return assistance from commercial tax preparers. Among taxpayers with incomes above \$100,000, the chance of being audited fell 26 percent last year to an all-time low, yet this group is most likely to have income that is easiest to hide.

The overwhelming majority of Americans, whether rich or poor, cooperate and are honest in filing their taxes; but clearly the people with the most income have the most incentive not to disclose income because they have the much greater savings, and in fact they have ways and means to hide it better.

Since 1996, the number of revenue agents has dropped by 14,949 to 11,752 in 2002. The number of collection revenue officers has dropped from 5,537 in 1996 to approximately 3,500 today.

What is the point of all this? The point is if we are going to put resources in, as the chairman has suggested, and I might say the chairman has had a focus on EITC since becoming the chairman, but it is ironic in my opinion that a party that talked about opportunity for hardworking Americans is being so hard on those hard-working Americans.

If there is fraud, we need to ferret it out; but we need to ferret it out whether you are making \$10,000 or \$100,000 or \$1 million. And we ought to do it fairly, across the board, and not target the least among us.

Mr. COOPER. Mr. Chairman, I yield myself the balance of my time to close.

Mr. Chairman, if it is just a little bit of paperwork, if it is not much hassle, if it is easy to comply with precertification, then I would suggest that the gentleman from Oklahoma in the next Congress apply the same rulings and regulations to all of the other taxpayers in this country.

I think the gentleman will find that these paperwork requirements are indeed burdensome, unfair, and are indeed insensitive to the working poor, the folks we should be trying to help in this Congress, as they lift themselves out of poverty, using a Republican-borne program which has helped millions of Americans and their families escape the poverty trap, and it does so by allowing them to avoid the punitive marginal tax rates that the working poor face.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume in closing.

Mr. Chairman, if someone wants taxpayer money to assist them with temporary assistance to needy families, they would fill out the paperwork and show they are eligible before they received it; 100 percent would go through that process.

If someone wants Social Security disability, for taxpayers to write a check

for your disability, you would go through a precertification process 100 percent.

If someone wanted Medicaid, if they wanted food stamps, they would, 100 percent of the citizens that want that assistance, would go through a process in advance.

Here we have a program that on average writes a check of \$1,700 beyond whatever they paid on their income taxes, writes a check on average for \$1,700, and it goes out to 19 million Americans. And we are talking about saying maybe we ought to have at least a few thousand of them, of the people that are in the most questionable circumstances, go through a process of certification before they receive this taxpayers' money. And the \$1,700 is an average. It goes up to \$4,200.

Only a fraction of the people under this program will be put through a certification, but maybe if we had more people going through the process, we would not have this error rate of a fourth to a third of the applicants, \$10 billion a year, getting money to which they are not entitled. That is 3 times the error rate of these programs where they put 100 percent of the applicants through a certification process.

We do not pick on people when we say they ought to show they are eligible before they ask for a check to be written out of the Treasury. We are not picking on anybody, and we are putting a lot more resources into going after the upper-income taxpayers. There is \$4 billion for tax compliance efforts in this bill, and the other side of the aisle is complaining because we are spending a couple of hundred million on trying to keep \$10 billion from walking out the door.

We are not talking about people who are failing to send income to the Treasury, we are talking about people who are getting a check from the United States Government. It is common sense. It is just common sense to say that we ought to be doing a better job of making sure that people are eligible. It is not imposing on people that have to go through a lot more onerous requirements for other social assistance programs than this is asking a small fraction of those 19 million of those people to go through. This is common sense.

And the amendment is saying well, we are going to reduce \$75 million in this account and then add \$75 million back in, and then claim they are accomplishing something. Talk about cosmetics, we do not need a cosmetic approach to this problem. We need a realistic approach to the problem. That is what the IRS is trying to do and that is why we are trying to help them do it.

Mr. Chairman, hardworking people do not want people who are not qualified taking some of their hard-earned money, \$10 billion a year, out of the U.S. Treasury. I ask that this amendment be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SESSIONS). The question is on the amendment offered by the gentleman from Tennessee (Mr. COOPER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. COOPER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee (Mr. COOPER) will be postponed.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Ms. DELAURO. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank my colleague for giving me the opportunity to talk for a moment about the issue of corporate expatriates.

I would like to express a serious opposition to the point of order that was offered by the gentleman from Virginia earlier tonight which removed the corporate expatriates contracting ban from this bill. I would like to point out the hypocrisy of what my friends on the other side of the aisle are doing here this evening.

This is like *deja vu* for me. The same thing happened in June when we debated the homeland security appropriations bill. The Committee on Appropriations accepted my amendment by voice vote, only to turn around and use a legislative technicality to justify stripping it from the bill.

In fact, the gentleman from Florida (Chairman YOUNG), for whom I have the utmost respect, promised during the committee consideration that he would support protecting this amendment when it went to the Committee on Rules.

This amendment, let me just be honest, is a simple one; very, very simple. Quite frankly, some of what we are talking about here tonight would simply prohibit the Treasury Department from contracting with corporate expatriates. These are companies that operate here in the United States but they set up a shell corporation overseas for the express purpose of avoiding paying their taxes. They do not want to pay their taxes; and once again, we have not set up any kind of special task force within the IRS or anywhere else to investigate these folks. No one is doing that. It is the height of irony.

Even the IRS, the agency that we have been talking about here tonight, which is looking at low-income wage earners and enforcement of low-income wage earners and what they ought to be doing to pay their taxes and not take any taxpayer dollars without precertifying, the IRS, the agency charged with collecting taxes, has willingly contracted with a company that has moved overseas in an effort to avoid paying their taxes.

□ 2015

I think we have an obligation to address this issue. American companies, particularly those contracting with our government, ought to pay American taxes just like every citizen in this country. By this action, the Republican majority is once again demonstrating that they do not hold these same values.

Recent data show that corporate expatriates have actually increased the amount of Federal contracts they receive. Despite abandoning our country and costing our government \$5 billion in lost tax revenue, corporate expatriates reaped \$1.4 billion in Federal contracts last year alone. They do not pay their taxes; they go overseas and they get the largesse of the Federal Government to the tune of \$1.4 billion, funds sorely needed particularly in the current fiscal climate. One example: While the committee has provided \$900 million in funding for Amtrak, that funding level is far below the \$1.8 billion requested by Amtrak and which is sorely needed to address a backlog of capital repairs. It is long past time that we stopped hiding behind procedural sleight-of-hand to disguise the fact that some in this body want to condone this practice.

I will not call for a vote at this time, but I want to make clear that this issue is not going to go away. It is time that we draw a line in the sand and tell these corporate expatriates that they will no longer be rewarded with government contracts for taking and putting their business overseas, expressly for the purpose of not paying taxes in the United States. Let us be honest about what we do in this body and who ought to be paying their taxes if they expect to reap the benefits of Federal contracts. Let us not go after low-wage workers and have this two-tiered enforcement practice and allow these folks to get away without paying their taxes and come back and get billions in taxpayers' dollars that we so earnestly do not want to allow to low-income wage workers but are willing to squander billions to those who care not to pay their taxes to the United States Government while they make their profits here.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding. The gentleman from Connecticut is exactly correct. The chairman did state that he would ask the rule to protect the amendment. The chairman did just that in a written request to the Committee on Rules to protect all of the amendments adopted during the full committee markup.

So the gentlewoman is correct. The Committee on Rules chose not to agree with my request.

Ms. DELAURO. I thank the chairman for his efforts.

The CHAIRMAN pro tempore (Mr. SESSIONS). The time of the gentleman

from Massachusetts (Mr. OLVER) has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 30 additional seconds.)

Mr. OLVER. Mr. Chairman, I would just like to reiterate what had been said earlier today by my colleague from Massachusetts on this same point of the expatriate taxation, that what was won within the Committee on Appropriations and what the chairman of the Committee on Appropriations attempted to protect was in fact lost by the actions of the Committee on Rules at a later point. I think that is unfortunate.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR:

Page 106, insert after line 4 the following:
SEC. 511. Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by striking "the following amounts" and all that follows and inserting "an aggregate amount of \$3,000,000,000 for fiscal years 2003 through 2005".

Mr. ISTOOK. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I yield myself such time as I may consume.

I begin by saying nothing is more sacred than our citizens' right to vote. The amendment that I seek to offer this evening would preserve the \$3.65 billion in Federal funds that this Congress authorized over the next 3 years under the Help America Vote Act for upgrading election systems across our country. We originally passed this over 2 years ago, and I make this effort to preserve these funds because the Bush administration has not provided the necessary funds as authorized, and it is also 320 days late in appointing the election commission that was supposed to establish the Federal standards and guidelines to prevent fraud and abuse in these new electronic election technologies.

The national election debacle that we witnessed as a country in the year of 2000 simply cannot ever happen again. That is why we passed the Help America Vote Act. Already, \$650 million has gone out to the States, but only for the hardware. \$3 billion that should be out there in the hands of the States is not there in order to buy the proper equipment, provide the training, register the voters, and really provide a revolution in new technology at the polls.

Importantly, the election commission authorized by the Help America Vote Act has not been appointed. In-

deed, the President is 320 days late in sending the nominees to the Senate, to the other body, for approval. That means there are no Federal standards and guidelines to prevent fraud and abuse. And so the States are floundering around out there being besieged by various companies trying to offer machines that they say are the greatest in the world when in fact they really are not.

What this amendment seeks to do is to preserve the funds that we said were necessary and to preserve them over the 3-year period. Unless this amendment is adopted, the funding will expire, which means the States will even be in a worse position than they are today. The President should have had his nominees to the Federal Election Commission appointed February 26 of this year. That has not been done. That means there are no Federal standards or guidelines for election technologies.

In my own State of Ohio, for example, we assembled a computer security team and sent them down to our State House to review the various election technologies. There was not one set of technologies that came back as either excellent or very good in the two most important categories of judgment, first, security of the system, the ability to prevent fraud and abuse in the software; and, secondly, ease of use by the voter. No system qualified. We have to get the money down there to these States and localities. There have to be Federal standards. Right now, less than half of the money that we should have appropriated has been provided in the 2004 bill; and in this year of 2003, the money has not arrived. Less than half the money is there. What are we doing? We are setting ourselves up for another failure. So at least my amendment attempts to preserve the funds that were originally authorized.

Mr. Chairman, I yield to the gentleman from Maryland (Mr. HOYER) who understands this issue so well.

Mr. HOYER. I thank the gentlewoman for yielding, and I thank her for her amendment. I believe the amendment is not at all harmful to the objective of putting in place an election system that works for every American and is accurate and accessible and trustworthy. Her suggestion that the money not lapse, that it moves forward, I think is an excellent suggestion. I strongly support her amendment and thank her for her work in this effort.

Ms. KAPTUR. I thank the gentleman for his leadership in this in trying to provide an election system across this country that has integrity, dependability and sufficient funds to assure those qualities. What we are being given are half measures, empty promises and what is becoming more and more confusing at the local county level. No State standards, no Federal standards, and not enough money. America really deserves better. If we can afford to spend \$4 billion a month in Iraq to secure democracy, can we not afford to spend \$3 billion over 3

years in our own country to help secure our democratic voting systems here in this Republic? I think it is really an important question for the Congress. In hopes of resolving this issue amicably, I will withdraw my amendment at this point in hopes that we might be able to deal with it in the upcoming supplemental.

Mr. Chairman, I include the following material for the RECORD:

[From the Cleveland Plain Dealer, Aug. 28, 2003]

VOTING MACHINE CONTROVERSY

(By Julie Carr Smyth)

COLUMBUS.—The head of a company vying to sell voting machines in Ohio told Republicans in a recent fund-raising letter that he is "committed to helping Ohio deliver its electoral votes to the president next year."

The Aug. 14 letter from Walden O'Dell, chief executive of Diebold Inc.—who has become active in the re-election effort of President Bush—prompted Democrats this week to question the propriety of allowing O'Dell's company to calculate votes in the 2004 presidential election.

O'Dell attended a strategy pow-wow with wealthy Bush benefactors—known as Rangers and Pioneers—at the president's Crawford, Texas, ranch earlier this month. The next week, he penned invitations to a \$1,000-a-plate fund-raiser to benefit the Ohio Republican Party's federal campaign fund—partially benefiting Bush—at his mansion in the Columbus suburb of Upper Arlington.

The letter went out the day before Ohio Secretary of State Ken Blackwell, also a Republican, was set to qualify Diebold as one of three firms eligible to sell upgraded electronic voting machines to Ohio counties in time for the 2004 election.

Blackwell's announcement is still in limbo because of a court challenge over the fairness of the selection process by a disqualified bidder, Sequoia Voting Systems.

In his invitation letter, O'Dell asked guests to consider donating or raising up to \$10,000 each for the federal account that the state GOP will use to help Bush and other federal candidates—money that legislative Democratic leaders charged could come back to benefit Blackwell.

They urged Blackwell to remove Diebold from the field of voting-machine companies eligible to sell to Ohio counties.

This is the second such request in as many months. State Sen. Jeff Jacobson, a Dayton-area Republican, asked Blackwell in July to disqualify Diebold after security concerns arose over its equipment.

"Ordinary Ohioans may infer that Blackwell's office is looking past Diebold's security issues because its CEO is seeking \$10,000 donations for Blackwell's party—donations that could be made with statewide elected officials right here in the same room," said Senate Democratic Leader Greg DiDonato.

Diebold spokeswoman Michelle Griggy said O'Dell—who was unavailable to comment personally—has held fund-raisers in his home for many causes, including the Columbus Zoo, Opera Columbus, Catholic Social Services and Ohio State University.

Ohio GOP spokesman Jason Mauk said the party approached O'Dell about hosting the event at his home, the historic Cotswold Manor, and not the other way around. Mauk said that under federal campaign finance rules, the party cannot use any money from its federal account for state-level candidates.

"To think that Diebold is somehow tainted because they have a couple folks on their board who support the president is just unfair," Mauk said.

Griggly said in an e-mail statement that Diebold could not comment on the political contributions of individual company employees.

Blackwell said Diebold is not the only company with political connections—nothing that lobbyists for voting-machine makers read like a who's who of Columbus' powerful and politically connected.

"Let me put it to you this way: If there was one person uniquely involved in the political process, that might be troubling," he said. "But there's no one that hasn't used every legitimate avenue and bit of leverage that they could legally use to get their product looked at. Believe me, if there is a political lever to be pulled, all of them have pulled it."

Blackwell said he stands by the process used for selecting voting machine vendors as fair, thorough and impartial.

As of yesterday, however, that determination lay with Ohio Court of Claims Judge Fred Shoemaker.

He heard closing arguments yesterday over whether Sequoia was unfairly eliminated by Blackwell midway through the final phase of negotiations.

Shoemaker extended a temporary restraining order in the case for 14 days, but said he hopes to issue his opinion sooner than that.

[From the Toledo Blade, Sept. 3, 2003]

THE DIEBOLD DILEMMA

Did the head of an Ohio company hoping to land a big job with the state to supply upgraded electronic voting machines for the 2004 elections simply commit a faux pax? Or did the high-level fund-raising activity Diebold's CEO has undertaken for the Bush re-election campaign give his company a calculated edge in securing a lucrative state contract?

Either way the actions of chief executive Walden O'Dell and the response of Ohio's Republican Secretary of State Ken Blackwell raise inevitable and troubling questions about the influence of money and politics on government decisions—especially ones as sensitive as the operation of election systems.

Mr. O'Dell is not just a contributor to GOP campaigns; he's at the top of the fund-raising food chain. Recently, according to published reports, he attended a strategy session at the president's Crawford, Texas, ranch with other top Bush benefactors known as "Rangers" or "Pioneers," depending on the impressive amount of campaign money raised for the Bush war chest.

No doubt inspired by his inclusion in the elite circle of wealthy Bush backers, Diebold's CEO sent an impassioned fund-raising letter to Ohio Republicans declaring that he is "committed to helping Ohio deliver its electoral votes to the President next year." The bad judgment from the head of a firm trying to sell voting machines to the state is obvious.

Moreover, in his note to party members pledging to deliver Ohio to the President, Mr. O'Dell invited partisans to a \$1,000-a-plate fund-raiser at his Columbus area mansion and nudged them to also consider donating or raising an additional \$10,000 each for the state of GOP's use on federal campaigns.

Interestingly the missive was mailed the day before Secretary of State Blackwell was due to name Diebold as one of three firms eligible to sell voting machines to Ohio counties. The Blackwell announcement was delayed by a court challenge over the fairness of the state's bidding process by one of the disqualified contenders.

Mr. Blackwell, who insists that state voting machine vendors were selected fairly and impartially, downplayed the political con-

nections of Diebold's chief executive as par for the course in legitimate Columbus lobbying for influence and attention.

That may be so, but the appearance of conflict is clear when a company that is spending money to influence the outcome of an election also wants to help count the votes.

Democratic lawmakers in Ohio say that's disturbing enough to warrant disqualifying Diebold from selling voting machines in this state. Two months ago Republican state Sen. Jeff Jacobson from Dayton asked Mr. Blackwell to do the same thing when security concerns were raised about some of Diebold's equipment.

Now critics are wondering if Mr. Blackwell's office overlooked problems with Diebold because its CEO had prominent GOP connections. It is premature to urge Diebold's disqualification from the field of eligible vendors, but the issue warrants the state's careful attention.

[From the Cleveland Plain Dealer, Sept. 1, 2003]

TAKING SIDES AT DIEBOLD

In a perfect world, companies that make voting equipment would be apolitical. But it's not a perfect world.

Still, you would think that the CEO of a company that wants to make a lot of money selling voting machines to Ohio would see the value of at least pretending impartiality. Instead, Diebold Chief Executive Walden O'Dell committed himself in a recent fund-raising letter to work to "deliver [Ohio's] electoral votes" to President George W. Bush.

The letter accompanied invitations to a \$1,000-a-plate fund-raiser at O'Dell's Upper Arlington mansion—an invitation issued days after he attended a strategy session with major contributors at Bush's ranch in Crawford, Texas.

O'Dell's firm public commitment to work for a particular candidate—while Diebold is engaged in a vigorous competition to provide voting machines to Ohio—gives Democrats powerful ammunition to use against his company.

Ohio, like many other states, decided it was time to retire its punch-card machines after the Florida voting debacle during the 2000 presidential election. And allegations have been rampant recently that Ohio Secretary of State Ken Blackwell would like to see the contract go to Canton-based Diebold.

That's going to be harder sell now. Makers of voting equipment routinely give to political parties and candidates even as they are seeking lucrative public contracts. That's bad enough. But O'Dell is setting himself up as an integral part of Bush's re-election apparatus. That's too close for comfort.

If Diebold just made ATM's and industrial safes, his actions would not be an issue. But Diebold wants Ohioans to trust it to be fair and accurate in recording and tabulating their choices at the polls. That requires impartiality. And in the wake of O'Dell's letter, impartiality is not a trait anyone can associate with Diebold at the moment.

The CHAIRMAN pro tempore. Without objection, the gentlewoman's amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FARR:

Page 157, after line 2, insert the following: SEC. 742. It is the sense of the Congress that none of the funds made available in this Act should be used to disestablish any pay locality (as defined by section 5302 of title 5, United States Code).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from California (Mr. FARR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I yield myself such time as I may consume. I would like to thank Chairman ISTOOK and Ranking Member OLVER for accepting my sense of Congress amendment. Let me just quickly explain what it does. Every 10 years after the national census is taken, the Office of Management and Budget redefines and redesignates metropolitan statistical areas, known as MSAs. Then the Office of Personnel Management uses those MSA definitions to overlay their own geographic boundaries for so-called locality pay areas.

This year the Office of Management and Budget came out with new definitions in June, but they radically changed their methodology to a point where the Office of Personnel Management said that the Office of Management and Budget definitions no longer were usable for purposes of determining locality pay boundaries. The Office of Personnel Management has begun the process of determining how to draw locality pay boundaries. The agency is more or less under the gun to do so by this October 7 so as to have this decided by the 2005 budget cycle. But the Office of Personnel Management held its first hearing on the issue only yesterday, September 3. The issue is too complex and too sensitive to figure out in a month. Thousands of Federal employee paychecks and consequently Federal agency missions hang in the balance.

My amendment essentially states that Congress believes current locality pay areas should be held harmless over the next year. We ask that OPM not eliminate any current locality pay area, but we do not object to OPM adding any new areas. In the interim, the Office of Personnel Management has time to do the research right and to draw up a fair and defensible plan for locality pay boundary designations.

I commend the chairman of the subcommittee for his leadership on this issue and thank him for accepting the amendment.

Mr. ISTOOK. Mr. Chairman, as the gentleman has represented, I am agreeable to accepting the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. FARR).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those

amendments on which further proceedings were postponed in the following order: an amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and an amendment offered by the gentleman from Tennessee (Mr. COOPER).

The first electronic vote will be conducted as a 15-minute vote. The second will be a 5-minute vote.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 222, not voting 24, as follows:

[Roll No. 474]

AYES—188

Alexander	Filner	McCarthy (NY)
Allen	Ford	McCullum
Andrews	Frank (MA)	McDermott
Baca	Frost	McGovern
Baird	Gillmor	McNulty
Baldwin	Gonzalez	Meek (FL)
Ballance	Gordon	Meeks (NY)
Becerra	Green (TX)	Menendez
Bell	Grijalva	Michaud
Berkley	Gutierrez	Millender-
Berman	Hall	McDonald
Berry	Harman	Miller (NC)
Bishop (GA)	Hastings (FL)	Miller, George
Bishop (NY)	Hill	Moore
Blumenauer	Hinchey	Moran (VA)
Boswell	Hinojosa	Murtha
Boucher	Hoefel	Nadler
Boyd	Holden	Napolitano
Brady (PA)	Holt	Neal (MA)
Brown (OH)	Honda	Oberstar
Brown, Corrine	Hookey (OR)	Obey
Capps	Hoyer	Olver
Capuano	Inslee	Ortiz
Cardin	Israel	Owens
Cardoza	Jackson (IL)	Pallone
Carson (IN)	Jackson-Lee	Pascarell
Carson (OK)	(TX)	Pastor
Case	Jefferson	Pelosi
Clyburn	Johnson, E. B.	Price (NC)
Conyers	Jones (OH)	Rahall
Cooper	Kanjorski	Reyes
Costello	Kaptur	Ross
Cramer	Kennedy (RI)	Rothman
Crowley	Kildee	Ruppersberger
Cummings	Kilpatrick	Rush
Davis (AL)	Kind	Ryan (OH)
Davis (CA)	Kleczka	Sabo
Davis (FL)	Lampson	Sanchez, Linda
Davis (IL)	Langevin	T.
Davis (TN)	Lantos	Sanchez, Loretta
DeFazio	Larsen (WA)	Sanders
Delahunt	Larson (CT)	Sandlin
DeLauro	Lee	Schakowsky
Deutsch	Levin	Schiff
Dicks	Lewis (GA)	Scott (GA)
Dingell	Lipinski	Scott (VA)
Doggett	Lofgren	Serrano
Dooley (CA)	Lowey	Sherman
Doyle	Lucas (KY)	Skelton
Edwards	Lynch	Slaughter
Emanuel	Majette	Smith (WA)
Engel	Maloney	Snyder
Eshoo	Markey	Solis
Etheridge	Marshall	Spratt
Evans	Matheson	Stark
Farr	Matsui	Stenholm
Fattah	McCarthy (MO)	Stupak

Tanner	Turner (TX)
Tauscher	Udall (CO)
Taylor (MS)	Udall (NM)
Thompson (CA)	Van Hollen
Thompson (MS)	Velazquez
Tierney	Visclosky
Towns	Waters

NOES—222

Aderholt	Garrett (NJ)
Akin	Gerlach
Bachus	Gibbons
Baker	Gilchrest
Ballenger	Gingrey
Barrett (SC)	Goode
Bartlett (MD)	Goodlatte
Barton (TX)	Goss
Bass	Granger
Beauprez	Graves
Bereuter	Green (WI)
Biggert	Greenwood
Bilirakis	Gutknecht
Bishop (UT)	Harris
Blackburn	Hart
Blunt	Hastings (WA)
Boehlert	Hayes
Boehner	Hayworth
Bonilla	Hefley
Bonner	Hensarling
Bono	Herger
Boozman	Hobson
Bradley (NH)	Hoekstra
Brady (TX)	Hostettler
Brown (SC)	Houghton
Brown-Waite,	Hulshof
Ginny	Hunter
Burgess	Hyde
Burns	Isakson
Burr	Issa
Burton (IN)	Istook
Buyer	Jenkins
Calvert	Johnson (CT)
Camp	Johnson (IL)
Cannon	Johnson, Sam
Cantor	Jones (NC)
Capito	Kelly
Carter	Kennedy (MN)
Castle	King (IA)
Chabot	King (NY)
Chocola	Kingston
Coble	Kirk
Cole	Kline
Collins	Knollenberg
Cox	Kolbe
Crane	LaHood
Crenshaw	Latham
Cubin	LaTourette
Culberson	Leach
Cunningham	Lewis (CA)
Davis, Jo Ann	Lewis (KY)
Davis, Tom	Linder
Deal (GA)	LoBiondo
DeLay	Lucas (OK)
DeMint	Manzullo
Diaz-Balart, L.	McCotter
Diaz-Balart, M.	McHugh
Doolittle	McInnis
Dreier	McIntyre
Duncan	McKeon
Dunn	Mica
Ehlers	Miller (FL)
Emerson	Miller (MI)
English	Miller, Gary
Everett	Moran (KS)
Feeney	Murphy
Ferguson	Musgrave
Flake	Nethercutt
Fletcher	Neugebauer
Foley	Ney
Forbes	Northup
Fossella	Norwood
Franks (AZ)	Nunes
Frelinghuysen	Nussle
Gallegly	Osborne

NOT VOTING—24

Abercrombie	Kucinich	Regula
Ackerman	McCrery	Rodriguez
Clay	Meehan	Roybal-Allard
DeGette	Mollohan	Ryan (WI)
Gephardt	Myrick	Thomas
Janklow	Payne	Waxman
John	Pickering	Woolsey
Keller	Rangel	Young (AK)

Watson
Watt
Weiner
Wexler
Wu
Wynn

□ 2048

Messrs. GUTKNECHT, NEY, GILCHREST and EHLERS changed their vote from “aye” to “no.”

Messrs. SPRATT, MURTHA, KANJORSKI, LUCAS of Kentucky and SKELTON changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

Pursuant to clause 6 of rule XVI, any record vote on this next question will be a 5-minute vote.

AMENDMENT OFFERED BY MR. COOPER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COOPER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 219, not voting 23, as follows:

[Roll No. 475]

AYES—192

Alexander	Dooley (CA)	Lantos
Allen	Doyle	Larsen (WA)
Andrews	Edwards	Larson (CT)
Baca	Emanuel	Lee
Baird	Engel	Levin
Baldwin	Eshoo	Lewis (GA)
Ballance	Etheridge	Lipinski
Becerra	Evans	Lofgren
Bell	Farr	Lowey
Berkley	Fattah	Lucas (KY)
Berman	Filner	Lynch
Berry	Ford	Majette
Bishop (GA)	Frank (MA)	Maloney
Bishop (NY)	Frost	Markey
Blumenauer	Gonzalez	Marshall
Boswell	Gordon	Matheson
Boucher	Green (TX)	Matsui
Boyd	Grijalva	McCarthy (MO)
Brady (PA)	Gutierrez	McCarthy (NY)
Brown (OH)	Hall	McCullum
Brown, Corrine	Harman	McDermott
Capps	Hastings (FL)	McGovern
Capuano	Hill	McIntyre
Cardin	Hinchey	McNulty
Cardoza	Hinojosa	Meek (FL)
Carson (IN)	Hoefel	Meeks (NY)
Carson (OK)	Holden	Menendez
Case	Holt	Michaud
Clyburn	Honda	Millender-
Conyers	Hookey (OR)	McDonald
Cooper	Hoyer	Miller (NC)
Costello	Inslee	Miller, George
Cramer	Israel	Moore
Crowley	Jackson (IL)	Moran (VA)
Cummings	Jackson-Lee	Murtha
Davis (AL)	(TX)	Nadler
Davis (CA)	Jefferson	Napolitano
Davis (FL)	Johnson, E. B.	Neal (MA)
Davis (IL)	Jones (OH)	Oberstar
Davis (TN)	Kanjorski	Obey
Davis, Jo Ann	Kaptur	Olver
DeFazio	Kennedy (RI)	Ortiz
Delahunt	Kildee	Owens
DeLauro	Kilpatrick	Pallone
Deutsch	Kind	Pascarell
Dicks	Kleczka	Pastor
Dingell	Lampson	Pelosi
Doggett	Langevin	Peterson (MN)

Pomeroy	Scott (GA)	Thompson (CA)	Myrick	Regula	Waxman
Price (NC)	Scott (VA)	Thompson (MS)	Payne	Rodriguez	Woolsey
Rahall	Serrano	Tierney	Pickering	Roybal-Allard	Young (AK)
Reyes	Shays	Towns	Rangel	Sherman	
Ross	Skelton	Turner (TX)			
Rothman	Slaughter	Udall (CO)			
Ruppersberger	Smith (WA)	Udall (NM)			
Rush	Snyder	Van Hollen			
Ryan (OH)	Solis	Velazquez			
Sabo	Spratt	Visclosky			
Sanchez, Linda	Stark	Waters			
T.	Stenholm	Watson			
Sanchez, Loretta	Strickland	Watt			
Sanders	Stupak	Weiner			
Sandlin	Tanner	Wexler			
Schakowsky	Tauscher	Wu			
Schiff	Taylor (MS)	Wynn			

NOES—219

Aderholt	Gerlach	Osborne
Akin	Gibbons	Ose
Bachus	Gilchrest	Otter
Baker	Gillmor	Oxley
Ballenger	Gingrey	Paul
Barrett (SC)	Goode	Pearce
Bartlett (MD)	Goodlatte	Pence
Barton (TX)	Goss	Peterson (PA)
Bass	Granger	Petri
Beauprez	Graves	Pitts
Bereuter	Green (WI)	Platts
Biggart	Greenwood	Pombo
Billirakis	Gutknecht	Porter
Bishop (UT)	Harris	Portman
Blackburn	Hart	Pryce (OH)
Blunt	Hastings (WA)	Putnam
Boehlert	Hayes	Quinn
Boehner	Hayworth	Radanovich
Bonilla	Hefley	Ramstad
Bonner	Hensarling	Rehberg
Bono	Herger	Renzi
Boozman	Hobson	Reynolds
Bradley (NH)	Hoekstra	Rogers (AL)
Brady (TX)	Hostettler	Rogers (KY)
Brown (SC)	Houghton	Rogers (MI)
Brown-Waite,	Hulshof	Rohrabacher
Ginny	Hunter	Ros-Lehtinen
Burgess	Hyde	Royce
Burns	Isakson	Ryan (WI)
Burr	Issa	Ryun (KS)
Burton (IN)	Istook	Saxton
Buyer	Jenkins	Schrock
Calvert	Johnson (CT)	Sensenbrenner
Camp	Johnson (IL)	Sessions
Cannon	Johnson, Sam	Shadegg
Cantor	Jones (NC)	Shaw
Capito	Kelly	Sherwood
Carter	Kennedy (MN)	Shimkus
Castle	King (IA)	Shuster
Chabot	King (NY)	Simmons
Chocola	Kingston	Simpson
Coble	Kirk	Smith (MI)
Cole	Kline	Smith (NJ)
Collins	Knollenberg	Smith (TX)
Cox	Kolbe	Souder
Crane	LaHood	Stearns
Crenshaw	Latham	Sullivan
Cubin	LaTourette	Sweeney
Culberson	Leach	Tancredo
Cunningham	Lewis (CA)	Tauzin
Deal (GA)	Lewis (KY)	Taylor (NC)
DeLay	Linder	Terry
DeMint	LoBiondo	Thomas
Diaz-Balart, L.	Lucas (OK)	Thornberry
Diaz-Balart, M.	Manzullo	Tiahrt
Doolittle	McCotter	Tiberi
Dreier	McCreary	Toomey
Duncan	McHugh	Turner (OH)
Dunn	McInnis	Upton
Ehlers	McKeon	Vitter
Emerson	Mica	Walden (OR)
English	Miller (FL)	Walsh
Everett	Miller (MI)	Wamp
Feeney	Miller, Gary	Weldon (FL)
Ferguson	Moran (KS)	Weldon (PA)
Flake	Murphy	Weller
Fletcher	Musgrave	Whitfield
Foley	Nethercutt	Wicker
Forbes	Neugebauer	Wilson (NM)
Fossella	Ney	Wilson (SC)
Franks (AZ)	Northup	Wolf
Frelinghuysen	Norwood	Young (FL)
Galleghy	Nunes	
Garrett (NJ)	Nussle	

NOT VOTING—23

Abercrombie	DeGette	Keller
Ackerman	Gephardt	Kucinich
Clay	Janklow	Meehan
Davis, Tom	John	Mollohan

Myrick	Regula	Waxman
Payne	Rodriguez	Woolsey
Pickering	Roybal-Allard	Young (AK)
Rangel	Sherman	

□ 2057

Mr. LIPINSKI changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ISTOOK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2877

Mr. CRANE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2877.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITABLE ACT OF 2003

Mr. RUPPERSBERGER. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the child tax credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

Number one, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

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Two, the House conferees shall be instructed to include in the conference report the provision of the Senate amendment, not included in the House amendment, that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child tax credit based on earnings of the individual serving in the combat zone.

Three, the House conferees shall be instructed to include in the conference report all of the other provisions from the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provision.

Four, to the maximum extent possible within the scope of the conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of astronauts who died in the Columbia disaster.

Five, the House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

APPOINTMENT OF CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2003

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes, with a Senate amendment thereto, disagree to the amendment, and agree to a conference asked by the Senate.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DINGELL.
Mr. DINGELL. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Dingell moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 be instructed to resolve by September 12, 2003, the differences between the House and Senate regarding the electric reliability provisions contained in the House bill (section 16031 of the House bill) and the corresponding provisions contained in the Senate amendment (section 206 of the Senate amendment).

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, the motion is quite simple, and I would hope that my colleagues on both sides of the aisle will support it. It simply states that the conferees should be instructed to resolve their difference on the electric reliability provisions of the legislation in the next week.

This is not a difficult task. In fact, it is very simple. The language in both