

Union Calendar No. 133

108TH CONGRESS
1ST SESSION

H. R. 2989

[Report No. 108-243]

Making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2003

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

A BILL

Making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

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

1 pendent agencies for the fiscal year ending September 30,
2 2004, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,
8 \$93,577,000, of which not to exceed \$2,212,000 shall be
9 available for the immediate Office of the Secretary; not
10 to exceed \$841,000 shall be available for the immediate
11 Office of the Deputy Secretary; not to exceed \$15,560,000
12 shall be available for the Office of the General Counsel;
13 not to exceed \$12,717,000 shall be available for the Office
14 of the Under Secretary of Transportation for Policy; not
15 to exceed \$8,630,000 shall be available for the Office of
16 the Assistant Secretary for Budget and Programs; not to
17 exceed \$2,518,000 shall be available for the Office of the
18 Assistant Secretary for Governmental Affairs; not to ex-
19 ceed \$28,882,000 shall be available for the Office of the
20 Assistant Secretary for Administration; not to exceed
21 \$1,982,000 shall be available for the Office of Public Af-
22 fairs; not to exceed \$1,447,000 shall be available for the
23 Office of the Executive Secretariat; not to exceed
24 \$730,000 shall be available for the Board of Contract Ap-
25 peals; not to exceed \$1,268,000 shall be available for the

1 Office of Small and Disadvantaged Business Utilization;
2 not to exceed \$16,565,000 shall be available for the Office
3 of the Chief Information Officer; and not to exceed
4 \$225,000 shall be available for the Office of Intelligence
5 and Security: *Provided*, That the Secretary of Transpor-
6 tation is authorized to transfer funds appropriated for any
7 office of the Office of the Secretary to any other office
8 of the Office of the Secretary: *Provided further*, That no
9 appropriation for any office shall be increased or de-
10 creased by more than 5 percent by all such transfers: *Pro-*
11 *vided further*, That any change in funding greater than
12 5 percent shall be submitted for approval to the House
13 and Senate Committees on Appropriations: *Provided fur-*
14 *ther*, That not to exceed \$60,000 shall be for allocation
15 within the Department for official reception and represen-
16 tation expenses as the Secretary may determine: *Provided*
17 *further*, That notwithstanding any other provision of law,
18 excluding fees authorized in Public Law 107–71, there
19 may be credited to this appropriation up to \$2,500,000
20 in funds received in user fees: *Provided further*, That none
21 of the funds provided in this Act shall be available for
22 the position of Assistant Secretary for Public Affairs.

23 OFFICE OF CIVIL RIGHTS

24 For necessary expenses of the Office of Civil Rights,
25 \$8,569,000.

1 MINORITY BUSINESS RESOURCE CENTER PROGRAM

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

11 MINORITY BUSINESS OUTREACH

12 For necessary expenses of Minority Business Re-
13 source Center outreach activities, \$3,000,000, to remain
14 available until September 30, 2005: *Provided*, That not-
15 withstanding 49 U.S.C. 332, these funds may be used for
16 business opportunities related to any mode of transpor-
17 tation.

18 NEW HEADQUARTERS BUILDING

19 For necessary expenses of the Department of Trans-
20 portation's new headquarters building and related serv-
21 ices, \$45,000,000, to remain available until expended.

22 FEDERAL AVIATION ADMINISTRATION

23 OPERATIONS

24 For necessary expenses of the Federal Aviation Ad-
25 ministration, not otherwise provided for, including oper-

1 ations and research activities related to commercial space
2 transportation, administrative expenses for research and
3 development, establishment of air navigation facilities, the
4 operation (including leasing) and maintenance of aircraft,
5 subsidizing the cost of aeronautical charts and maps sold
6 to the public, lease or purchase of passenger motor vehi-
7 cles for replacement only, in addition to amounts made
8 available by Public Law 104–264, \$7,532,000,000, of
9 which \$6,000,000,000 shall be derived from the Airport
10 and Airway Trust Fund, of which not to exceed
11 \$6,076,724,000 shall be available for air traffic services
12 program activities; not to exceed \$870,505,000 shall be
13 available for aviation regulation and certification program
14 activities; not to exceed \$218,481,000 shall be available
15 for research and acquisition program activities; not to ex-
16 ceed \$11,776,000 shall be available for commercial space
17 transportation program activities; not to exceed
18 \$49,783,000 shall be available for financial services pro-
19 gram activities; not to exceed \$75,367,000 shall be avail-
20 able for human resources program activities; not to exceed
21 \$87,749,000 shall be available for regional coordination
22 program activities; not to exceed \$140,429,000 shall be
23 available for staff offices; and not to exceed \$29,681,000
24 shall be available for information services: *Provided*, That
25 none of the funds in this Act shall be available for the

1 Federal Aviation Administration to finalize or implement
2 any regulation that would promulgate new aviation user
3 fees not specifically authorized by law after the date of
4 the enactment of this Act: *Provided further*, That there
5 may be credited to this appropriation funds received from
6 States, counties, municipalities, foreign authorities, other
7 public authorities, and private sources, for expenses in-
8 curred in the provision of agency services, including re-
9 cepts for the maintenance and operation of air navigation
10 facilities, and for issuance, renewal or modification of cer-
11 tificates, including airman, aircraft, and repair station cer-
12 tificates, or for tests related thereto, or for processing
13 major repair or alteration forms: *Provided further*, That
14 of the funds appropriated under this heading, not less
15 than \$7,500,000 shall be for the contract tower cost-shar-
16 ing program: *Provided further*, That funds may be used
17 to enter into a grant agreement with a nonprofit standard-
18 setting organization to assist in the development of avia-
19 tion safety standards: *Provided further*, That none of the
20 funds in this Act shall be available for new applicants for
21 the second career training program: *Provided further*,
22 That none of the funds in this Act shall be available for
23 paying premium pay under 5 U.S.C. 5546(a) to any Fed-
24 eral Aviation Administration employee unless such em-
25 ployee actually performed work during the time cor-

1 responding to such premium pay: *Provided further*, That
2 none of the funds in this Act may be obligated or expended
3 to operate a manned auxiliary flight service station in the
4 contiguous United States: *Provided further*, That none of
5 the funds in this Act for aeronautical charting and cartog-
6 raphy are available for activities conducted by, or coordi-
7 nated through, the Working Capital Fund: *Provided fur-*
8 *ther*, That of the amount appropriated under this heading,
9 not to exceed \$50,000 may be transferred to the Aircraft
10 Loan Purchase Guarantee Program: *Provided further*,
11 That not later than March 1, 2004, the Secretary of
12 Transportation, in consultation with the Administrator of
13 the Federal Aviation Administration, shall issue final reg-
14 ulations, pursuant to 5 U.S.C. 8335, establishing an ex-
15 emption process allowing individual air traffic controllers
16 to delay mandatory retirement until the employee reaches
17 no later than 61 years of age: *Provided further*, That of
18 the funds provided under this heading, \$4,000,000 is
19 available only for recruitment, personnel compensation
20 and benefits, and related costs to raise the level of oper-
21 ational air traffic control supervisors to the level of 1,726:
22 *Provided further*, That none of the funds in this Act may
23 be obligated or expended to execute or continue to imple-
24 ment a memorandum of understanding or memorandum
25 of agreement (or any revisions thereto) with representa-

1 tives of any FAA bargaining unit unless such document
2 is filed in a central registry and catalogued in an auto-
3 mated, searchable database under the executive direction
4 of appropriate management representatives at FAA head-
5 quarters: *Provided further*, That none of the funds in this
6 Act may be obligated or expended for an employee of the
7 Federal Aviation Administration to purchase a store gift
8 card or gift certificate through use of a government-issued
9 credit card.

10 PAYMENTS TO AIR CARRIERS

11 (AIRPORT AND AIRWAY TRUST FUND)

12 For necessary expenses to carry out the essential air
13 service program pursuant to 49 U.S.C. 41742(a),
14 \$63,000,000, to be derived from the airport and airway
15 trust fund and to be available until expended.

16 FACILITIES AND EQUIPMENT

17 (AIRPORT AND AIRWAY TRUST FUND)

18 For necessary expenses, not otherwise provided for,
19 for acquisition, establishment, technical support services,
20 improvement by contract or purchase, and hire of air navi-
21 gation and experimental facilities and equipment, as au-
22 thorized under part A of subtitle VII of title 49, United
23 States Code, including initial acquisition of necessary sites
24 by lease or grant; engineering and service testing, includ-
25 ing construction of test facilities and acquisition of nec-

1 essary sites by lease or grant; construction and furnishing
2 of quarters and related accommodations for officers and
3 employees of the Federal Aviation Administration sta-
4 tioned at remote localities where such accommodations are
5 not available; and the purchase, lease, or transfer of air-
6 craft from funds available under this heading; to be de-
7 rived from the Airport and Airway Trust Fund,
8 \$2,900,000,000, of which \$2,479,158,800 shall remain
9 available until September 30, 2006, and of which
10 \$420,841,200 shall remain available until September 30,
11 2004: *Provided*, That there may be credited to this appro-
12 priation funds received from States, counties, municipali-
13 ties, other public authorities, and private sources, for ex-
14 penses incurred in the establishment and modernization
15 of air navigation facilities: *Provided further*, That upon ini-
16 tial submission to the Congress of the fiscal year 2005
17 President’s budget, the Secretary of Transportation shall
18 transmit to the Congress a comprehensive capital invest-
19 ment plan for the Federal Aviation Administration which
20 includes funding for each budget line item for fiscal years
21 2005 through 2009, with total funding for each year of
22 the plan constrained to the funding targets for those years
23 as estimated and approved by the Office of Management
24 and Budget: *Provided further*, That of the funds provided
25 for “In-plant NAS contract support services”, \$7,000,000

1 is only for contract audit services provided by the Defense
2 Contract Audit Agency: *Provided further*, That of the
3 funds provided under this heading, \$20,000,000 is avail-
4 able only for the Houston Area Air Traffic System: *Pro-*
5 *vided further*, That none of the funds in this Act may be
6 obligated or expended to implement section 106 of H.R.
7 2115, as passed the House of Representatives on June 12,
8 2003.

9 RESEARCH, ENGINEERING, AND DEVELOPMENT

10 (AIRPORT AND AIRWAY TRUST FUND)

11 For necessary expenses, not otherwise provided for,
12 for research, engineering, and development, as authorized
13 under part A of subtitle VII of title 49, United States
14 Code, including construction of experimental facilities and
15 acquisition of necessary sites by lease or grant,
16 \$108,000,000, to be derived from the Airport and Airway
17 Trust Fund and to remain available until September 30,
18 2006: *Provided*, That there may be credited to this appro-
19 priation funds received from States, counties, municipali-
20 ties, other public authorities, and private sources, for ex-
21 penses incurred for research, engineering, and develop-
22 ment.

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

5 For liquidation of obligations incurred for grants-in-
6 aid for airport planning and development, and noise com-
7 patibility planning and programs as authorized under sub-
8 chapter I of chapter 471 and subchapter I of chapter 475
9 of title 49, United States Code, and under other law au-
10 thorizing such obligations; for procurement, installation,
11 and commissioning of runway incursion prevention devices
12 and systems at airports of such title; for implementation
13 of section 203 of Public Law 106–181; and for inspection
14 activities and administration of airport safety programs,
15 including those related to airport operating certificates
16 under 49 U.S.C. 44706, \$3,425,000,000, to be derived
17 from the Airport and Airway Trust Fund and to remain
18 available until expended: *Provided*, That none of the funds
19 under this heading shall be available for the planning or
20 execution of programs the obligations for which are in ex-
21 cess of \$3,425,000,000 in fiscal year 2004, notwith-
22 standing 49 U.S.C. 47117(g): *Provided further*, That not-
23 withstanding any other provision of law, not more than
24 \$64,904,000 of funds limited under this heading shall be
25 obligated for administration and not less than

1 \$20,000,000 shall be for the Small Community Air Service
2 Development Pilot Program.

3 GENERAL PROVISIONS—FEDERAL AVIATION

4 ADMINISTRATION

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

17 SEC. 102. None of the funds in this Act may be used
18 to compensate in excess of 350 technical staff-years under
19 the federally funded research and development center con-
20 tract between the Federal Aviation Administration and the
21 Center for Advanced Aviation Systems Development dur-
22 ing fiscal year 2004.

23 SEC. 103. None of the funds made available in this
24 Act may be used for engineering work related to an addi-

1 tional runway at Louis Armstrong New Orleans Inter-
2 national Airport.

3 SEC. 104. None of the funds in this Act shall be used
4 to pursue or adopt guidelines or regulations requiring air-
5 port sponsors to provide to the Federal Aviation Adminis-
6 tration without cost building construction, maintenance,
7 utilities and expenses, or space in airport sponsor-owned
8 buildings for services relating to air traffic control, air
9 navigation, or weather reporting: *Provided*, That the pro-
10 hibition of funds in this section does not apply to negotia-
11 tions between the agency and airport sponsors to achieve
12 agreement on “below-market” rates for these items or to
13 grant assurances that require airport sponsors to provide
14 land without cost to the FAA for air traffic control facili-
15 ties.

16 SEC. 105. For an airport project that the Adminis-
17 trator of the Federal Aviation Administration (FAA) de-
18 termines will add critical airport capacity to the national
19 air transportation system, the Administrator is authorized
20 to accept funds from an airport sponsor, including entitle-
21 ment funds provided under the “Grants-in-Aid for Air-
22 ports” program, for the FAA to hire additional staff or
23 obtain the services of consultants: *Provided*, That the Ad-
24 ministrator is authorized to accept and utilize such funds
25 only for the purpose of facilitating the timely processing,

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

3 SEC. 106. None of the funds appropriated or limited
4 by this Act may be used to change weight restrictions or
5 prior permission rules at Teterboro Airport in Teterboro,
6 New Jersey.

7 SEC. 107. Notwithstanding any other provision of
8 law, funds appropriated for official travel by Federal de-
9 partments and agencies may be used by such departments
10 and agencies, if consistent with Office of Management and
11 Budget circular A-126 regarding official travel for Gov-
12 ernment personnel, to participate in the fractional aircraft
13 ownership pilot program.

14 FEDERAL HIGHWAY ADMINISTRATION

15 LIMITATION ON ADMINISTRATIVE EXPENSES

16 Necessary expenses for administration and operation
17 of the Federal Highway Administration, not to exceed
18 \$359,458,000, shall be paid in accordance with law from
19 appropriations made available by this Act to the Federal
20 Highway Administration together with advances and reim-
21 bursements received by the Federal Highway Administra-
22 tion.

1 FEDERAL-AID HIGHWAYS
2 (LIMITATION ON OBLIGATIONS)
3 (HIGHWAY TRUST FUND)

4 None of the funds in this Act shall be available for
5 the implementation or execution of programs, the obliga-
6 tions for which are in excess of \$33,385,000,000 for Fed-
7 eral-aid highways and highway safety construction pro-
8 grams for fiscal year 2004: *Provided*, That within the
9 \$33,385,000,000 obligation limitation on Federal-aid
10 highways and highway safety construction programs, not
11 more than \$462,500,000 shall be available for the imple-
12 mentation or execution of programs for transportation re-
13 search (sections 502, 503, 504, 506, 507, and 508 of title
14 23, United States Code, as amended; section 5505 of title
15 49, United States Code, as amended; and sections 5112
16 and 5204–5209 of Public Law 105–178) for fiscal year
17 2004: *Provided further*, That this limitation on transpor-
18 tation research programs shall not apply to any authority
19 previously made available for obligation.

20 FEDERAL-AID HIGHWAYS
21 (LIQUIDATION OF CONTRACT AUTHORIZATION)
22 (HIGHWAY TRUST FUND)

23 For carrying out the provisions of title 23, United
24 States Code, that are attributable to Federal-aid high-
25 ways, including the National Scenic and Recreational
26 Highway as authorized by 23 U.S.C. 148, not otherwise

1 provided, including reimbursement for sums expended
2 pursuant to the provisions of 23 U.S.C. 308,
3 \$34,000,000,000 or so much thereof as may be available
4 in and derived from the Highway Trust Fund, to remain
5 available until expended.

6 (RESCISSION)

7 Of the unobligated balances of funds apportioned to
8 each state under the program authorized under sections
9 1101(a)(1), 1101(a)(2), and 1101(a)(3), 1101(a)(4), and
10 1101(a)(5) of Public Law 105–178, as amended,
11 \$137,000,000 are rescinded.

12 FEDERAL-AID HIGHWAYS

13 (HIGHWAY TRUST FUND)

14 For an additional amount for Federal-aid highways
15 and highway safety construction programs pursuant to
16 title 23, United States Code, \$400,000,000, to be derived
17 from the Highway Trust Fund (other than the Mass Tran-
18 sit Account) and to remain available until expended: *Pro-*
19 *vided*, That amounts under this heading shall be distrib-
20 uted in the same manner as if made available under 23
21 U.S.C. 110: *Provided further*, That the amounts under this
22 heading shall not be subject to, or computed against, any
23 obligation limitation or contract authority set forth in this
24 Act or any other Act: *Provided further*, That, before such
25 allocation and distribution are made, \$133,450,000 shall
26 be retained for surface transportation projects.

1 GENERAL PROVISIONS—FEDERAL HIGHWAY

2 ADMINISTRATION

3 SEC. 110. (a) For fiscal year 2004, the Secretary of
4 Transportation shall—

5 (1) not distribute from the obligation limitation
6 for Federal-aid Highways amounts authorized for
7 administrative expenses and programs funded from
8 the administrative takedown authorized by section
9 104(a)(1)(A) of title 23, United States Code, for the
10 highway use tax evasion program, and for the Bu-
11 reau of Transportation Statistics;

12 (2) not distribute an amount from the obliga-
13 tion limitation for Federal-aid Highways that is
14 equal to the unobligated balance of amounts made
15 available from the Highway Trust Fund (other than
16 the Mass Transit Account) for Federal-aid highways
17 and highway safety programs for the previous fiscal
18 year the funds for which are allocated by the Sec-
19 retary;

20 (3) determine the ratio that—

21 (A) the obligation limitation for Federal-
22 aid Highways less the aggregate of amounts not
23 distributed under paragraphs (1) and (2), bears
24 to

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

12 (4) distribute the obligation limitation for Fed-
13 eral-aid Highways less the aggregate amounts not
14 distributed under paragraphs (1) and (2) for section
15 201 of the Appalachian Regional Development Act
16 of 1965, and \$2,000,000,000 for such fiscal year
17 under section 105 of title 23, United States Code
18 (relating to minimum guarantee) so that the amount
19 of obligation authority available for each of such sec-
20 tions is equal to the amount determined by multi-
21 plying the ratio determined under paragraph (3) by
22 the sums authorized to be appropriated for such sec-
23 tion (except in the case of section 105,
24 \$2,000,000,000) for such fiscal year;

1 (5) distribute the obligation limitation provided
2 for Federal-aid Highways less the aggregate
3 amounts not distributed under paragraphs (1) and
4 (2) and amounts distributed under paragraph (4)
5 for each of the programs that are allocated by the
6 Secretary under title 23, United States Code (other
7 than activities to which paragraph (1) applies and
8 programs to which paragraph (4) applies) by multi-
9 plying the ratio determined under paragraph (3) by
10 the sums authorized to be appropriated for such pro-
11 gram for such fiscal year; and

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

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

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

7 (b) The obligation limitation for Federal-aid High-
8 ways shall not apply to obligations: (1) under section 125
9 of title 23, United States Code; (2) under section 147 of
10 the Surface Transportation Assistance Act of 1978; (3)
11 under section 9 of the Federal-Aid Highway Act of 1981;
12 (4) under sections 131(b) and 131(j) of the Surface
13 Transportation Assistance Act of 1982; (5) under sections
14 149(b) and 149(c) of the Surface Transportation and Uni-
15 form Relocation Assistance Act of 1987; (6) under sec-
16 tions 1103 through 1108 of the Intermodal Surface
17 Transportation Efficiency Act of 1991; (7) under section
18 157 of title 23, United States Code, as in effect on the
19 day before the date of the enactment of the Transpor-
20 tation Equity Act for the 21st Century; and (8) under sec-
21 tion 105 of title 23, United States Code (but, only in an
22 amount equal to \$639,000,000 for such fiscal year).

23 (c) Notwithstanding subsection (a), the Secretary
24 shall after August 1 for such fiscal year revise a distribu-
25 tion of the obligation limitation made available under sub-

1 section (a) if a State will not obligate the amount distrib-
2 uted during that fiscal year and redistribute sufficient
3 amounts to those States able to obligate amounts in addi-
4 tion to those previously distributed during that fiscal year
5 giving priority to those States having large unobligated
6 balances of funds apportioned under sections 104 and 144
7 of title 23, United States Code, section 160 (as in effect
8 on the day before the enactment of the Transportation Eq-
9 uity Act for the 21st Century) of title 23, United States
10 Code, and under section 1015 of the Intermodal Surface
11 Transportation Efficiency Act of 1991 (105 Stat. 1943–
12 1945).

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

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

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

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

16 SEC. 111. Notwithstanding any other provision of
17 law, whenever an allocation is made of the sums author-
18 ized to be appropriated for expenditure on the Federal
19 lands highway program, and whenever an apportionment
20 is made of the sums authorized to be appropriated for ex-
21 penditure on the surface transportation program, the con-
22 gestion mitigation and air quality improvement program,
23 the National Highway System, the Interstate maintenance
24 program, the bridge program, the Appalachian develop-
25 ment highway system, and the minimum guarantee pro-

1 gram, the Secretary of Transportation shall deduct a sum
2 in such amount not to exceed 1.35 percent of all sums
3 so made available, as the Secretary determines necessary
4 to administer the provisions of law to be financed from
5 appropriations for the programs authorized under chap-
6 ters 1 and 2 of title 23, United States Code, and to make
7 transfers in accordance with section 104(a)(1)(A)(ii) of
8 title 23, United States Code: *Provided*, That any deduction
9 by the Secretary of Transportation in accordance with this
10 subsection shall be deemed to be a deduction under section
11 104(a)(1)(A) of title 23, United States Code, and the sum
12 so deducted shall remain available until expended.

13 SEC. 112. Notwithstanding 31 U.S.C. 3302, funds re-
14 ceived by the Bureau of Transportation Statistics from the
15 sale of data products, for necessary expenses incurred pur-
16 suant to 49 U.S.C. 111 may be credited to the Federal-
17 aid highways account for the purpose of reimbursing the
18 Bureau for such expenses: *Provided*, That such funds shall
19 be subject to the obligation limitation for Federal-aid
20 highways and highway safety construction.

21 SEC. 113. Notwithstanding any other provision of
22 law:

23 (1) Section 1105(c) of the Intermodal Surface
24 Transportation Efficiency Act of 1991 (105 Stat.
25 2032; 112 Stat. 191; 115 Stat. 871) is amended—

1 (A) in paragraph (42), by striking “Ful-
2 ton, Mississippi,” the first time that it appears
3 and all that follows to the end of the paragraph
4 and inserting “Fulton, Mississippi.”; and

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

6 “(45) The United States Route 78 Corridor
7 from Memphis, Tennessee, to Corridor X of the Ap-
8 palachian development highway system near Fulton,
9 Mississippi, and Corridor X of the Appalachian de-
10 velopment highway system extending from near Ful-
11 ton, Mississippi, to near Birmingham, Alabama.”.

12 (2) Section 1105(e)(5) of the Intermodal Sur-
13 face Transportation Efficiency Act of 1991 (105
14 Stat. 2032; 115 Stat. 872) is amended—

15 (A) in subparagraph (A) by striking “(A)
16 IN GENERAL.—The portions” and all that fol-
17 lows through the end of the first sentence and
18 inserting:

19 “(A) IN GENERAL.—The portions of the
20 routes referred to in subsection (c)(1), sub-
21 section (c)(3) (relating solely to the Kentucky
22 Corridor), clauses (i), (ii), and (except with re-
23 spect to Georgetown County) (iii) of subsection
24 (c)(5)(B), subsection (c)(9), subsections (c)(18)
25 and (c)(20), subsection (c)(36), subsection

1 (c)(37), subsection (c)(40), subsection (c)(42),
2 and subsection (c)(45) that are not a part of
3 the Interstate System are designated as future
4 parts of the Interstate System.”; and

5 (B) by adding the following at the end of
6 subparagraph (B)(i): “The route referred to in
7 subsection (c)(45) is designated as Interstate
8 Route I–22.”.

9 SEC. 114. None of the funds limited or made avail-
10 able in this Act shall be available to carry out 23 U.S.C.
11 133(d)(2).

12 SEC. 115. Notwithstanding any other provision of
13 law, in section 1602 of the Transportation Equity Act for
14 the 21st Century—

15 (1) item number 230 is amended by striking
16 “Monroe County transportation improvements on
17 Long Pond Road, Pattonwood Road, and Lyell
18 road” and inserting “Route 531/Brockport-Roch-
19 ester Corridor in Monroe County, New York”.

20 (2) Item number 1149 is amended by striking
21 “Traffic Mitigation Project on William Street and
22 Losson Road in Cheektowaga” and inserting “Study
23 and implement mitigation and diversion options for
24 William Street and Broadway Street in
25 Cheektowaga, I–90 Corridor Study; Interchange 53

1 to Interchange 49, PIN 552830 and Cheektowaga
2 Rails to Trails, PIN 575508”.

3 (3) Item number 476 is amended by striking
4 “Expand Perkins Road in Baton Rouge” and insert-
5 ing “Feasibility study, design, and construction of a
6 connector between Louisiana Highway 1026 and I-
7 12 in Livingston Parish”.

8 (4) Item 4 of the table contained in section
9 1602 of the Transportation Equity Act for the 21st
10 Century, relating to construction of a bike path in
11 Michigan, is amended by striking “between Mount
12 Clemens and New Baltimore” and inserting “for the
13 Macomb Orchard Trail in Macomb County”.

14 SEC. 116. Intelligent Transportation Systems appro-
15 priations made to the State of Wisconsin in Public Law
16 105–277, Public Law 106–69, and Public Law 107–87
17 shall not be subject to the limitations of Public Law 105–
18 178, sec. 5208(d), 23 U.S.C. sec. 502 (Notes).

19 SEC. 117. Notwithstanding Public Law 105–178, sec.
20 5208(d), Intelligent Transportation Systems appropria-
21 tions for—

22 (1) Wausau-Stevens Point-Wisconsin Rapids,
23 Wisconsin, in Public Law 105–277 and Public Law
24 106–69 shall be available for use in the counties of
25 Ashland, Barron, Bayfield, Burnett, Chippewa,

1 Douglas, Iron, Lincoln, Marathon, Polk, Portage,
2 Price, Rusk, Sawyer, Taylor, Washburn, Wood,
3 Clark, Langlade, and Oneida; and

4 (2) the City of Superior and Douglas County,
5 Wisconsin, in Public Law 106–69 shall be available
6 for use in the City of Superior and northern Wis-
7 consin.

8 SEC. 118. Notwithstanding any other provision of
9 law, for the purpose of assisting in the development, con-
10 struction and financing of additional improvements to the
11 Alameda Corridor, including construction of a truck ex-
12 pressway or other enhancements, the Secretary of Trans-
13 portation shall modify the loan agreement entered into
14 with the Alameda Corridor Transportation Authority pur-
15 suant to Public Law 104–208 to revise the interest rate
16 to equal the average yield, as of the date of modification
17 of the loan agreement, on marketable Treasury securities
18 of similar maturity to the expected remaining average life
19 of the loan: *Provided*, That notwithstanding any other pro-
20 vision of law, such modification shall be deemed to be eligi-
21 ble under section 184 of title 23, United States Code, and
22 shall be funded under section 188 of title 23, United
23 States Code: *Provided further*, That the Secretary may re-
24 vise the interest rate or modify other terms of the existing
25 loan agreement to the extent that the marginal budgetary

1 costs, if any, of such modifications do not exceed
2 \$80,000,000 and are funded under section 188 of title 23,
3 United States Code.

4 SEC. 119. (a) IN GENERAL.—As soon as practicable
5 after the date of enactment of this Act, the Secretary of
6 Transportation shall enter into an agreement with the
7 State of Nevada, the State of Arizona, or both, to provide
8 a method of funding for construction of a Hoover Dam
9 Bypass Bridge from funds allocated for the Federal Lands
10 Highway Program under section 202(b) of title 23, United
11 States Code.

12 (b) METHODS OF FUNDING.—

13 (1) The agreement entered into under sub-
14 section (a) shall provide for funding in a manner
15 consistent with the advance construction and debt
16 instrument financing procedures for Federal-aid
17 highways set forth in section 115 and 122 of title
18 23, except that the funding source may include
19 funds made available under the Federal Lands
20 Highway Program.

21 (2) Eligibility for funding under this subsection
22 shall not be construed as a commitment, guarantee,
23 or obligation on the part of the United States to
24 provide for payment of principal or interest of an eli-
25 gible debt financing instrument as so defined in sec-

1 tion 122, nor create a right of a third party against
2 the United States for payment under an eligible debt
3 financing instrument. The agreement entered into
4 pursuant to subsection (a) shall make specific ref-
5 erence to this provision of law.

6 (3) The provisions of this section do not limit
7 the use of other available funds for which the project
8 referenced in subsection (a) is eligible.

9 **FEDERAL MOTOR CARRIER SAFETY**

10 **ADMINISTRATION**

11 **MOTOR CARRIER SAFETY**

12 (LIMITATION ON ADMINISTRATIVE EXPENSES)

13 (HIGHWAY TRUST FUND)

14 For necessary expenses for administration of motor
15 carrier safety programs and motor carrier safety research,
16 pursuant to section 104(a)(1)(B) of title 23, United States
17 Code, not to exceed \$236,753,000 shall be paid in accord-
18 ance with law from appropriations made available by this
19 Act and from any available take-down balances to the Fed-
20 eral Motor Carrier Safety Administration, together with
21 advances and reimbursements received by the Federal
22 Motor Carrier Safety Administration: *Provided*, That such
23 amounts shall be available to carry out the functions and
24 operations of the Federal Motor Carrier Safety Adminis-
25 tration.

1 NATIONAL MOTOR CARRIER SAFETY PROGRAM

2 (LIQUIDATION OF CONTRACT AUTHORIZATION)

3 (LIMITATION ON OBLIGATIONS)

4 (HIGHWAY TRUST FUND)

5 Notwithstanding any other provision of law, for pay-
6 ment of obligations incurred in carrying out 49 U.S.C.
7 31102, 31106 and 31309, \$190,000,000, to be derived
8 from the Highway Trust Fund and to remain available
9 until expended: *Provided*, That none of the funds in this
10 Act shall be available for the implementation or execution
11 of programs the obligations for which are in excess of
12 \$190,000,000 for “Motor Carrier Safety Grants” and “In-
13 formation Systems”.

14 BORDER ENFORCEMENT PROGRAM

15 (HIGHWAY TRUST FUND)

16 For necessary expenses to continue the Border En-
17 forcement Program authorized under section 350 of the
18 Department of Transportation and Related Agencies Ap-
19 propriations Act, 2002, \$47,000,000, to be derived from
20 the Highway Trust Fund (other than the Mass Transit
21 Account) and to remain available until expended.

22 GENERAL PROVISIONS—FEDERAL MOTOR CARRIER

23 SAFETY ADMINISTRATION

24 SEC. 130. Notwithstanding any other provision of
25 law, whenever an allocation is made of the sums author-
26 ized to be appropriated for expenditure on the Federal

1 lands highway program, and whenever an apportionment
2 is made of the sums authorized to be appropriated for ex-
3 penditure on the surface transportation program, the con-
4 gestion mitigation and air quality improvement program,
5 the National Highway System, the Interstate maintenance
6 program, the bridge program, the Appalachian develop-
7 ment highway system, and the minimum guarantee pro-
8 gram, the Secretary of Transportation shall deduct a sum
9 in such amount not to exceed .90 percent of all sums so
10 made available, as the Secretary determines necessary, to
11 administer the provisions of law to be financed from ap-
12 propriations for motor carrier safety programs and motor
13 carrier safety research: *Provided*, That any deduction by
14 the Secretary of Transportation in accordance with this
15 subsection shall be deemed to be a deduction under section
16 104(a)(1)(B) of title 23, United States Code, and the sum
17 so deducted shall remain available until expended.

18 SEC. 131. None of the funds appropriated, limited,
19 or made available in this Act shall be used to implement
20 or enforce any provision of the Final Rule issued on April
21 16, 2003 (Docket No. FMCSA–97–2350) as it applies to
22 operators of utility service vehicles as defined in 49 CFR
23 section 395.2.

24 SEC. 132. Funds appropriated or limited in this Act
25 shall be subject to the terms and conditions stipulated in

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

6 NATIONAL HIGHWAY TRAFFIC SAFETY

7 ADMINISTRATION

8 OPERATIONS AND RESEARCH

9 For expenses necessary to discharge the functions of
10 the Secretary, with respect to traffic and highway safety
11 under chapter 301 of title 49, United States Code, and
12 part C of subtitle VI of title 49, United States Code,
13 \$206,178,000, of which \$171,110,000 shall remain avail-
14 able until September 30, 2006: *Provided*, That none of the
15 funds appropriated by this Act may be obligated or ex-
16 pended to plan, finalize, or implement any rulemaking to
17 add to section 575.104 of title 49 of the Code of Federal
18 Regulations any requirement pertaining to a grading
19 standard that is different from the three grading stand-
20 ards (treadwear, traction, and temperature resistance) al-
21 ready in effect.

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

5 For payment of obligations incurred in carrying out
6 the provisions of 23 U.S.C. 403, to remain available until
7 expended, \$72,000,000, to be derived from the Highway
8 Trust Fund: *Provided*, That none of the funds in this Act
9 shall be available for the planning or execution of pro-
10 grams the total obligations for which, in fiscal year 2004,
11 are in excess of \$72,000,000 for programs authorized
12 under 23 U.S.C. 403.

13 NATIONAL DRIVER REGISTER
14 (HIGHWAY TRUST FUND)

15 For expenses necessary to discharge the functions of
16 the Secretary with respect to the National Driver Register
17 under chapter 303 of title 49, United States Code,
18 \$3,600,000, to be derived from the Highway Trust Fund,
19 and to remain available until expended.

20 HIGHWAY TRAFFIC SAFETY GRANTS
21 (LIQUIDATION OF CONTRACT AUTHORIZATION)
22 (LIMITATION ON OBLIGATIONS)
23 (HIGHWAY TRUST FUND)

24 Notwithstanding any other provision of law, for pay-
25 ment of obligations incurred in carrying out the provisions
26 of 23 U.S.C. 402, 405, and 410, to remain available until

1 expended, \$225,000,000, to be derived from the Highway
2 Trust Fund: *Provided*, That none of the funds in this Act
3 shall be available for the planning or execution of pro-
4 grams the total obligations for which, in fiscal year 2004,
5 are in excess of \$225,000,000 for programs authorized
6 under 23 U.S.C. 402, 405, and 410, of which
7 \$165,000,000 shall be for “Highway Safety Programs”
8 under 23 U.S.C. 402, \$20,000,000 shall be for “Occupant
9 Protection Incentive Grants” under 23 U.S.C. 405, and
10 \$40,000,000 shall be for “Alcohol-Impaired Driving Coun-
11 termeasures Grants” under 23 U.S.C. 410: *Provided fur-*
12 *ther*, That none of these funds shall be used for construc-
13 tion, rehabilitation, or remodeling costs, or for office fur-
14 nishings and fixtures for State, local, or private buildings
15 or structures: *Provided further*, That not to exceed
16 \$8,150,000 of the funds made available for section 402,
17 not to exceed \$1,000,000 of the funds made available for
18 section 405, and not to exceed \$2,000,000 of the funds
19 made available for section 410 shall be available to
20 NHTSA for administering highway safety grants under
21 chapter 4 of title 23, United States Code: *Provided further*,
22 That not to exceed \$2,600,000 of the funds made available
23 for section 157, and \$2,600,000 of the funds made avail-
24 able for section 163, shall be available to NHTSA for ad-
25 ministering highway safety grants under chapter 1 of title

1 23, United States Code: *Provided further*, That not to ex-
2 ceed \$500,000 of the funds made available for section 410
3 “Alcohol-Impaired Driving Countermeasures Grants”
4 shall be available for technical assistance to the States.

5 GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC
6 SAFETY ADMINISTRATION

7 SEC. 140. Notwithstanding any other provision of
8 law, States may use funds provided in this Act under sec-
9 tion 402 of title 23, United States Code, to produce and
10 place highway safety public service messages in television,
11 radio, cinema, and print media, and on the Internet in
12 accordance with guidance issued by the Secretary of
13 Transportation: *Provided*, That any state that uses funds
14 for such public service messages shall submit to the Sec-
15 retary and the House and Senate Committees on Appro-
16 priations a report describing and assessing the effective-
17 ness of the messages: *Provided further*, That \$10,000,000
18 of the funds allocated for innovative seat belt projects
19 under section 157 of title 23, United States Code, and
20 \$12,000,000 of funds allocated under section 163 of title
21 23, United States Code, shall be used as directed by the
22 National Highway Traffic Safety Administrator, to pur-
23 chase advertising in broadcast media to support the na-
24 tional mobilizations conducted in all fifty states, aimed at
25 increasing seat belt use and reducing impaired driving:

1 *Provided further*, That up to \$2,000,000 of the funds allo-
2 cated under section 163 of title 23, United States Code,
3 shall be used by the Administrator to evaluate the effec-
4 tiveness of alcohol-impaired driving programs that pur-
5 chase advertising as provided by this section.

6 SEC. 141. None of the funds made available by this
7 Act may be used for the purpose of enforcing compliance
8 with 49 CFR section 579.24, promulgated by the National
9 Highway Traffic Safety Administration in accordance with
10 section 30166(m) of title 49, United States Code, with re-
11 spect to trailers rated at 26,000 pounds or less gross vehi-
12 cle weight.

13 FEDERAL RAILROAD ADMINISTRATION

14 SAFETY AND OPERATIONS

15 For necessary expenses of the Federal Railroad Ad-
16 ministration, not otherwise provided for, \$130,922,000, of
17 which \$11,712,000 shall remain available until expended.

18 RAILROAD RESEARCH AND DEVELOPMENT

19 For necessary expenses for railroad research and de-
20 velopment, \$28,225,000, to remain available until ex-
21 pended.

1 RAILROAD REHABILITATION AND IMPROVEMENT
2 PROGRAM

3 (LIMITATION ON DIRECT LOANS AND LOAN GUARANTEES)

4 The Secretary of Transportation is authorized to
5 issue to the Secretary of the Treasury notes or other obli-
6 gations pursuant to section 512 of the Railroad Revitaliza-
7 tion and Regulatory Reform Act of 1976 (Public Law 94-
8 210), as amended, in such amounts and at such times as
9 may be necessary to pay any amounts required pursuant
10 to the guarantee of the principal amount of obligations
11 under sections 511 through 513 of such Act, such author-
12 ity to exist as long as any such guaranteed obligation is
13 outstanding: *Provided*, That pursuant to section 502 of
14 such Act, as amended, no new direct loans or loan guar-
15 antee commitments shall be made using Federal funds for
16 the credit risk premium during fiscal year 2004.

17 NEXT GENERATION HIGH-SPEED RAIL

18 For necessary expenses for the Next Generation
19 High-Speed Rail program as authorized under 49 U.S.C.
20 26101 and 26102, \$28,250,000, to remain available until
21 expended.

22 GRANTS TO THE NATIONAL RAILROAD PASSENGER
23 CORPORATION

24 To enable the Secretary of Transportation to make
25 grants to the National Railroad Passenger Corporation,

1 \$900,000,000, to remain available until September 30,
2 2004, including \$400,000,000 for quarterly grants for op-
3 erating expenses, \$373,000,000 for quarterly grants for
4 capital expenses along the Northeast Corridor Mainline,
5 and \$127,000,000 for quarterly grants for general capital
6 improvements: *Provided*, That the Secretary of Transpor-
7 tation shall approve funding to cover operating losses and
8 a long-distance train of the National Railroad Passenger
9 Corporation only after receiving and reviewing a grant re-
10 quest for each specific train route: *Provided further*, That
11 each such grant request shall be accompanied by a de-
12 tailed financial analysis and revenue projection justifying
13 the federal support to the Secretary's satisfaction: *Pro-*
14 *vided further*, That the Secretary of Transportation and
15 the Amtrak Board of Directors shall ensure that, of the
16 amount made available under this heading, sufficient sums
17 are reserved to satisfy the contractual obligations of the
18 National Railroad Passenger Corporation for commuter
19 and intercity passenger rail service: *Provided further*, That
20 within 60 days of enactment of this Act but not later than
21 October 1, 2003, Amtrak shall transmit to the Secretary
22 of Transportation and the House and Senate Committees
23 on Appropriations a business plan for operating and cap-
24 ital improvements to be funded in fiscal year 2004 under
25 section 24104(a) of title 49, United States Code: *Provided*

1 *further*, That the business plan shall include a description
2 of the work to be funded, along with cost estimates and
3 an estimated timetable for completion of the projects cov-
4 ered by this business plan: *Provided further*, That not later
5 than October 1, 2003 and each month thereafter, Amtrak
6 shall submit to the Secretary of Transportation and the
7 House and Senate Committees on Appropriations a sup-
8 plemental report regarding the business plan, which shall
9 describe the work completed to date, any changes to the
10 business plan, and the reasons for such changes: *Provided*
11 *further*, That none of the funds in this Act may be used
12 for operating expenses and capital projects not approved
13 by the Secretary of Transportation nor on the National
14 Railroad Passenger Corporation's fiscal year 2004 busi-
15 ness plan: *Provided further*, That none of the funds under
16 this heading may be obligated or expended until the Na-
17 tional Railroad Passenger Corporation agrees to continue
18 abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and
19 11 of the summary of conditions for the direct loan agree-
20 ment of June 28, 2002, in the same manner as in effect
21 on the date of enactment of this Act.

22 GENERAL PROVISIONS—FEDERAL RAILROAD

23 ADMINISTRATION

24 SEC. 150. To authorize the Surface Transportation
25 Board to direct the continued operation of certain com-

1 muter rail passenger transportation operations in emer-
2 gency situations, and for other purposes:

3 (a) Section 11123 of title 49, United States Code,
4 is amended—

5 (1) in subsection (a)—

6 (A) by inserting “failure of existing com-
7 muter rail passenger transportation operations
8 caused by a cessation of service by the National
9 Railroad Passenger Corporation,” after “ces-
10 sation of operations,”;

11 (B) by striking “or” at the end of para-
12 graph (3);

13 (C) by striking the period at the end of
14 paragraph (4)(C) and inserting “; or”; and

15 (D) by adding at the end the following new
16 paragraph:

17 “(5) in the case of a failure of existing freight
18 or commuter rail passenger transportation oper-
19 ations caused by a cessation of service by the Na-
20 tional Railroad Passenger Corporation, direct the
21 continuation of the operations and dispatching,
22 maintenance, and other necessary infrastructure
23 functions related to the operations.”;

24 (2) in subsection (b)(3)—

1 (A) by striking “When” and inserting “(A)
2 Except as provided in subparagraph (B),
3 when”; and

4 (B) by adding at the end the following new
5 subparagraph:

6 “(B) In the case of a failure of existing freight or
7 commuter rail passenger transportation operations caused
8 by a cessation of service by the National Railroad Pas-
9 senger Corporation, the Board shall provide funding to
10 fully reimburse the directed service provider for its costs
11 associated with the activities directed under subsection
12 (a), including the payment of increased insurance pre-
13 miums. The Board shall order complete indemnification
14 against any and all claims associated with the provision
15 of service to which the directed rail carrier may be ex-
16 posed.”;

17 (3) by adding the following new paragraph at
18 the end of subsection (c):

19 “(4) In the case of a failure of existing freight or
20 commuter rail passenger transportation operations caused
21 by cessation of service by the National Railroad Passenger
22 Corporation, the Board may not direct a rail carrier to
23 undertake activities under subsection (a) to continue such
24 operations unless—

1 “(A) the Board first affirmatively finds that the
2 rail carrier is operationally capable of conducting the
3 directed service in a safe and efficient manner; and

4 “(B) the funding for such directed service re-
5 quired by subparagraph (B) of subsection (b)(3) is
6 provided in advance in appropriations Acts.”; and

7 (4) by adding at the end the following new sub-
8 sections:

9 “(e) For purposes of this section, the National Rail-
10 road Passenger Corporation and any entity providing com-
11 muter rail passenger transportation shall be considered
12 rail carriers subject to the Board’s jurisdiction.

13 “(f) For purposes of this section, the term ‘commuter
14 rail passenger transportation’ has the meaning given that
15 term in section 24102(4).”.

16 (b) Section 24301(c) of title 49, United States Code,
17 is amended by inserting “11123,” after “except for sec-
18 tions”.

19 FEDERAL TRANSIT ADMINISTRATION

20 ADMINISTRATIVE EXPENSES

21 For necessary administrative expenses of the Federal
22 Transit Administration’s programs, \$14,500,000: *Pro-*
23 *vided*, That no more than \$72,500,000 of budget authority
24 shall be available for these purposes: *Provided further*,
25 That of the funds available not to exceed \$948,000 shall

1 be available for the Office of the Administrator; not to
2 exceed \$6,126,000 shall be available for the Office of Ad-
3 ministration; not to exceed \$3,848,000 shall be available
4 for the Office of the Chief Counsel; not to exceed
5 \$1,067,000 shall be available for the Office of Commu-
6 nication and Congressional Affairs; not to exceed
7 \$7,303,000 shall be available for the Office of Program
8 Management; not to exceed \$6,027,000 shall be available
9 for the Office of Budget and Policy; not to exceed
10 \$4,328,000 shall be available for the Office of Demonstra-
11 tion and Innovation; not to exceed \$2,657,000 shall be
12 available for the Office of Civil Rights; not to exceed
13 \$3,732,000 shall be available for the Office of Planning;
14 not to exceed \$17,697,000 shall be available for regional
15 offices; and not to exceed \$16,567,000 shall be available
16 for the central account: *Provided further*, That the Admin-
17 istrator is authorized to transfer funds appropriated for
18 an office of the Federal Transit Administration: *Provided*
19 *further*, That no appropriation for an office shall be in-
20 creased or decreased by more than 3 percent by all such
21 transfers: *Provided further*, That any change in funding
22 greater than 3 percent shall be submitted for approval to
23 the House and Senate Committees on Appropriations:
24 *Provided further*, That not to exceed \$1,000,000 shall be
25 available for travel expenses: *Provided further*, That of the

1 funds in this Act available for the execution of contracts
2 under section 5327(c) of title 49, United States Code,
3 \$2,000,000 shall be reimbursed to the Department of
4 Transportation's Office of Inspector General for costs as-
5 sociated with audits and investigations of transit-related
6 issues, including reviews of new fixed guideway systems:
7 *Provided further*, That not to exceed \$2,200,000 for the
8 National transit database shall remain available until ex-
9 pended.

10 FORMULA GRANTS

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses to carry out 49 U.S.C. 5307,
13 5308, 5310, 5311, 5327, and section 3038 of Public Law
14 105–178, \$767,800,000, to remain available until ex-
15 pended: *Provided*, That no more than \$3,839,000,000 of
16 budget authority shall be available for these purposes: *Pro-*
17 *vided further*, That notwithstanding section 3008 of Public
18 Law 105–178, \$50,000,000 of the funds to carry out 49
19 U.S.C. 5308 shall be transferred to and merged with fund-
20 ing provided for the replacement, rehabilitation, and pur-
21 chase of buses and related equipment and the construction
22 of bus-related facilities under “Federal Transit Adminis-
23 tration, Capital investment grants”.

1 UNIVERSITY TRANSPORTATION RESEARCH

2 For necessary expenses to carry out 49 U.S.C. 5505,
3 \$1,200,000, to remain available until expended: *Provided*,
4 That no more than \$6,000,000 of budget authority shall
5 be available for these purposes.

6 TRANSIT PLANNING AND RESEARCH

7 For necessary expenses to carry out 49 U.S.C. 5303,
8 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and
9 5322, \$24,200,000, to remain available until expended:
10 *Provided*, That no more than \$122,000,000 of budget au-
11 thority shall be available for these purposes: *Provided fur-*
12 *ther*, That \$5,250,000 is available to provide rural trans-
13 portation assistance (49 U.S.C. 5311(b)(2)), \$4,000,000
14 is available to carry out programs under the National
15 Transit Institute (49 U.S.C. 5315), \$8,250,000 is avail-
16 able to carry out transit cooperative research programs
17 (49 U.S.C. 5313(a)), \$60,385,600 is available for metro-
18 politan planning (49 U.S.C. 5303, 5304, and 5305),
19 \$12,614,400 is available for State planning (49 U.S.C.
20 5313(b)); and \$31,500,000 is available for the national
21 planning and research program (49 U.S.C. 5314).

22 TRUST FUND SHARE OF EXPENSES

23 (LIQUIDATION OF CONTRACT AUTHORIZATION)

24 (HIGHWAY TRUST FUND)

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

1 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334,
2 5505, and sections 3037 and 3038 of Public Law 105–
3 178, \$5,807,020,000 to remain available until expended,
4 and to be derived from the Mass Transit Account of the
5 Highway Trust Fund: *Provided*, That \$3,071,200,000
6 shall be paid to the Federal Transit Administration’s for-
7 mula grants account: *Provided further*, That \$97,800,000
8 shall be paid to the Federal Transit Administration’s tran-
9 sit planning and research account: *Provided further*, That
10 \$58,000,000 shall be paid to the Federal Transit Adminis-
11 tration’s administrative expenses account: *Provided fur-*
12 *ther*, That \$4,800,000 shall be paid to the Federal Transit
13 Administration’s university transportation research ac-
14 count: *Provided further*, That \$64,000,000 shall be paid
15 to the Federal Transit Administration’s job access and re-
16 verse commute grants program: *Provided further*, That
17 \$2,507,220,000 shall be paid to the Federal Transit Ad-
18 ministration’s capital investment grants account.

19 CAPITAL INVESTMENT GRANTS

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses to carry out 49 U.S.C. 5308,
22 5309, 5318, and 5327, \$599,280,000, to remain available
23 until expended: *Provided*, That no more than
24 \$3,106,500,000 of budget authority shall be available for
25 these purposes: *Provided further*, That there shall be avail-

1 able for fixed guideway modernization, \$1,214,400,000;
2 there shall be available for the replacement, rehabilitation,
3 and purchase of buses and related equipment and the con-
4 struction of bus-related facilities, \$677,700,000; and there
5 shall be available for new fixed guideway systems
6 \$1,214,400,000, to be available as follows:

7 Baltimore, MD, Central Light Rail Double
8 Track Project, \$40,000,000;

9 BART San Francisco Airport (SFO), CA, Ex-
10 tension Project, \$100,000,000;

11 Boston, MA, Silver Line Phase III, \$3,000,000;

12 Charlotte, NC, South Corridor Light Rail
13 Project, \$4,000,000;

14 Chicago Transit Authority, IL, Douglas Branch
15 Reconstruction, \$85,000,000;

16 Chicago, IL, Metra Commuter Rail Expansions
17 and Extensions, \$52,000,000;

18 Chicago, IL, Ravenswood Reconstruction,
19 \$45,000,000;

20 Dallas, TX, North Central Light Rail Exten-
21 sion, \$30,161,283;

22 Denver, CO, Southeast Corridor LRT (T-
23 REX), \$80,000,000;

24 East Side Access Project, NY, Phase I,
25 \$70,000,000;

- 1 Ft. Lauderdale, FL, Tri-Rail Commuter
2 Project, \$18,410,000;
- 3 Las Vegas, NV, Resort Corridor Fixed Guide-
4 way, \$15,000,000;
- 5 Los Angeles, CA, Eastside Light Rail Transit
6 System, \$10,000,000;
- 7 Memphis, TN, Medical Center Rail Extension,
8 \$9,247,588;
- 9 Minneapolis, MN, Hiawatha Corridor Light
10 Rail Transit (LRT), \$74,980,000;
- 11 New Orleans, LA, Canal Street Streetcar
12 Project, \$23,921,373;
- 13 New York, Second Avenue Subway, \$3,000,000;
- 14 Newark, NJ, Rail Link (NERL) MOS1,
15 \$22,566,022;
- 16 Northern, NJ, Hudson-Bergen Light Rail
17 (MOS2), \$100,000,000;
- 18 Phoenix, AZ, Central Phoenix/East Valley
19 Light Rail Transit Project, \$13,000,000;
- 20 Pittsburgh, PA, Stage II Light Rail Transit
21 Reconstruction, \$32,243,422;
- 22 Portland, OR, Interstate MAX Light Rail Ex-
23 tension, \$77,500,000;
- 24 Raleigh, NC, Triangle Transit Authority Re-
25 gional Rail Project, \$3,000,000;

1 Salt Lake City, UT, Medical Center LRT Ex-
2 tension, \$30,663,361;
3 San Diego, CA, Mission Valley East Light Rail
4 Transit Extension, \$65,000,000;
5 San Diego, CA, Oceanside-Escondido Rail
6 Project, \$48,000,000;
7 San Juan, PR, Tren Urbano Rapid Transit
8 System, \$43,540,000;
9 Seattle, WA, Sound Transit Central Link Ini-
10 tial Segment, \$15,000,000;
11 Washington, DC/MD, Largo Extension,
12 \$65,000,000;
13 Washington, DC/VA, Dulles Corridor Rapid
14 Transit Project, \$25,000,000;
15 Hawaii and Alaska Ferry Boats, \$10,296,000;
16 Oversight set-aside, \$12,144,000; and
17 San Francisco, CA, Muni Third Street Light
18 Rail Project, \$10,000,000;
19 *Provided further*, That notwithstanding any other provi-
20 sion of law, for the purpose of calculating the non-New
21 Starts share of the total project cost of both phases of
22 San Francisco Muni's Third Street Light Rail Transit
23 project for fiscal year 2004, the Secretary of Transpor-
24 tation shall include all non-New Starts contributions made
25 towards Phase 1 of the two-phase project for engineering,

1 final design and construction, and also shall allow non-
2 New Starts funds expended on one element or phase of
3 the project to be used to meet the non-New Starts share
4 requirement of any element or phase of the project: *Pro-*
5 *vided further*, That none of the funds provided in this Act
6 for the San Francisco Muni’s Third Street Light Rail
7 Transit Project shall be obligated if the Federal Transit
8 Administration determines that the project is found to be
9 “not recommended” after evaluation and computation of
10 revised transportation system user benefit data.

11 **JOB ACCESS AND REVERSE COMMUTE GRANTS**

12 Notwithstanding section 3037(l)(3) of Public Law
13 105–178, as amended, for necessary expenses to carry out
14 section 3037 of the Federal Transit Act of 1998,
15 \$17,000,000, to remain available until expended: *Pro-*
16 *vided*, That no more than \$85,000,000 of budget authority
17 shall be available for these purposes: *Provided further*,
18 That up to \$200,000 of the funds provided under this
19 heading may be used by the Federal Transit Administra-
20 tion for technical assistance and support and performance
21 reviews of the Job Access and Reverse Commute Grants
22 program.

1 GENERAL PROVISIONS—FEDERAL TRANSIT

2 ADMINISTRATION

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

8 SEC. 161. Notwithstanding any other provision of
9 law, and except for fixed guideway modernization projects,
10 funds made available by this Act under “Federal Transit
11 Administration, Capital investment grants” for projects
12 specified in this Act or identified in reports accompanying
13 this Act not obligated by September 30, 2006, and other
14 recoveries, shall be made available for other projects under
15 49 U.S.C. 5309.

16 SEC. 162. Notwithstanding any other provision of
17 law, any funds appropriated before October 1, 2003, under
18 any section of chapter 53 of title 49, United States Code,
19 that remain available for expenditure may be transferred
20 to and administered under the most recent appropriation
21 heading for any such section.

22 SEC. 163. None of the funds in this Act shall be made
23 available for the design, construction, or maintenance of
24 any segment of a light rail system in Houston that has
25 not been specifically approved by a majority of the partici-

1 pating voters in the Houston Metropolitan Transit Au-
2 thority service area in a referendum.

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

5 (1) by adding at the end of paragraph (1) the
6 following: “The term ‘manufactured goods’ as used
7 in this paragraph means each individual item speci-
8 fied in each line item of a procurement. If the indi-
9 vidual items to be procured are listed in the bill of
10 materials and specifications rather than a line item,
11 the term ‘manufactured goods’ shall apply to each
12 such item. The definition of ‘manufactured goods’
13 shall not be applicable to the procurement of rolling
14 stock as set forth in paragraph (2)(C).”;

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

17 (3) by inserting after paragraph (2) the fol-
18 lowing:

19 “(3) When issuing a waiver based upon a public in-
20 terest determination under paragraph (2)(A), the Sec-
21 retary shall produce a detailed written justification as to
22 why the waiver is in the public interest. The Secretary
23 shall publish this justification in the Federal Register and
24 provide the public a reasonable period for notice and com-
25 ment.”; and

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

2 “(9) APPLICATION OF WAIVERS.—The Sec-
3 retary may grant a waiver under paragraph (2) for
4 a microprocessor, but not for microcomputer equip-
5 ment. For purposes of this paragraph ‘micro-
6 processor’ means a computer processor on a
7 microchip.

8 “(10) ADMINISTRATIVE REVIEW.—A party ad-
9 versely affected by an agency action under this sub-
10 section shall have the right to seek review under sec-
11 tion 702 of the Administrative Procedure Act, title
12 5, United States Code.”.

13 SEC. 165. Notwithstanding any other provision of
14 law, funds made available for the Roaring Fork Transpor-
15 tation Authority, Colorado, under Public Laws 106–69
16 and 106–346 shall be made available for the Roaring Fork
17 Valley Bus Rapid Transit project.

18 SAINT LAWRENCE SEAWAY DEVELOPMENT

19 CORPORATION

20 The Saint Lawrence Seaway Development Corpora-
21 tion is hereby authorized to make such expenditures, with-
22 in the limits of funds and borrowing authority available
23 to the Corporation, and in accord with law, and to make
24 such contracts and commitments without regard to fiscal
25 year limitations as provided by section 104 of the Govern-

1 ment Corporation Control Act, as amended, as may be
2 necessary in carrying out the programs set forth in the
3 Corporation's budget for the current fiscal year.

4 OPERATIONS AND MAINTENANCE

5 (HARBOR MAINTENANCE TRUST FUND)

6 For necessary expenses for operations and mainte-
7 nance of those portions of the Saint Lawrence Seaway op-
8 erated and maintained by the Saint Lawrence Seaway De-
9 velopment Corporation, \$14,700,000, to be derived from
10 the Harbor Maintenance Trust Fund, pursuant to Public
11 Law 99-662.

12 MARITIME ADMINISTRATION

13 MARITIME SECURITY PROGRAM

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

18 OPERATIONS AND TRAINING

19 For necessary expenses of operations and training ac-
20 tivities authorized by law, \$105,897,000, of which
21 \$22,000,000 shall remain available until September 30,
22 2004, for salaries and benefits of employees of the United
23 States Merchant Marine Academy; of which \$13,000,000
24 shall remain available until expended for capital improve-
25 ments at the United States Merchant Marine Academy;

1 of which \$9,063,000 shall remain available until expended
2 for the State Maritime Schools Schoolship Maintenance
3 and Repair; of which \$500,000 shall remain available until
4 expended for the evaluation and provision of the fourteen
5 commercially strategic ports; and of which \$1,000,000
6 shall remain available until September 30, 2005, for Mari-
7 time Security Professional Training in support of Section
8 109 of the Maritime Transportation Security Act of 2002.

9 SHIP DISPOSAL

10 For necessary expenses related to the disposal of ob-
11 solete vessels in the National Defense Reserve Fleet of the
12 Maritime Administration, \$14,000,000, to remain avail-
13 able until expended.

14 GENERAL PROVISIONS—MARITIME ADMINISTRATION

15 SEC. 170. Notwithstanding any other provision of
16 this or any other Act, the Maritime Administration is au-
17 thorized to furnish utilities and services and make nec-
18 essary repairs in connection with any lease, contract, or
19 occupancy involving Government property under control of
20 the Maritime Administration, and payments received
21 therefore shall be credited to the appropriation charged
22 with the cost thereof: *Provided*, That rental payments
23 under any such lease, contract, or occupancy for items
24 other than such utilities, services, or repairs shall be de-
25 posited into the Treasury as miscellaneous receipts. No

1 obligations shall be incurred during the current fiscal year
2 from the construction fund established by the Merchant
3 Marine Act, 1936, or otherwise, in excess of the appropria-
4 tions and limitations contained in this Act or in any prior
5 Appropriations Act.

6 SEC. 171. Chapter 10 of title I of the Emergency
7 Wartime Supplemental Appropriations Act (Public Law
8 108–11) is amended by striking “For the cost of guaran-
9 teed loans, as authorized, \$25,000,000, to remain avail-
10 able until September 30, 2005:” and inserting “For the
11 cost of guaranteed loans and associated administrative ex-
12 penses, as authorized, \$25,000,000, to remain available
13 until September 30, 2005, of which up to \$4,498,000 may
14 be used for associated administrative expenses:”.

15 RESEARCH AND SPECIAL PROGRAMS

16 ADMINISTRATION

17 RESEARCH AND SPECIAL PROGRAMS

18 For expenses necessary to discharge the functions of
19 the Research and Special Programs Administration,
20 \$47,018,000, of which \$645,000 shall be derived from the
21 Pipeline Safety Fund, and of which \$2,437,000 shall re-
22 main available until September 30, 2006: *Provided*, That
23 up to \$1,200,000 in fees collected under 49 U.S.C.
24 5108(g) shall be deposited in the general fund of the
25 Treasury as offsetting receipts: *Provided further*, That

1 there may be credited to this appropriation, to be available
2 until expended, funds received from States, counties, mu-
3 nicipalities, other public authorities, and private sources
4 for expenses incurred for training, for reports publication
5 and dissemination, and for travel expenses incurred in per-
6 formance of hazardous materials exemptions and approv-
7 als functions.

8 PIPELINE SAFETY

9 (PIPELINE SAFETY FUND)

10 (OIL SPILL LIABILITY TRUST FUND)

11 For expenses necessary to conduct the functions of
12 the pipeline safety program, for grants-in-aid to carry out
13 a pipeline safety program, as authorized by 49 U.S.C.
14 60107, and to discharge the pipeline program responsibil-
15 ities of the Oil Pollution Act of 1990, \$64,054,000, of
16 which \$9,000,000 shall be derived from the Oil Spill Li-
17 ability Trust Fund and shall remain available until Sep-
18 tember 30, 2006; of which \$55,054,000 shall be derived
19 from the Pipeline Safety Fund, of which \$21,786,000
20 shall remain available until September 30, 2006.

21 EMERGENCY PREPAREDNESS GRANTS

22 (EMERGENCY PREPAREDNESS FUND)

23 For necessary expenses to carry out 49 U.S.C.
24 5127(c), \$200,000, to be derived from the Emergency
25 Preparedness Fund, to remain available until September
26 30, 2006: *Provided*, That not more than \$14,300,000 shall

1 be made available for obligation in fiscal year 2004 from
2 amounts made available by 49 U.S.C. 5116(i), 5127(c),
3 and 5127(d): *Provided further*, That none of the funds
4 made available by 49 U.S.C. 5116(i), 5127(c), and
5 5127(d) shall be made available for obligation by individ-
6 uals other than the Secretary of Transportation, or his
7 designee.

8 OFFICE OF INSPECTOR GENERAL

9 SALARIES AND EXPENSES

10 For necessary expenses of the Office of Inspector
11 General to carry out the provisions of the Inspector Gen-
12 eral Act of 1978, as amended, \$55,000,000: *Provided*,
13 That the Inspector General shall have all necessary au-
14 thority, in carrying out the duties specified in the Inspec-
15 tor General Act, as amended (5 U.S.C. App. 3) to inves-
16 tigate allegations of fraud, including false statements to
17 the government (18 U.S.C. 1001), by any person or entity
18 that is subject to regulation by the Department: *Provided*
19 *further*, That the funds made available under this heading
20 shall be used to investigate, pursuant to section 41712 of
21 title 49, United States Code: (1) unfair or deceptive prac-
22 tices and unfair methods of competition by domestic and
23 foreign air carriers and ticket agents; and (2) the compli-
24 ance of domestic and foreign air carriers with respect to
25 item (1) of this proviso.

1 SURFACE TRANSPORTATION BOARD

2 SALARIES AND EXPENSES

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

16 TITLE II—DEPARTMENT OF THE TREASURY

17 DEPARTMENTAL OFFICES

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For necessary expenses of the Departmental Offices
21 including operation and maintenance of the Treasury
22 Building and Annex; hire of passenger motor vehicles;
23 maintenance, repairs, and improvements of, and purchase
24 of commercial insurance policies for, real properties leased
25 or owned overseas, when necessary for the performance

1 of official business; not to exceed \$3,000,000, to remain
2 available until September 30, 2005 for information tech-
3 nology modernization requirements; not to exceed
4 \$150,000 for official reception and representation ex-
5 penses; not to exceed \$258,000 for unforeseen emer-
6 gencies of a confidential nature, to be allocated and ex-
7 pended under the direction of the Secretary of the Treas-
8 ury and to be accounted for solely on his certificate,
9 \$175,809,000: *Provided*, That no less than \$21,855,000
10 is for the Office of Foreign Assets Control: *Provided fur-*
11 *ther*, That of these amounts \$2,900,000 is available for
12 grants to State and local law enforcement groups to help
13 fight money laundering: *Provided further*, That of these
14 amounts, \$3,393,000, to remain available until September
15 30, 2005, shall be for the Treasury-wide Financial State-
16 ment Audit Program, of which such amounts as may be
17 necessary may be transferred to accounts of the Depart-
18 ment's offices and bureaus to conduct audits: *Provided*
19 *further*, That this transfer authority shall be in addition
20 to any other provided in this Act.

21 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

22 INVESTMENTS PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For development and acquisition of automatic data
25 processing equipment, software, and services for the De-

1 partment of the Treasury, \$36,653,000, to remain avail-
2 able until September 30, 2006: *Provided*, That these funds
3 shall be transferred to accounts and in amounts as nec-
4 essary to satisfy the requirements of the Department's of-
5 fices, bureaus, and other organizations: *Provided further*,
6 That this transfer authority shall be in addition to any
7 other transfer authority provided in this Act.

8 OFFICE OF INSPECTOR GENERAL

9 SALARIES AND EXPENSES

10 For necessary expenses of the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, as amended, not to exceed
13 \$2,000,000 for official travel expenses, including hire of
14 passenger motor vehicles; not to exceed \$2,500 for official
15 reception and representation expenses; and not to exceed
16 \$100,000 for unforeseen emergencies of a confidential na-
17 ture, to be allocated and expended under the direction of
18 the Inspector General of the Treasury, \$12,792,000.

19 TREASURY INSPECTOR GENERAL FOR TAX

20 ADMINISTRATION

21 SALARIES AND EXPENSES

22 For necessary expenses of the Treasury Inspector
23 General for Tax Administration in carrying out the In-
24 spector General Act of 1978, as amended, including pur-
25 chase (not to exceed 150 for replacement only for police-

1 type use) and hire of passenger motor vehicles (31 U.S.C.
2 1343(b)); services authorized by 5 U.S.C. 3109, at such
3 rates as may be determined by the Inspector General for
4 Tax Administration; not to exceed \$6,000,000 for official
5 travel expenses; and not to exceed \$500,000 for unfore-
6 seen emergencies of a confidential nature, to be allocated
7 and expended under the direction of the Inspector General
8 for Tax Administration, \$128,034,000.

9 AIR TRANSPORTATION STABILIZATION PROGRAM

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

15 TREASURY BUILDING AND ANNEX REPAIR AND
16 RESTORATION

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

20 FINANCIAL CRIMES ENFORCEMENT NETWORK
21 SALARIES AND EXPENSES

22 For necessary expenses of the Financial Crimes En-
23 forcement Network, including hire of passenger motor ve-
24 hicles; travel expenses of non-Federal law enforcement
25 personnel to attend meetings concerned with financial in-

1 telligence activities, law enforcement, and financial regula-
2 tion; not to exceed \$14,000 for official reception and rep-
3 resentation expenses; and for assistance to Federal law en-
4 forcement agencies, with or without reimbursement,
5 \$57,571,000, of which not to exceed \$4,500,000 shall re-
6 main available until September 30, 2006; and of which
7 \$8,152,000 shall remain available until September 30,
8 2005: *Provided*, That funds appropriated in this account
9 may be used to procure personal services contracts.

10 FINANCIAL MANAGEMENT SERVICE

11 SALARIES AND EXPENSES

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

18 ALCOHOL AND TOBACCO TAX AND TRADE

19 BUREAU

20 SALARIES AND EXPENSES

21 For necessary expenses of carrying out section 1111
22 of the Homeland Security Act of 2002, including hire of
23 passenger motor vehicles, \$80,000,000; of which not to ex-
24 ceed \$6,000 for official reception and representation ex-
25 penses; not to exceed \$50,000 for cooperative research and

1 development programs for Laboratory Services; and provi-
2 sion of laboratory assistance to State and local agencies
3 with or without reimbursement.

4 UNITED STATES MINT

5 UNITED STATES MINT PUBLIC ENTERPRISE FUND

6 Pursuant to section 5136 of title 31, United States
7 Code, the United States Mint is provided funding through
8 the United States Mint Public Enterprise Fund for costs
9 associated with the production of circulating coins, numis-
10 matic coins, and protective services, including both oper-
11 ating expenses and capital investments. The aggregate
12 amount of new liabilities and obligations incurred during
13 fiscal year 2004 under such section 5136 for circulating
14 coinage and protective service capital investments of the
15 United States Mint shall not exceed \$40,652,000. From
16 amounts in the United States Mint Public Enterprise
17 Fund, the Secretary of the Treasury shall pay to the
18 Comptroller General an amount not to exceed \$375,000
19 to reimburse the Comptroller General for the cost of a
20 study to be contracted for by the Comptroller General on
21 the potential and cost-effectiveness of expanded use of pre-
22 made “blanks” by the U.S. Mint in the production of cir-
23 culating coins. The amounts reimbursed to the Comp-
24 troller General pursuant to this paragraph shall be depos-

1 ited to the appropriation of the General Accounting Office
2 then available and remain available until expended.

3 BUREAU OF THE PUBLIC DEBT

4 ADMINISTERING THE PUBLIC DEBT

5 For necessary expenses connected with any public-
6 debt issues of the United States, \$178,052,000, of which
7 not to exceed \$2,500 shall be available for official recep-
8 tion and representation expenses, and of which not to ex-
9 ceed \$2,000,000 shall remain available until expended for
10 systems modernization: *Provided*, That the sum appro-
11 priated herein from the General Fund for fiscal year 2004
12 shall be reduced by not more than \$4,400,000 as definitive
13 security issue fees and Treasury Direct Investor Account
14 Maintenance fees are collected, so as to result in a final
15 fiscal year 2004 appropriation from the General Fund es-
16 timated at \$173,652,000. In addition, \$40,000 to be de-
17 rived from the Oil Spill Liability Trust Fund to reimburse
18 the Bureau for administrative and personnel expenses for
19 financial management of the Fund, as authorized by sec-
20 tion 1012 of Public Law 101–380.

21 INTERNAL REVENUE SERVICE

22 PROCESSING, ASSISTANCE, AND MANAGEMENT

23 For necessary expenses of the Internal Revenue Serv-
24 ice for pre-filing taxpayer assistance and education, filing
25 and account services, shared services support, general

1 management and administration; and services as author-
2 ized by 5 U.S.C. 3109, at such rates as may be determined
3 by the Commissioner, \$4,037,834,000, of which
4 \$4,250,000 shall be for the Tax Counseling for the Elderly
5 Program, of which \$8,000,000 shall be available for low-
6 income taxpayer clinic grants, and of which not to exceed
7 \$25,000 shall be for official reception and representation
8 expenses.

9 TAX LAW ENFORCEMENT

10 For necessary expenses of the Internal Revenue Serv-
11 ice for determining and establishing tax liabilities; pro-
12 viding litigation support; conducting criminal investigation
13 and enforcement activities; securing unfiled tax returns;
14 collecting unpaid accounts; conducting a document match-
15 ing program; resolving taxpayer problems through prompt
16 identification, referral and settlement; compiling statistics
17 of income and conducting compliance research; funding es-
18 sential earned income tax credit compliance and error re-
19 duction initiatives; purchase (for police-type use, not to ex-
20 ceed 850) and hire of passenger motor vehicles (31 U.S.C.
21 1343(b)); and services as authorized by 5 U.S.C. 3109,
22 at such rates as may be determined by the Commissioner,
23 \$4,221,408,000, of which not to exceed \$1,000,000 shall
24 remain available until September 30, 2006, for research,
25 and of which not to exceed \$10,000,000 may be used to

1 reimburse the Social Security Administration for the costs
2 of implementing section 1090 of the Taxpayer Relief Act
3 of 1997 (Public Law 105–33).

4 INFORMATION SYSTEMS

5 For necessary expenses of the Internal Revenue Serv-
6 ice for information systems and telecommunications sup-
7 port, including developmental information systems and
8 operational information systems; the hire of passenger
9 motor vehicles (31 U.S.C. 1343(b)); and services as au-
10 thorized by 5 U.S.C. 3109, at such rates as may be deter-
11 mined by the Commissioner, \$1,628,739,000, of which
12 \$165,000,000 shall remain available until September 30,
13 2005.

14 BUSINESS SYSTEMS MODERNIZATION

15 For necessary expenses of the Internal Revenue Serv-
16 ice, \$429,000,000, to remain available until September 30,
17 2006, for the capital asset acquisition of information tech-
18 nology systems, including management and related con-
19 tractual costs of said acquisitions, including contractual
20 costs associated with operations authorized by 5 U.S.C.
21 3109: *Provided*, That none of these funds may be obli-
22 gated until the Internal Revenue Service submits to the
23 Committees on Appropriations, and such Committees ap-
24 prove, a plan for expenditure that: (1) meets the capital
25 planning and investment control review requirements es-

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

12 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

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

17 GENERAL PROVISIONS—DEPARTMENT OF THE
18 TREASURY

19 SEC. 201. Not to exceed 5 percent of any appropria-
20 tion made available in this Act to the Internal Revenue
21 Service may be transferred to any other Internal Revenue
22 Service appropriation upon the advance approval of the
23 Committees on Appropriations.

24 SEC. 202. The Internal Revenue Service shall main-
25 tain a training program to ensure that Internal Revenue

1 Service employees are trained in taxpayers' rights, in deal-
2 ing courteously with the taxpayers, and in cross-cultural
3 relations.

4 SEC. 203. The Internal Revenue Service shall insti-
5 tute and enforce policies and procedures that will safe-
6 guard the confidentiality of taxpayer information.

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

16 SEC. 205. Appropriations to the Department of the
17 Treasury in this Act shall be available for uniforms or al-
18 lowances therefor, as authorized by law (5 U.S.C. 5901),
19 including maintenance, repairs, and cleaning; purchase of
20 insurance for official motor vehicles operated in foreign
21 countries; purchase of motor vehicles without regard to the
22 general purchase price limitations for vehicles purchased
23 and used overseas for the current fiscal year; entering into
24 contracts with the Department of State for the furnishing
25 of health and medical services to employees and their de-

1 pendants serving in foreign countries; and services author-
2 ized by 5 U.S.C. 3109.

3 SEC. 206. Not to exceed 2 percent of any appropria-
4 tions in this Act made available to the Departmental Of-
5 fices—Salaries and Expenses, Office of Inspector General,
6 Financial Management Service, Alcohol and Tobacco Tax
7 and Trade Bureau, Financial Crimes Enforcement Net-
8 work, and Bureau of the Public Debt, may be transferred
9 between such appropriations upon the advance approval
10 of the Committees on Appropriations. No transfer may in-
11 crease or decrease any such appropriation by more than
12 2 percent.

13 SEC. 207. Not to exceed 2 percent of any appropria-
14 tion made available in this Act to the Internal Revenue
15 Service may be transferred to the Treasury Inspector Gen-
16 eral for Tax Administration’s appropriation upon the ad-
17 vance approval of the Committees on Appropriations. No
18 transfer may increase or decrease any such appropriation
19 by more than 2 percent.

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

24 SEC. 209. The Secretary of the Treasury may trans-
25 fer funds from “Salaries and Expenses”, Financial Man-

1 agement Service, to the Debt Services Account as nec-
2 essary to cover the costs of debt collection: *Provided*, That
3 such amounts shall be reimbursed to such Salaries and
4 Expenses account from debt collections received in the
5 Debt Services Account.

6 SEC. 210. None of the funds appropriated or other-
7 wise made available by this or any other Act may be used
8 by the United States Mint to construct or operate any mu-
9 seum without the explicit approval of the House Com-
10 mittee on Financial Services and the Senate Committee
11 on Banking, Housing, and Urban Affairs.

12 SEC. 211. For fiscal year 2004 and each fiscal year
13 thereafter, there are appropriated to the Secretary of the
14 Treasury such sums as may be necessary to reimburse fi-
15 nancial institutions in their capacity as depositaries and
16 financial agents of the United States for all services re-
17 quired or directed by the Secretary of the Treasury, or
18 the Secretary's designee, to be performed by such financial
19 institutions on behalf of the Department of the Treasury
20 or other Federal agencies, including services rendered
21 prior to fiscal year 2004.

22 PROHIBITION ON CONTRACTS WITH CORPORATE
23 EXPATRIATES

24 SEC. 212. (a) IN GENERAL.—The Secretary may not
25 enter into any contract with a foreign incorporated entity

1 which is treated as an inverted domestic corporation under
2 subsection (b), or any subsidiary of such entity.

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

7 (1) the entity has completed the direct or indi-
8 rect acquisition of substantially all of the properties
9 held directly or indirectly by a domestic corporation
10 or substantially all of the properties constituting a
11 trade or business of a domestic partnership,

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

14 (A) in the case of an acquisition with re-
15 spect to a domestic corporation, by former
16 shareholders of the domestic corporation by rea-
17 son of holding stock in the domestic corpora-
18 tion, or

19 (B) in the case of an acquisition with re-
20 spect to a domestic partnership, by former part-
21 ners of the domestic partnership by reason of
22 holding a capital or profits interest in the do-
23 mestic partnership, and

24 (3) the expanded affiliated group which after
25 the acquisition includes the entity does not have sub-

1 stantial business activities in the foreign country in
2 which or under the law of which the entity is created
3 or organized when compared to the total business
4 activities of such expanded affiliated group.

5 (c) DEFINITIONS AND SPECIAL RULES.—For pur-
6 poses of this section—

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

10 (A) CERTAIN STOCK DISREGARDED.—

11 There shall not be taken into account in deter-
12 mining ownership for purposes of subsection
13 (b)(2)—

14 (i) stock held by members of the ex-
15 panded affiliated group which includes the
16 foreign incorporated entity, or

17 (ii) stock of such entity which is sold
18 in a public offering related to the acquisi-
19 tion described in subsection (b)(1).

20 (B) PLAN DEEMED IN CERTAIN CASES.—If
21 a foreign incorporated entity acquires directly
22 or indirectly substantially all of the properties
23 of a domestic corporation or partnership during
24 the 4-year period beginning on the date which
25 is 2 years before the ownership requirements of

1 subsection (b)(2) are met, such actions shall be
2 treated as pursuant to a plan.

3 (C) CERTAIN TRANSFERS DISREGARDED.—
4 The transfer of properties or liabilities (includ-
5 ing by contribution or distribution) shall be dis-
6 regarded if such transfers are part of a plan a
7 principal purpose of which is to avoid the pur-
8 poses of this section.

9 (D) SPECIAL RULE FOR RELATED PART-
10 NERSHIPS.—For purposes of applying sub-
11 section (b) to the acquisition of a domestic
12 partnership, except as provided in regulations,
13 all partnerships which are under common con-
14 trol (within the meaning of section 482 of the
15 Internal Revenue Code of 1986) shall be treat-
16 ed as 1 partnership.

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

20 (i) to treat warrants, options, con-
21 tracts to acquire stock, convertible debt in-
22 struments, and other similar interests as
23 stock, and

24 (ii) to treat stock as not stock.

1 (2) EXPANDED AFFILIATED GROUP.—The term
2 “expanded affiliated group” means an affiliated
3 group as defined in section 1504(a) of the Internal
4 Revenue Code of 1986 (without regard to section
5 1504(b) of such Code), except that section 1504(a)
6 of such Code shall be applied by substituting “more
7 than 50 percent” for “at least 80 percent” each
8 place it appears.

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

14 (4) OTHER DEFINITIONS.—The terms “per-
15 son”, “domestic”, and “foreign” have the meanings
16 given such terms by paragraphs (1), (4), and (5) of
17 section 7701(a) of the Internal Revenue Code of
18 1986, respectively.

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

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

1 TITLE III—POSTAL SERVICE
2 PAYMENT TO THE POSTAL SERVICE FUND

3 For payment to the Postal Service Fund for revenue
4 forgone on free and reduced rate mail, pursuant to sub-
5 sections (c) and (d) of section 2401 of title 39, United
6 States Code, \$65,521,000, of which \$36,521,000 shall not
7 be available for obligation until October 1, 2004: *Provided*,
8 That mail for overseas voting and mail for the blind shall
9 continue to be free: *Provided further*, That 6-day delivery
10 and rural delivery of mail shall continue at not less than
11 the 1983 level: *Provided further*, That none of the funds
12 made available to the Postal Service by this Act shall be
13 used to implement any rule, regulation, or policy of charg-
14 ing any officer or employee of any State or local child sup-
15 port enforcement agency, or any individual participating
16 in a State or local program of child support enforcement,
17 a fee for information requested or provided concerning an
18 address of a postal customer: *Provided further*, That none
19 of the funds provided in this Act shall be used to consoli-
20 date or close small rural and other small post offices in
21 fiscal year 2004.

1 TITLE IV—EXECUTIVE OFFICE OF THE PRESI-
2 DENT AND FUNDS APPROPRIATED TO THE
3 PRESIDENT

4 COMPENSATION OF THE PRESIDENT

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

14 WHITE HOUSE OFFICE

15 SALARIES AND EXPENSES

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

1 in the Executive Office of the President, \$66,057,000:
2 *Provided*, That \$8,650,000 of the funds appropriated shall
3 be available for reimbursements to the White House Com-
4 munications Agency.

5 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

6 OPERATING EXPENSES

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

13 REIMBURSABLE EXPENSES

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

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

1 Act, a report setting forth the reimbursable operating ex-
2 penses of the Executive Residence during the preceding
3 fiscal year, including the total amount of such expenses,
4 the amount of such total that consists of reimbursable offi-
5 cial and ceremonial events, the amount of such total that
6 consists of reimbursable political events, and the portion
7 of each such amount that has been reimbursed as of the
8 date of the report: *Provided further*, That the Executive
9 Residence shall maintain a system for the tracking of ex-
10 penses related to reimbursable events within the Executive
11 Residence that includes a standard for the classification
12 of any such expense as political or nonpolitical: *Provided*
13 *further*, That no provision of this paragraph may be con-
14 strued to exempt the Executive Residence from any other
15 applicable requirement of subchapter I or II of chapter
16 37 of title 31, United States Code.

17 WHITE HOUSE REPAIR AND RESTORATION

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

1 COUNCIL OF ECONOMIC ADVISERS

2 SALARIES AND EXPENSES

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

6 OFFICE OF POLICY DEVELOPMENT

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Policy Devel-
9 opment, including services as authorized by 5 U.S.C. 3109
10 and 3 U.S.C. 107, \$4,109,000.

11 NATIONAL SECURITY COUNCIL

12 SALARIES AND EXPENSES

13 For necessary expenses of the National Security
14 Council, including services as authorized by 5 U.S.C.
15 3109, \$9,000,000.

16 OFFICE OF ADMINISTRATION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Office of Administra-
19 tion, including services as authorized by 5 U.S.C. 3109
20 and 3 U.S.C. 107, and hire of passenger motor vehicles,
21 \$82,826,000, of which \$17,470,000 shall remain available
22 until expended for the Capital Investment Plan for contin-
23 ued modernization of the information technology infra-
24 structure within the Executive Office of the President.

1 OFFICE OF MANAGEMENT AND BUDGET
2 SALARIES AND EXPENSES

3 For necessary expenses of the Office of Management
4 and Budget, including hire of passenger motor vehicles
5 and services as authorized by 5 U.S.C. 3109 and to carry
6 out the provisions of chapter 35 of title 44, United States
7 Code, \$62,772,000, of which not to exceed \$1,500 shall
8 be available for official representation expenses: *Provided*,
9 That, as provided in 31 U.S.C. 1301(a), appropriations
10 shall be applied only to the objects for which appropria-
11 tions were made except as otherwise provided by law: *Pro-*
12 *vided further*, That none of the funds appropriated in this
13 Act for the Office of Management and Budget may be
14 used for the purpose of reviewing any agricultural mar-
15 keting orders or any activities or regulations under the
16 provisions of the Agricultural Marketing Agreement Act
17 of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That
18 none of the funds made available for the Office of Manage-
19 ment and Budget by this Act may be expended for the
20 altering of the transcript of actual testimony of witnesses,
21 except for testimony of officials of the Office of Manage-
22 ment and Budget, before the Committees on Appropria-
23 tions or the Committees on Veterans' Affairs or their sub-
24 committees: *Provided further*, That the preceding shall not
25 apply to printed hearings released by the Committees on

1 Appropriations or the Committees on Veterans' Affairs:
2 *Provided further*, That none of the funds appropriated in
3 this Act may be available to pay the salary or expenses
4 of any employee of the Office of Management and Budget
5 who, after February 15, 2003, calculates, prepares, or ap-
6 proves any tabular or other material that proposes the
7 sub-allocation of budget authority or outlays by the Com-
8 mittees on Appropriations among their subcommittees.

9 OFFICE OF NATIONAL DRUG CONTROL POLICY

10 SALARIES AND EXPENSES

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Office of National
13 Drug Control Policy; for research activities pursuant to
14 the Office of National Drug Control Policy Reauthoriza-
15 tion Act of 1998 (21 U.S.C. 1701 et seq.) as amended;
16 not to exceed \$10,000 for official reception and represen-
17 tation expenses; and for participation in joint projects or
18 in the provision of services on matters of mutual interest
19 with nonprofit, research, or public organizations or agen-
20 cies, with or without reimbursement, \$28,790,000; of
21 which \$2,850,000 shall remain available until expended,
22 consisting of \$1,350,000 for policy research and evalua-
23 tion, and \$1,500,000 for the National Alliance for Model
24 State Drug Laws: *Provided*, That the Office is authorized
25 to accept, hold, administer, and utilize gifts, both real and
26 personal, public and private, without fiscal year limitation,

1 for the purpose of aiding or facilitating the work of the
2 Office.

3 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses for the Counterdrug Tech-
6 nology Assessment Center for research activities pursuant
7 to the Office of National Drug Control Policy Reauthor-
8 ization Act of 1998 (21 U.S.C. 1701 et seq.) as amended,
9 \$40,000,000, which shall remain available until expended,
10 consisting of \$18,000,000 for counternarcotics research
11 and development projects, and \$22,000,000 for the contin-
12 ued operation of the technology transfer program: *Pro-*
13 *vided*, That the \$18,000,000 for counternarcotics research
14 and development projects shall be available for transfer
15 to other Federal departments or agencies.

16 FEDERAL DRUG CONTROL PROGRAMS

17 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses of the Office of National
20 Drug Control Policy's High Intensity Drug Trafficking
21 Areas Program, \$226,350,000, for drug control activities
22 consistent with the approved strategy for each of the des-
23 igned High Intensity Drug Trafficking Areas, of which
24 no less than 51 percent shall be transferred to State and
25 local entities for drug control activities, which shall be ob-
26 ligated within 120 days of the date of the enactment of

1 this Act: *Provided*, That up to 49 percent, to remain avail-
2 able until September 30, 2005, may be transferred to Fed-
3 eral agencies and departments at a rate to be determined
4 by the Director, of which not less than \$2,100,000 shall
5 be used for auditing services and associated activities, and
6 at least \$500,000 of the \$2,100,000 shall be used to de-
7 velop and implement a data collection system to measure
8 the performance of the High Intensity Drug Trafficking
9 Areas Program: *Provided further*, That High Intensity
10 Drug Trafficking Areas Programs designated as of Sep-
11 tember 30, 2003, shall be funded at no less than the fiscal
12 year 2003 initial allocation levels unless the Director sub-
13 mits to the Committees on Appropriations, and the Com-
14 mittees approve, justification for changes in those levels
15 based on clearly articulated priorities for the High Inten-
16 sity Drug Trafficking Areas Programs, as well as pub-
17 lished Office of National Drug Control Policy performance
18 measures of effectiveness: *Provided further*, That no funds
19 of an amount in excess of the fiscal year 2004 budget re-
20 quest shall be obligated prior to the approval of the Com-
21 mittee on Appropriations.

22 OTHER FEDERAL DRUG CONTROL PROGRAMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For activities to support a national anti-drug cam-
25 paign for youth, and for other purposes, authorized by (21

1 U.S.C. 1701 et seq.) as amended, \$230,000,000, to re-
2 main available until expended, of which the following
3 amounts are available as follows: \$150,000,000 to support
4 a national media campaign; \$70,000,000 for a program
5 of assistance and matching grants to local coalitions and
6 other activities, as authorized in chapter 2 of the National
7 Narcotics Leadership Act of 1988, as amended;
8 \$4,500,000 for the Counterdrug Intelligence Executive
9 Secretariat; \$2,000,000 for evaluations and research re-
10 lated to National Drug Control Program performance
11 measures; \$1,000,000 for the National Drug Court Insti-
12 tute; \$1,500,000 for the United States Anti-Doping Agen-
13 cy for anti-doping activities; and \$1,000,000 for the
14 United States membership dues to the World Anti-Doping
15 Agency: *Provided*, That such funds may be transferred to
16 other Federal departments and agencies to carry out such
17 activities: *Provided further*, That of the amounts appro-
18 priated for a national media campaign, no less than 77
19 percent shall be used for the purchase of advertising time
20 and space for the national media campaign.

21 UNANTICIPATED NEEDS

22 For expenses necessary to enable the President to
23 meet unanticipated needs, in furtherance of the national
24 interest, security, or defense which may arise at home or

1 abroad during the current fiscal year, as authorized by
2 3 U.S.C. 108, \$1,000,000.

3 SPECIAL ASSISTANCE TO THE PRESIDENT AND THE
4 OFFICIAL RESIDENCE OF THE VICE PRESIDENT
5 SALARIES AND EXPENSES

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

13 OPERATING EXPENSES
14 (INCLUDING TRANSFER OF FUNDS)

15 For the care, operation, refurnishing, improvement,
16 and to the extent not otherwise provided for, heating and
17 lighting, including electric power and fixtures, of the offi-
18 cial residence of the Vice President; the hire of passenger
19 motor vehicles; and not to exceed \$90,000 for official en-
20 tertainment expenses of the Vice President, to be ac-
21 counted for solely on his certificate, \$331,000: *Provided,*
22 That advances or repayments or transfers from this ap-
23 propriation may be made to any department or agency for
24 expenses of carrying out such activities.

1 TITLE V—INDEPENDENT AGENCIES
2 ARCHITECTURAL AND TRANSPORTATION
3 BARRIERS COMPLIANCE BOARD
4 SALARIES AND EXPENSES

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

12 NATIONAL TRANSPORTATION SAFETY BOARD
13 SALARIES AND EXPENSES

14 For necessary expenses of the National Transpor-
15 tation Safety Board, including hire of passenger motor ve-
16 hicles and aircraft; services as authorized by 5 U.S.C.
17 3109, but at rates for individuals not to exceed the per
18 diem rate equivalent to the rate for a GS-15; uniforms,
19 or allowances therefor, as authorized by law (5 U.S.C.
20 5901-5902) \$76,679,000, of which not to exceed \$2,000
21 may be used for official reception and representation ex-
22 penses.

23 EMERGENCY FUND

24 For necessary expenses of the National Transpor-
25 tation Safety Board for accident investigations, \$600,000,

1 to remain available until expended: *Provided*, That these
2 funds shall be available only to the extent necessary to
3 restore the balance of the emergency fund to \$2,000,000
4 (29 U.S.C. 1118 (b)).

5 COMMITTEE FOR PURCHASE FROM PEOPLE
6 WHO ARE BLIND OR SEVERELY DISABLED
7 SALARIES AND EXPENSES

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

11 FEDERAL ELECTION COMMISSION
12 SALARIES AND EXPENSES

13 For necessary expenses to carry out the provisions
14 of the Federal Election Campaign Act of 1971, as amend-
15 ed, \$50,440,000, of which no less than \$6,389,900 shall
16 be available for internal automated data processing sys-
17 tems, and of which not to exceed \$5,000 shall be available
18 for reception and representation expenses.

19 ELECTION ASSISTANCE COMMISSION
20 SALARIES AND EXPENSES

21 For necessary expenses to carry out the Help Amer-
22 ica Vote Act of 2002, \$5,000,000.

23 ELECTION REFORM PROGRAMS

24 For necessary expenses to carry out a program of re-
25 quirements payments to States as authorized by Section

1 257 of the Help America Vote Act of 2002, \$495,000,000:
2 *Provided*, That no more than $\frac{1}{10}$ of 1 percent of funds
3 available for requirements payments under Section 257 of
4 the Help America Vote Act of 2002 shall be allocated to
5 any territory.

6 FEDERAL LABOR RELATIONS AUTHORITY

7 SALARIES AND EXPENSES

8 For necessary expenses to carry out functions of the
9 Federal Labor Relations Authority, pursuant to Reorga-
10 nization Plan Numbered 2 of 1978, and the Civil Service
11 Reform Act of 1978, including services authorized by 5
12 U.S.C. 3109, and including hire of experts and consult-
13 ants, hire of passenger motor vehicles, and rental of con-
14 ference rooms in the District of Columbia and elsewhere,
15 \$29,611,000: *Provided*, That public members of the Fed-
16 eral Service Impasses Panel may be paid travel expenses
17 and per diem in lieu of subsistence as authorized by law
18 (5 U.S.C. 5703) for persons employed intermittently in
19 the Government service, and compensation as authorized
20 by 5 U.S.C. 3109: *Provided further*, That notwithstanding
21 31 U.S.C. 3302, funds received from fees charged to non-
22 Federal participants at labor-management relations con-
23 ferences shall be credited to and merged with this account,
24 to be available without further appropriation for the costs
25 of carrying out these conferences.

1 FEDERAL MARITIME COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Maritime
4 Commission as authorized by section 201(d) of the Mer-
5 chant Marine Act, 1936, as amended (46 U.S.C. App.
6 1111), including services as authorized by 5 U.S.C. 3109;
7 hire of passenger motor vehicles as authorized by 31
8 U.S.C. 1343(b); and uniforms or allowances therefore, as
9 authorized by 5 U.S.C. 5901–5902, \$18,471,000: *Pro-*
10 *vided*, That not to exceed \$2,000 shall be available for offi-
11 cial reception and representation expenses.

12 GENERAL SERVICES ADMINISTRATION

13 REAL PROPERTY ACTIVITIES

14 (FEDERAL BUILDINGS FUND)

15 (LIMITATIONS ON AVAILABILITY OF REVENUE)

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount to be deposited in, and to
18 be used for the purposes of, the Fund established pursu-
19 ant to section 210(f) of the Federal Property and Admin-
20 istrative Services Act of 1949, as amended (40 U.S.C.
21 592), \$247,350,000. The revenues and collections depos-
22 ited into the Fund shall be available for necessary ex-
23 penses of real property management and related activities
24 not otherwise provided for, including operation, mainte-
25 nance, and protection of federally owned and leased build-
26 ings; rental of buildings in the District of Columbia; res-

1 toration of leased premises; moving governmental agencies
2 (including space adjustments and telecommunications re-
3 location expenses) in connection with the assignment, allo-
4 cation and transfer of space; contractual services incident
5 to cleaning or servicing buildings, and moving; repair and
6 alteration of federally owned buildings including grounds,
7 approaches and appurtenances; care and safeguarding of
8 sites; maintenance, preservation, demolition, and equip-
9 ment; acquisition of buildings and sites by purchase, con-
10 demnation, or as otherwise authorized by law; acquisition
11 of options to purchase buildings and sites; conversion and
12 extension of federally owned buildings; preliminary plan-
13 ning and design of projects by contract or otherwise; con-
14 struction of new buildings (including equipment for such
15 buildings); and payment of principal, interest, and any
16 other obligations for public buildings acquired by install-
17 ment purchase and purchase contract; in the aggregate
18 amount of \$6,557,518,000, of which: (1) \$406,168,000
19 shall remain available until expended for construction (in-
20 cluding funds for sites and expenses and associated design
21 and construction services) of additional projects at the fol-
22 lowing locations:

23 New Construction:

24 California:

25 San Diego, Border Station, \$34,211,000

1 Georgia:

2 Atlanta, Tuttle Building Annex,

3 \$10,600,000

4 Maine:

5 Jackman, Border Station, \$7,712,000

6 Maryland:

7 Suitland, United States Census Bureau,

8 \$146,451,000

9 Michigan:

10 Detroit, Ambassador Bridge Border Sta-

11 tion, \$25,387,000

12 New York:

13 Champlain, Border Station, \$31,031,000

14 Texas:

15 Del Rio, Border Station, \$23,966,000

16 Eagle Pass, Border Station, \$31,980,000

17 Houston, Federal Bureau of Investigation,

18 \$58,080,000

19 McAllen, Border Station, \$17,938,000

20 Washington:

21 Blaine, Border Station, \$9,812,000

22 Nonprospectus Construction, \$9,000,000:

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

24 new construction projects may be exceeded to the extent

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

1 to exceed 10 percent of the amounts included in an ap-
2 proved prospectus, if required, unless advance approval is
3 obtained from the Committees on Appropriations of a
4 greater amount: *Provided further*, That all funds for direct
5 construction projects shall expire on September 30, 2005,
6 and remain in the Federal Buildings Fund except for
7 funds for projects as to which funds for design or other
8 funds have been obligated in whole or in part prior to such
9 date; (2) \$1,010,454,000 shall remain available until ex-
10 pended for repairs and alterations, which includes associ-
11 ated design and construction services:

12 Colorado:

13 Denver, Byron G. Rogers Federal Build-
14 ing—Courthouse, \$39,436,000

15 District of Columbia:

16 320 First Street, \$7,485,000

17 Eisenhower Executive Office Building,
18 \$65,757,000

19 Federal Office Building 8, \$134,872,000

20 Main Interior Building, \$15,603,000

21 Fire & Life Safety, \$68,188,000

22 Georgia:

23 Atlanta, Richard B. Russell Federal Build-
24 ing, \$32,173,000

25 Illinois:

1 Chicago, Dirksen Courthouse & Kluczynski
2 Federal Building, \$24,056,000
3 Springfield, Paul H. Findley Federal
4 Building—Courthouse, \$6,183,000
5 Massachusetts:
6 Boston, John W. McCormack Post Office
7 and Courthouse, \$73,037,000
8 New York:
9 Brooklyn, Emanuel Celler Courthouse,
10 \$65,511,000
11 North Dakota:
12 Fargo, Federal Building—Post Office,
13 \$5,801,000
14 Ohio:
15 Columbus, John W. Bricker Federal Build-
16 ing, \$10,707,000
17 Washington:
18 Auburn, Building 7, Auburn Federal
19 Building, \$18,315,000
20 Seattle, Henry M. Jackson Federal Build-
21 ing, \$6,868,000
22 Special Emphasis Programs:
23 Chlorofluorocarbons Program, \$5,000,000
24 Energy Program, \$5,000,000

1 Glass Fragmentation Program,
2 \$20,000,000
3 Design Program, \$41,462,000
4 Basic Repairs and Alterations, \$365,000,000:

5 *Provided further*, That of the funds provided in this Act
6 for the repair of the Eisenhower Executive Office Build-
7 ing, \$30,757,000 is not available for obligation until 15
8 days after the Executive Office of the President submits
9 a report to the Committees on Appropriations regarding
10 the use of non-Federal funding in renovation and fur-
11 nishing efforts for the Eisenhower Executive Office Build-
12 ing: *Provided further*, That funds made available in any
13 previous Act in the Federal Buildings Fund for Repairs
14 and Alterations shall, for prospectus projects, be limited
15 to the amount identified for each project, except each
16 project in any previous Act may be increased by an
17 amount not to exceed 10 percent unless advance approval
18 is obtained from the Committees on Appropriations of a
19 greater amount: *Provided further*, That additional projects
20 for which prospectuses have been fully approved may be
21 funded under this category only if advance approval is ob-
22 tained from the Committees on Appropriations: *Provided*
23 *further*, That the amounts provided in this or any prior
24 Act for “Repairs and Alterations” may be used to fund
25 costs associated with implementing security improvements

1 to buildings necessary to meet the minimum standards for
2 security in accordance with current law and in compliance
3 with the reprogramming guidelines of the appropriate
4 Committees of the House and Senate: *Provided further,*
5 That the difference between the funds appropriated and
6 expended on any projects in this or any prior Act, under
7 the heading “Repairs and Alterations”, may be trans-
8 ferred to Basic Repairs and Alterations or used to fund
9 authorized increases in prospectus projects: *Provided fur-*
10 *ther,* That all funds for repairs and alterations prospectus
11 projects shall expire on September 30, 2005 and remain
12 in the Federal Buildings Fund except funds for projects
13 as to which funds for design or other funds have been obli-
14 gated in whole or in part prior to such date: *Provided fur-*
15 *ther,* That the amount provided in this or any prior Act
16 for Basic Repairs and Alterations may be used to pay
17 claims against the Government arising from any projects
18 under the heading “Repairs and Alterations” or used to
19 fund authorized increases in prospectus projects; (3)
20 \$169,745,000 for installment acquisition payments includ-
21 ing payments on purchase contracts which shall remain
22 available until expended; (4) \$3,308,187,000 for rental of
23 space which shall remain available until expended; and (5)
24 \$1,608,708,000 for building operations which shall remain
25 available until expended: *Provided further,* That funds

1 available to the General Services Administration shall not
2 be available for expenses of any construction, repair, alter-
3 ation and acquisition project for which a prospectus, if re-
4 quired by the Public Buildings Act of 1959, as amended,
5 has not been approved, except that necessary funds may
6 be expended for each project for required expenses for the
7 development of a proposed prospectus: *Provided further,*
8 That funds available in the Federal Buildings Fund may
9 be expended for emergency repairs when advance approval
10 is obtained from the Committees on Appropriations: *Pro-*
11 *vided further,* That amounts necessary to provide reim-
12 bursable special services to other agencies under section
13 210(f)(6) of the Federal Property and Administrative
14 Services Act of 1949, as amended (40 U.S.C. 592(b)(2))
15 and amounts to provide such reimbursable fencing, light-
16 ing, guard booths, and other facilities on private or other
17 property not in Government ownership or control as may
18 be appropriate to enable the United States Secret Service
19 to perform its protective functions pursuant to 18 U.S.C.
20 3056, shall be available from such revenues and collec-
21 tions: *Provided further,* That revenues and collections and
22 any other sums accruing to this Fund during fiscal year
23 2004, excluding reimbursements under section 210(f)(6)
24 of the Federal Property and Administrative Services Act
25 of 1949 (40 U.S.C. 592(b)(2)) in excess of

1 \$6,557,518,000 shall remain in the Fund and shall not
2 be available for expenditure except as authorized in appro-
3 priations Acts.

4 GENERAL ACTIVITIES

5 GOVERNMENTWIDE POLICY

6 For expenses authorized by law, not otherwise pro-
7 vided for, for Government-wide policy and evaluation ac-
8 tivities associated with the management of real and per-
9 sonal property assets and certain administrative services;
10 Government-wide policy support responsibilities relating to
11 acquisition, telecommunications, information technology
12 management, and related technology activities; and serv-
13 ices as authorized by 5 U.S.C. 3109, \$56,383,000.

14 OPERATING EXPENSES

15 For expenses authorized by law, not otherwise pro-
16 vided for, for Government-wide activities associated with
17 utilization and donation of surplus personal property; dis-
18 posal of real property; telecommunications, information
19 technology management, and related technology activities;
20 providing Internet access to Federal information and serv-
21 ices; agency-wide policy direction and management, and
22 Board of Contract Appeals; accounting, records manage-
23 ment, and other support services incident to adjudication
24 of Indian Tribal Claims by the United States Court of
25 Federal Claims; services as authorized by 5 U.S.C. 3109;

1 and not to exceed \$7,500 for official reception and rep-
2 resentation expenses, \$79,110,000.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General and services authorized by 5 U.S.C. 3109,
6 \$39,169,000: *Provided*, That not to exceed \$15,000 shall
7 be available for payment for information and detection of
8 fraud against the Government, including payment for re-
9 covery of stolen Government property: *Provided further*,
10 That not to exceed \$2,500 shall be available for awards
11 to employees of other Federal agencies and private citizens
12 in recognition of efforts and initiatives resulting in en-
13 hanced Office of Inspector General effectiveness.

14 ELECTRONIC GOVERNMENT FUND
15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses in support of interagency
17 projects that enable the Federal Government to expand
18 its ability to conduct activities electronically, through the
19 development and implementation of innovative uses of the
20 Internet and other electronic methods, \$1,000,000, to re-
21 main available until expended: *Provided*, That these funds
22 may be transferred to Federal agencies to carry out the
23 purposes of the Fund: *Provided further*, That this transfer
24 authority shall be in addition to any other transfer author-
25 ity provided in this Act: *Provided further*, That such trans-
26 fers may not be made until 10 days after a proposed

1 spending plan and justification for each project to be un-
2 dertaken has been submitted to the Committees on Appro-
3 priations.

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

7 For carrying out the provisions of the Act of August
8 25, 1958, as amended (3 U.S.C. 102 note), and Public
9 Law 95-138, \$3,393,000: *Provided*, That the Adminis-
10 trator of General Services shall transfer to the Secretary
11 of the Treasury such sums as may be necessary to carry
12 out the provisions of such Acts.

13 GENERAL PROVISIONS—GENERAL SERVICES
14 ADMINISTRATION

15 SEC. 501. The appropriate appropriation or fund
16 available to the General Services Administration shall be
17 credited with the cost of operation, protection, mainte-
18 nance, upkeep, repair, and improvement, included as part
19 of rentals received from Government corporations pursu-
20 ant to law (40 U.S.C. 129).

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

24 SEC. 503. Funds in the Federal Buildings Fund
25 made available for fiscal year 2004 for Federal Buildings

1 Fund activities may be transferred between such activities
2 only to the extent necessary to meet program require-
3 ments: *Provided*, That any proposed transfers shall be ap-
4 proved in advance by the Committees on Appropriations.

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

17 SEC. 505. None of the funds provided in this Act may
18 be used to increase the amount of occupiable square feet,
19 provide cleaning services, security enhancements, or any
20 other service usually provided through the Federal Build-
21 ings Fund, to any agency that does not pay the rate per
22 square foot assessment for space and services as deter-
23 mined by the General Services Administration in compli-
24 ance with the Public Buildings Amendments Act of 1972
25 (Public Law 92–313).

1 SEC. 506. Funds provided to other Government agen-
2 cies by the Information Technology Fund, General Serv-
3 ices Administration, under section 110 of the Federal
4 Property and Administrative Services Act of 1949 (40
5 U.S.C. 757) and sections 5124(b) and 5128 of the
6 Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428),
7 for performance of pilot information technology projects
8 which have potential for Government-wide benefits and
9 savings, may be repaid to this Fund from any savings ac-
10 tually incurred by these projects or other funding, to the
11 extent feasible.

12 SEC. 507. From funds made available under the
13 heading “Federal Buildings Fund, Limitations on Avail-
14 ability of Revenue”, claims against the Government of less
15 than \$250,000 arising from direct construction projects
16 and acquisition of buildings may be liquidated from sav-
17 ings effected in other construction projects with prior noti-
18 fication to the Committees on Appropriations.

19 SEC. 508. None of the funds in this Act may be used
20 by the General Services Administration to develop or im-
21 plement a mandatory system without exceptions that re-
22 quires agencies government-wide to use a specific elec-
23 tronic travel solution or the eTravel Service: *Provided*,
24 That this section shall also apply to the Department of

1 Transportation in any development of electronic travel so-
2 lutions for its modal administrations.

3 SEC. 509. (a) The Administrator of General Services
4 shall carry out the authority of the Election Assistance
5 Commission to make election assistance payments under
6 subtitle D of title II of the Help America Vote Act of
7 2002, including the authority under such subtitle to re-
8 ceive statements and applications from entities seeking
9 such payments and reports from entities receiving such
10 payments.

11 (b) The authority of the Administrator of General
12 Services under subsection (a) shall apply with respect to
13 amounts appropriated for fiscal year 2004 and amounts
14 appropriated for fiscal year 2003 which remain unobli-
15 gated and unexpended at the end of fiscal year 2003, ex-
16 cept that this authority shall expire upon the earlier of—

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

20 (2) June 30, 2004.

21 (c) Upon the appointment of all members of the Elec-
22 tion Assistance Commission, the Administrator of General
23 Services shall transmit to the Commission all statements,
24 applications, and reports received by the Administrator in
25 carrying out this section.

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

5 MERIT SYSTEMS PROTECTION BOARD

6 SALARIES AND EXPENSES

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary expenses to carry out functions of the
9 Merit Systems Protection Board pursuant to Reorganiza-
10 tion Plan Numbered 2 of 1978 and the Civil Service Re-
11 form Act of 1978, including services as authorized by 5
12 U.S.C. 3109, rental of conference rooms in the District
13 of Columbia and elsewhere, hire of passenger motor vehi-
14 cles, and direct procurement of survey printing,
15 \$32,877,000, together with not to exceed \$2,626,000 for
16 administrative expenses to adjudicate retirement appeals
17 to be transferred from the Civil Service Retirement and
18 Disability Fund in amounts determined by the Merit Sys-
19 tems Protection Board.

1 MORRIS K. UDALL SCHOLARSHIP AND EXCEL-
2 LENCE IN NATIONAL ENVIRONMENTAL
3 POLICY FOUNDATION

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

6 For payment to the Morris K. Udall Scholarship and
7 Excellence in National Environmental Policy Trust Fund,
8 pursuant to the Morris K. Udall Scholarship and Excel-
9 lence in National Environmental and Native American
10 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),
11 \$1,300,000, to remain available until expended of which
12 \$100,000 shall be used to conduct financial audits pursu-
13 ant to the Accountability of Tax Dollars Act of 2002 (Pub-
14 lic Law 107–289) notwithstanding sections 8 and 9 of
15 Public Law 102–259: *Provided*, That up to 70 percent of
16 such funds may be transferred by the Morris K. Udall
17 Scholarship and Excellence in National Environmental
18 Policy Foundation for the necessary expenses of the Na-
19 tive Nations Institute.

20 ENVIRONMENTAL DISPUTE RESOLUTION FUND

21 For payment to the Environmental Dispute Resolu-
22 tion Fund to carry out activities authorized in the Envi-
23 ronmental Policy and Conflict Resolution Act of 1998,
24 \$1,300,000, to remain available until expended.

1 NATIONAL ARCHIVES AND RECORDS

2 ADMINISTRATION

3 OPERATING EXPENSES

4 For necessary expenses in connection with the admin-
5 istration of the National Archives and Records Adminis-
6 tration (including the Information Security Oversight Of-
7 fice) and archived Federal records and related activities,
8 as provided by law, and for expenses necessary for the re-
9 view and declassification of documents, and for the hire
10 of passenger motor vehicles, \$255,191,000: *Provided*,
11 That the Archivist of the United States is authorized to
12 use any excess funds available from the amount borrowed
13 for construction of the National Archives facility, for ex-
14 penses necessary to provide adequate storage for holdings:
15 *Provided further*, That, of the funds provided in this para-
16 graph, \$600,000 shall be for the preservation of the
17 records of the Freedmen's Bureau.

18 ELECTRONIC RECORDS ARCHIVE

19 For necessary expenses in connection with the devel-
20 opment of an electronic records archive, to include all di-
21 rect project costs associated with research, analysis, de-
22 sign, development, and program management,
23 \$35,914,000, of which \$22,000,000 shall remain available
24 until September 30, 2006.

1 REPAIRS AND RESTORATION

2 For the repair, alteration, and improvement of ar-
3 chives facilities, and to provide adequate storage for hold-
4 ings, \$6,458,000, to remain available until expended, of
5 which \$500,000 is for the Military Personnel Records
6 Center requirements study.

7 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

8 COMMISSION

9 GRANTS PROGRAM

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

14 OFFICE OF GOVERNMENT ETHICS

15 SALARIES AND EXPENSES

16 For necessary expenses to carry out functions of the
17 Office of Government Ethics pursuant to the Ethics in
18 Government Act of 1978, as amended and the Ethics Re-
19 form Act of 1989, including services as authorized by 5
20 U.S.C. 3109, rental of conference rooms in the District
21 of Columbia and elsewhere, hire of passenger motor vehi-
22 cles, and not to exceed \$1,500 for official reception and
23 representation expenses, \$10,738,000.

1 OFFICE OF PERSONNEL MANAGEMENT

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF TRUST FUNDS)

4 For necessary expenses to carry out functions of the
5 Office of Personnel Management pursuant to Reorganiza-
6 tion Plan Numbered 2 of 1978 and the Civil Service Re-
7 form Act of 1978, including services as authorized by 5
8 U.S.C. 3109; medical examinations performed for veterans
9 by private physicians on a fee basis; rental of conference
10 rooms in the District of Columbia and elsewhere; hire of
11 passenger motor vehicles; not to exceed \$2,500 for official
12 reception and representation expenses; advances for reim-
13 bursements to applicable funds of the Office of Personnel
14 Management and the Federal Bureau of Investigation for
15 expenses incurred under Executive Order No. 10422 of
16 January 9, 1953, as amended; and payment of per diem
17 and/or subsistence allowances to employees where Voting
18 Rights Act activities require an employee to remain over-
19 night at his or her post of duty, \$119,498,000, of which
20 \$2,000,000 shall remain available until expended for the
21 cost of the enterprise human resources integration project,
22 \$2,500,000 shall remain available until expended for the
23 cost of leading the government-wide initiative to mod-
24 ernize federal payroll systems and service delivery, and
25 \$2,500,000 shall remain available through September 30,

1 2005 to coordinate and conduct program evaluation and
2 performance measurement; and in addition \$126,854,000
3 for administrative expenses, to be transferred from the ap-
4 propriate trust funds of the Office of Personnel Manage-
5 ment without regard to other statutes, including direct
6 procurement of printed materials, for the retirement and
7 insurance programs, of which \$27,640,000 shall remain
8 available until expended for the cost of automating the re-
9 tirement recordkeeping systems: *Provided*, That the provi-
10 sions of this appropriation shall not affect the authority
11 to use applicable trust funds as provided by sections
12 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of
13 title 5, United States Code: *Provided further*, That no part
14 of this appropriation shall be available for salaries and ex-
15 penses of the Legal Examining Unit of the Office of Per-
16 sonnel Management established pursuant to Executive
17 Order No. 9358 of July 1, 1943, or any successor unit
18 of like purpose: *Provided further*, That the President's
19 Commission on White House Fellows, established by Exec-
20 utive Order No. 11183 of October 3, 1964, may, during
21 fiscal year 2004, accept donations of money, property, and
22 personal services in connection with the development of
23 a publicity brochure to provide information about the
24 White House Fellows, except that no such donations shall

1 be accepted for travel or reimbursement of travel expenses,
2 or for the salaries of employees of such Commission.

3 OFFICE OF INSPECTOR GENERAL

4 SALARIES AND EXPENSES

5 (INCLUDING TRANSFER OF TRUST FUNDS)

6 For necessary expenses of the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act, as amended, including services as authorized
9 by 5 U.S.C. 3109, hire of passenger motor vehicles,
10 \$1,498,000, and in addition, not to exceed \$14,427,000
11 for administrative expenses to audit, investigate, and pro-
12 vide other oversight of the Office of Personnel Manage-
13 ment's retirement and insurance programs, to be trans-
14 ferred from the appropriate trust funds of the Office of
15 Personnel Management, as determined by the Inspector
16 General: *Provided*, That the Inspector General is author-
17 ized to rent conference rooms in the District of Columbia
18 and elsewhere.

19 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

20 HEALTH BENEFITS

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

1 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE
2 LIFE INSURANCE

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

7 PAYMENT TO CIVIL SERVICE RETIREMENT AND
8 DISABILITY FUND

9 For financing the unfunded liability of new and in-
10 creased annuity benefits becoming effective on or after Oc-
11 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-
12 nuities under special Acts to be credited to the Civil Serv-
13 ice Retirement and Disability Fund, such sums as may
14 be necessary: *Provided*, That annuities authorized by the
15 Act of May 29, 1944, as amended, and the Act of August
16 19, 1950, as amended (33 U.S.C. 771–775), may here-
17 after be paid out of the Civil Service Retirement and Dis-
18 ability Fund.

19 HUMAN CAPITAL PERFORMANCE FUND
20 (INCLUDING TRANSFER OF FUNDS)

21 For a human capital performance fund, \$2,500,000:
22 *Provided*, That such amount shall not be available for obli-
23 gation or transfer until enactment of legislation that es-
24 tablishes a human capital performance fund within the Of-
25 fice of Personnel Management: *Provided further*, That

1 such amounts as determined by the Director of the Office
2 of Personnel Management may be transferred to federal
3 agencies to carry out the purposes of this fund as author-
4 ized: *Provided further*, That no funds shall be available
5 for obligation or transfer to any federal agency until the
6 Director has notified the relevant subcommittees of juris-
7 diction of the Committees on Appropriations of the ap-
8 proval of a performance pay plan for that agency, and the
9 prior approval of such subcommittees has been attained.

10 OFFICE OF SPECIAL COUNSEL

11 SALARIES AND EXPENSES

12 For necessary expenses to carry out functions of the
13 Office of Special Counsel pursuant to Reorganization Plan
14 Numbered 2 of 1978, the Civil Service Reform Act of
15 1978 (Public Law 95-454), as amended, the Whistle-
16 blower Protection Act of 1989 (Public Law 101-12), as
17 amended, Public Law 103-424, and the Uniformed Serv-
18 ices Employment and Reemployment Act of 1994 (Public
19 Law 103-353), including services as authorized by 5
20 U.S.C. 3109, payment of fees and expenses for witnesses,
21 rental of conference rooms in the District of Columbia and
22 elsewhere, and hire of passenger motor vehicles;
23 \$13,504,000.

1 UNITED STATES TAX COURT

2 SALARIES AND EXPENSES

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

7 WHITE HOUSE COMMISSION ON THE NATIONAL
8 MOMENT OF REMEMBRANCE

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

11 TITLE VI—GENERAL PROVISIONS

12 THIS ACT

13 (INCLUDING TRANSFERS OF FUNDS)

14 SEC. 601. During the current fiscal year applicable
15 appropriations to the Department of Transportation shall
16 be available for maintenance and operation of aircraft;
17 hire of passenger motor vehicles and aircraft; purchase of
18 liability insurance for motor vehicles operating in foreign
19 countries on official department business; and uniforms,
20 or allowances therefor, as authorized by law (5 U.S.C.
21 5901–5902).

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

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

6 SEC. 604. None of the funds in this Act shall be avail-
7 able for salaries and expenses of more than 110 political
8 and Presidential appointees in the Department of Trans-
9 portation: *Provided*, That none of the personnel covered
10 by this provision may be assigned on temporary detail out-
11 side the Department of Transportation.

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

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

21 SEC. 607. The expenditure of any appropriation
22 under this Act for any consulting service through procure-
23 ment contract pursuant to section 3109 of title 5, United
24 States Code, shall be limited to those contracts where such
25 expenditures are a matter of public record and available

1 for public inspection, except where otherwise provided
2 under existing law, or under existing Executive order
3 issued pursuant to existing law.

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

6 SEC. 609. (a) No recipient of funds made available
7 in this Act shall disseminate personal information (as de-
8 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
9 ment of motor vehicles in connection with a motor vehicle
10 record as defined in 18 U.S.C. 2725(1), except as provided
11 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
12 2721.

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

16 SEC. 610. Funds received by the Federal Highway
17 Administration, Federal Transit Administration, and Fed-
18 eral Railroad Administration from States, counties, mu-
19 nicipalities, other public authorities, and private sources
20 for expenses incurred for training may be credited respec-
21 tively to the Federal Highway Administration's "Federal-
22 Aid Highways" account, the Federal Transit Administra-
23 tion's "Transit Planning and Research" account, and to
24 the Federal Railroad Administration's "Safety and Oper-

1 ations” account, except for State rail safety inspectors
2 participating in training pursuant to 49 U.S.C. 20105.

3 SEC. 611. Notwithstanding any other provision of
4 law, rule or regulation, the Secretary of Transportation
5 is authorized to allow the issuer of any preferred stock
6 heretofore sold to the Department to redeem or repur-
7 chase such stock upon the payment to the Department of
8 an amount determined by the Secretary.

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

24 SEC. 613. For the purpose of any applicable law, for
25 fiscal year 2004, the city of Norman, Oklahoma, shall be

1 considered to be part of the Oklahoma City Transpor-
2 tation Management Area.

3 SEC. 614. None of the funds in this Act may be obli-
4 gated for the Office of the Secretary of Transportation
5 to approve assessments or reimbursable agreements per-
6 taining to funds appropriated to the modal administra-
7 tions in this Act, except for activities underway on the
8 date of enactment of this Act, unless such assessments
9 or agreements have completed the normal reprogramming
10 process for Congressional notification.

11 SEC. 615. None of the funds made available in this
12 Act may be transferred to any department, agency, or in-
13 strumentality of the United States Government, except
14 pursuant to a transfer made by, or transfer authority pro-
15 vided in, this Act or any other appropriations Act.

16 SEC. 616. Rebates, refunds, incentive payments,
17 minor fees and other funds received by the Department
18 of Transportation from travel management centers,
19 charge card programs, the subleasing of building space,
20 and miscellaneous sources are to be credited to appropria-
21 tions of the Department of Transportation and allocated
22 to elements of the Department of Transportation using
23 fair and equitable criteria and such funds shall be avail-
24 able until expended.

1 SEC. 617. Amounts made available in this or any
2 other Act that the Secretary determines represent im-
3 proper payments by the Department of Transportation to
4 a third party contractor under a financial assistance
5 award, which are recovered pursuant to law, shall be avail-
6 able—

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

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

14 (A) shall be credited to and merged with
15 the appropriation from which the improper pay-
16 ments were made, and shall be available for the
17 purposes and period for which such appropria-
18 tions are available; or

19 (B) if no such appropriation remains avail-
20 able, shall be deposited in the Treasury as mis-
21 cellaneous receipts: *Provided further*, That prior
22 to the transfer of any such recovery to an ap-
23 propriations account, the Secretary shall notify
24 the House and Senate Committees on Appro-
25 priations of the amount and reasons for such

1 transfer: *Provided further*, That for purposes of
2 this section, the term “improper payments,”
3 has the same meaning as that provided in sec-
4 tion 2(d)(2) of Public Law 107–300.

5 SEC. 618. The Secretary of Transportation is author-
6 ized to transfer the unexpended balances available for the
7 bonding assistance program from “Office of the Secretary,
8 Salaries and expenses” to “Minority Business Outreach”.

9 SEC. 619. None of the funds made available by this
10 Act shall be available for any activity or for paying the
11 salary of any Government employee where funding an ac-
12 tivity or paying a salary to a Government employee would
13 result in a decision, determination, rule, regulation, or pol-
14 icy that would prohibit the enforcement of section 307 of
15 the Tariff Act of 1930.

16 SEC. 620. No part of any appropriation contained in
17 this Act shall be available to pay the salary for any person
18 filling a position, other than a temporary position, for-
19 merly held by an employee who has left to enter the Armed
20 Forces of the United States and has satisfactorily com-
21 pleted his period of active military or naval service, and
22 has within 90 days after his release from such service or
23 from hospitalization continuing after discharge for a pe-
24 riod of not more than 1 year, made application for restora-
25 tion to his former position and has been certified by the

1 Office of Personnel Management as still qualified to per-
2 form the duties of his former position and has not been
3 restored thereto.

4 SEC. 621. No funds appropriated pursuant to this
5 Act may be expended by an entity unless the entity agrees
6 that in expending the assistance the entity will comply
7 with sections 2 through 4 of the Act of March 3, 1933
8 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-
9 ican Act”).

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

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

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

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

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

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

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

23 SEC. 627. The provision of section 626 shall not
24 apply where the life of the mother would be endangered

1 if the fetus were carried to term, or the pregnancy is the
2 result of an act of rape or incest.

3 SEC. 628. For the purpose of assisting State-sup-
4 ported intercity rail service, in order to demonstrate
5 whether competition will provide higher quality rail pas-
6 senger service at reasonable prices, the Secretary of
7 Transportation, working with affected States, shall de-
8 velop and implement a procedure for fair competitive bid-
9 ding by Amtrak and non-Amtrak operators for State-sup-
10 ported routes: *Provided*, That in the event a State desires
11 to select or selects a non-Amtrak operator for the route,
12 the State may make an agreement with Amtrak to use
13 facilities and equipment of, or have services provided by,
14 Amtrak under terms agreed to by the State and Amtrak
15 to enable the non-Amtrak operator to provide the State-
16 supported service: *Provided further*, That if the parties
17 cannot agree on terms, the Secretary shall, as a condition
18 of receipt of Federal grant funds, order that the facilities
19 and equipment be made available and the services be pro-
20 vided by Amtrak under reasonable terms and compensa-
21 tion: *Provided further*, That when prescribing reasonable
22 compensation to Amtrak, the Secretary shall consider
23 quality of service as a major factor when determining
24 whether, and the extent to which, the amount of com-
25 pensation shall be greater than the incremental costs of

1 using the facilities and providing the services: *Provided*
2 *further*, That the Secretary may reprogram up to
3 \$5,000,000 from the Amtrak operating grant funds for
4 costs associated with the implementation of the fair bid
5 procedure and demonstration of competition under this
6 section.

7 SEC. 629. None of the funds provided in this Act,
8 provided by previous appropriations Acts to the agencies
9 or entities funded in this Act that remain available for
10 obligation or expenditure in fiscal year 2004, or provided
11 from any accounts in the Treasury derived by the collec-
12 tion of fees and available to the agencies funded by this
13 Act, shall be available for obligation or expenditure
14 through a reprogramming of funds that—

- 15 (1) creates a new program;
- 16 (2) eliminates a program, project, or activity;
- 17 (3) increases funds for any program, project, or
18 activity for which funds have been denied or re-
19 stricted by the Congress;
- 20 (4) proposes to use funds directed for a specific
21 activity by either the House or Senate Committees
22 on Appropriations for a different purpose;
- 23 (5) augments existing programs, projects, or ac-
24 tivities in excess of \$5,000,000 or 10 percent, which-
25 ever is less; or

1 (6) reduces existing programs, projects, or ac-
2 tivities by 10 percent—
3 unless the House and Senate Committees on Appropria-
4 tions are notified at least 15 days in advance of such re-
5 programming.

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

13 SEC. 631. EXEMPTION FROM LIMITATIONS ON PRO-
14 CUREMENT OF FOREIGN INFORMATION TECHNOLOGY
15 THAT IS A COMMERCIAL ITEM.—(a) EXEMPTION.—Not-
16 withstanding any other provision of law, in order to pro-
17 mote Government access to commercial information tech-
18 nology, the restriction on purchasing nondomestic articles,
19 materials, and supplies set forth in the Buy American Act
20 (41 U.S.C. 10a et seq.), and the prohibition on acquiring
21 foreign products under section 302(a)(1) of the Trade
22 Agreements Act of 1979 (Public Law 96–39; 19 U.S.C.
23 2512(a)(1)), shall not apply to the acquisition by the Fed-
24 eral Government of information technology (as defined in
25 section 11101 of title 40, United States Code, that is a

1 commercial item (as defined in section 4(12) of the Office
2 of Federal Procurement Policy Act (41 U.S.C. 403(12)).

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

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

7 (2) in subparagraph (B), by striking “ancillary
8 equipment,” and inserting “ancillary equipment (in-
9 cluding imaging peripherals, input, output, and stor-
10 age devices necessary for security and surveillance),
11 peripheral equipment designed to be controlled by
12 the central processing unit of a computer,”.

13 SEC. 632. It is the sense of the House of Representa-
14 tives that empowerment zones within cities should have
15 the necessary flexibility to expand to include relevant com-
16 munities so that empowerment zone benefits are equitably
17 distributed.

18 SEC. 633. It is the sense of the House of Representa-
19 tives that all census tracts contained in an empowerment
20 zone, either fully or partially, should be equitably accorded
21 the same benefits.

22 SEC. 634. None of the funds made available in this
23 Act may be used to finalize, implement, administer, or en-
24 force—

1 (1) the proposed rule relating to the determina-
2 tion that real estate brokerage is an activity that is
3 financial in nature or incidental to a financial activ-
4 ity published in the Federal Register on January 3,
5 2001 (66 Fed. Reg. 307 et seq.); or

6 (2) the revision proposed in such rule to section
7 1501.2 of title 12 of the Code of Federal Regula-
8 tions.

9 SEC. 635. It is the sense of Congress that, after prop-
10 er documentation, justification, and review, the Depart-
11 ment of Transportation should consider programs to reim-
12 burse general aviation ground support services at Ronald
13 Reagan Washington National Airport, and airports lo-
14 cated within fifteen miles of Ronald Reagan Washington
15 National Airport, for their financial losses due to Govern-
16 ment actions after the terrorist attacks of September 11,
17 2001.

18 SEC. 636. It is the sense of the House of Representa-
19 tives that public private partnerships (PPPs) could help
20 eliminate some of the cost drivers behind complex, capital-
21 intensive highway and transit projects. The House of Rep-
22 resentatives encourages the Secretary of Transportation
23 to apply available funds to select projects that are in the
24 development phase, eligible under title 23 and title 49,

1 United States Code, except 23 U.S.C. 133(b)(8), and that
2 employ a PPP strategy.

3 TITLE VII—GENERAL PROVISIONS

4 DEPARTMENTS, AGENCIES, AND CORPORATIONS

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

9 SEC. 702. No department, agency, or instrumentality
10 of the United States receiving appropriated funds under
11 this or any other Act for fiscal year 2004 shall obligate
12 or expend any such funds, unless such department, agen-
13 cy, or instrumentality has in place, and will continue to
14 administer in good faith, a written policy designed to en-
15 sure that all of its workplaces are free from the illegal
16 use, possession, or distribution of controlled substances
17 (as defined in the Controlled Substances Act) by the offi-
18 cers and employees of such department, agency, or instru-
19 mentality.

20 SEC. 703. Unless otherwise specifically provided, the
21 maximum amount allowable during the current fiscal year
22 in accordance with section 16 of the Act of August 2, 1946
23 (60 Stat. 810), for the purchase of any passenger motor
24 vehicle (exclusive of buses, ambulances, law enforcement,
25 and undercover surveillance vehicles), is hereby fixed at

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

15 SEC. 704. Appropriations of the executive depart-
16 ments and independent establishments for the current fis-
17 cal year available for expenses of travel, or for the ex-
18 penses of the activity concerned, are hereby made available
19 for quarters allowances and cost-of-living allowances, in
20 accordance with 5 U.S.C. 5922–5924.

21 SEC. 705. Unless otherwise specified during the cur-
22 rent fiscal year, no part of any appropriation contained
23 in this or any other Act shall be used to pay the compensa-
24 tion of any officer or employee of the Government of the
25 United States (including any agency the majority of the

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

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

13 SEC. 706. Appropriations available to any depart-
14 ment or agency during the current fiscal year for nec-
15 essary expenses, including maintenance or operating ex-
16 penses, shall also be available for payment to the General
17 Services Administration for charges for space and services
18 and those expenses of renovation and alteration of build-
19 ings and facilities which constitute public improvements
20 performed in accordance with the Public Buildings Act of
21 1959 (73 Stat. 749), the Public Buildings Amendments
22 of 1972 (87 Stat. 216), or other applicable law.

23 SEC. 707. In addition to funds provided in this or
24 any other Act, all Federal agencies are authorized to re-
25 ceive and use funds resulting from the sale of materials,

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

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

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

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

17 SEC. 708. Funds made available by this or any other
18 Act for administrative expenses in the current fiscal year
19 of the corporations and agencies subject to chapter 91 of
20 title 31, United States Code, shall be available, in addition
21 to objects for which such funds are otherwise available,
22 for rent in the District of Columbia; services in accordance
23 with 5 U.S.C. 3109; and the objects specified under this
24 head, all the provisions of which shall be applicable to the
25 expenditure of such funds unless otherwise specified in the

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

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

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

19 SEC. 711. Funds made available by this or any other
20 Act to the Postal Service Fund (39 U.S.C. 2003) shall
21 be available for employment of guards for all buildings and
22 areas owned or occupied by the Postal Service and under
23 the charge and control of the Postal Service, and such
24 guards shall have, with respect to such property, the pow-
25 ers of special policemen provided by the first section of

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

11 SEC. 712. None of the funds made available pursuant
12 to the provisions of this Act shall be used to implement,
13 administer, or enforce any regulation which has been dis-
14 approved pursuant to a resolution of disapproval duly
15 adopted in accordance with the applicable law of the
16 United States.

17 SEC. 713. (a) Notwithstanding any other provision
18 of law, and except as otherwise provided in this section,
19 no part of any of the funds appropriated for fiscal year
20 2004, by this or any other Act, may be used to pay any
21 prevailing rate employee described in section
22 5342(a)(2)(A) of title 5, United States Code—

23 (1) during the period from the date of expira-
24 tion of the limitation imposed by the comparable sec-
25 tion for the previous fiscal years until the normal ef-

1 fective date of the applicable wage survey adjust-
2 ment that is to take effect in fiscal year 2004, in an
3 amount that exceeds the rate payable for the appli-
4 cable grade and step of the applicable wage schedule
5 in accordance with such section; and

6 (2) during the period consisting of the remain-
7 der of fiscal year 2004, in an amount that exceeds,
8 as a result of a wage survey adjustment, the rate
9 payable under paragraph (1) by more than the sum
10 of—

11 (A) the percentage adjustment taking ef-
12 fect in fiscal year 2004 under section 5303 of
13 title 5, United States Code, in the rates of pay
14 under the General Schedule; and

15 (B) the difference between the overall aver-
16 age percentage of the locality-based com-
17 parability payments taking effect in fiscal year
18 2004 under section 5304 of such title (whether
19 by adjustment or otherwise), and the overall av-
20 erage percentage of such payments which was
21 effective in the previous fiscal year under such
22 section.

23 (b) Notwithstanding any other provision of law, no
24 prevailing rate employee described in subparagraph (B) or
25 (C) of section 5342(a)(2) of title 5, United States Code,

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

6 (c) For the purposes of this section, the rates payable
7 to an employee who is covered by this section and who
8 is paid from a schedule not in existence on September 30,
9 2003, shall be determined under regulations prescribed by
10 the Office of Personnel Management.

11 (d) Notwithstanding any other provision of law, rates
12 of premium pay for employees subject to this section may
13 not be changed from the rates in effect on September 30,
14 2003, except to the extent determined by the Office of
15 Personnel Management to be consistent with the purpose
16 of this section.

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

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

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

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

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

12 SEC. 714. During the period in which the head of
13 any department or agency, or any other officer or civilian
14 employee of the Government appointed by the President
15 of the United States, holds office, no funds may be obli-
16 gated or expended in excess of \$5,000 to furnish or re-
17 decorate the office of such department head, agency head,
18 officer, or employee, or to purchase furniture or make im-
19 provements for any such office, unless advance notice of
20 such furnishing or redecoration is expressly approved by
21 the Committees on Appropriations. For the purposes of
22 this section, the term "office" shall include the entire suite
23 of offices assigned to the individual, as well as any other
24 space used primarily by the individual or the use of which
25 is directly controlled by the individual.

1 SEC. 715. Notwithstanding section 1346 of title 31,
2 United States Code, or section 710 of this Act, funds
3 made available for the current fiscal year by this or any
4 other Act shall be available for the interagency funding
5 of national security and emergency preparedness tele-
6 communications initiatives which benefit multiple Federal
7 departments, agencies, or entities, as provided by Execu-
8 tive Order No. 12472 (April 3, 1984).

9 SEC. 716. (a) None of the funds appropriated by this
10 or any other Act may be obligated or expended by any
11 Federal department, agency, or other instrumentality for
12 the salaries or expenses of any employee appointed to a
13 position of a confidential or policy-determining character
14 excepted from the competitive service pursuant to section
15 3302 of title 5, United States Code, without a certification
16 to the Office of Personnel Management from the head of
17 the Federal department, agency, or other instrumentality
18 employing the Schedule C appointee that the Schedule C
19 position was not created solely or primarily in order to
20 detail the employee to the White House.

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

24 (1) the Central Intelligence Agency;

25 (2) the National Security Agency;

1 (3) the Defense Intelligence Agency;

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

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

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

15 (7) the Director of Central Intelligence.

16 SEC. 717. No department, agency, or instrumentality
17 of the United States receiving appropriated funds under
18 this or any other Act for the current fiscal year shall obli-
19 gate or expend any such funds, unless such department,
20 agency, or instrumentality has in place, and will continue
21 to administer in good faith, a written policy designed to
22 ensure that all of its workplaces are free from discrimina-
23 tion and sexual harassment and that all of its workplaces
24 are not in violation of title VII of the Civil Rights Act

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

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

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

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

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

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

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

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

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

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

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

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

7 SEC. 720. No funds appropriated in this or any other
8 Act may be used to implement or enforce the agreements
9 in Standard Forms 312 and 4414 of the Government or
10 any other nondisclosure policy, form, or agreement if such
11 policy, form, or agreement does not contain the following
12 provisions: "These restrictions are consistent with and do
13 not supersede, conflict with, or otherwise alter the em-
14 ployee obligations, rights, or liabilities created by Execu-
15 tive Order No. 12958; section 7211 of title 5, United
16 States Code (governing disclosures to Congress); section
17 1034 of title 10, United States Code, as amended by the
18 Military Whistleblower Protection Act (governing dislo-
19 sure to Congress by members of the military); section
20 2302(b)(8) of title 5, United States Code, as amended by
21 the Whistleblower Protection Act (governing disclosures of
22 illegality, waste, fraud, abuse or public health or safety
23 threats); the Intelligence Identities Protection Act of 1982
24 (50 U.S.C. 421 et seq.) (governing disclosures that could
25 expose confidential Government agents); and the statutes

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

23 SEC. 721. No part of any funds appropriated in this
24 or any other Act shall be used by an agency of the execu-
25 tive branch, other than for normal and recognized execu-

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

7 SEC. 722. None of the funds appropriated by this or
8 any other Act may be used by an agency to provide a Fed-
9 eral employee's home address to any labor organization
10 except when the employee has authorized such disclosure
11 or when such disclosure has been ordered by a court of
12 competent jurisdiction.

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

19 SEC. 724. No part of any appropriation contained in
20 this or any other Act shall be used for publicity or propa-
21 ganda purposes within the United States not heretofore
22 authorized by the Congress.

23 SEC. 725. Unless authorized in accordance with law
24 or regulations to use such time for other purposes, an em-
25 ployee of an agency shall use official time in an honest

1 effort to perform official duties. An employee not under
2 a leave system, including a Presidential appointee exempt-
3 ed under section 6301(2) of title 5, United States Code,
4 has an obligation to expend an honest effort and a reason-
5 able proportion of such employee's time in the perform-
6 ance of official duties: *Provided*, That in this section the
7 term "agency"—

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

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

13 (3) shall not include the General Accounting
14 Office.

15 SEC. 726. Notwithstanding 31 U.S.C. 1346 and sec-
16 tion 710 of this Act, funds made available for the current
17 fiscal year by this or any other Act to any department
18 or agency, which is a member of the Joint Financial Man-
19 agement Improvement Program (JFMIP), shall be avail-
20 able to finance an appropriate share of JFMIP adminis-
21 trative costs, as determined by the JFMIP, but not to ex-
22 ceed a total of \$800,000 including the salary of the Execu-
23 tive Director and staff support.

24 SEC. 727. Notwithstanding 31 U.S.C. 1346 and sec-
25 tion 710 of this Act, the head of each Executive depart-

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

24 SEC. 728. Notwithstanding any other provision of
25 law, a woman may breastfeed her child at any location

1 in a Federal building or on Federal property, if the woman
2 and her child are otherwise authorized to be present at
3 the location.

4 SEC. 729. Notwithstanding section 1346 of title 31,
5 United States Code, or section 710 of this Act, funds
6 made available for the current fiscal year by this or any
7 other Act shall be available for the interagency funding
8 of specific projects, workshops, studies, and similar efforts
9 to carry out the purposes of the National Science and
10 Technology Council (authorized by Executive Order No.
11 12881), which benefit multiple Federal departments,
12 agencies, or entities: *Provided*, That the Office of Manage-
13 ment and Budget shall provide a report describing the
14 budget of and resources connected with the National
15 Science and Technology Council to the Committees on Ap-
16 propriations, the House Committee on Science; and the
17 Senate Committee on Commerce, Science, and Transpor-
18 tation 90 days after enactment of this Act.

19 SEC. 730. Any request for proposals, solicitation,
20 grant application, form, notification, press release, or
21 other publications involving the distribution of Federal
22 funds shall indicate the agency providing the funds, the
23 Catalog of Federal Domestic Assistance Number, as appli-
24 cable, and the amount provided. This provision shall apply

1 to direct payments, formula funds, and grants received by
2 a State receiving Federal funds.

3 SEC. 731. Subsection (f) of section 403 of Public Law
4 103–356 (31 U.S.C. 501 note) is amended by striking
5 “October 1, 2001” and inserting “October 1, 2004”.

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

10 (1) to collect, review, or create any aggregate
11 list, derived from any means, that includes the col-
12 lection of any personally identifiable information re-
13 lating to an individual’s access to or use of any Fed-
14 eral Government Internet site of the agency; or

15 (2) to enter into any agreement with a third
16 party (including another government agency) to col-
17 lect, review, or obtain any aggregate list, derived
18 from any means, that includes the collection of any
19 personally identifiable information relating to an in-
20 dividual’s access to or use of any nongovernmental
21 Internet site.

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

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

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

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

6 (4) any action described in subsection (a)(1)
7 that is a system security action taken by the oper-
8 ator of an Internet site and is necessarily incident
9 to the rendition of the Internet site services or to the
10 protection of the rights or property of the provider
11 of the Internet site.

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

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

16 (2) The term “supervisory” means examina-
17 tions of the agency’s supervised institutions, includ-
18 ing assessing safety and soundness, overall financial
19 condition, management practices and policies and
20 compliance with applicable standards as provided in
21 law.

22 SEC. 733. (a) None of the funds appropriated by this
23 Act may be used to enter into or renew a contract which
24 includes a provision providing prescription drug coverage,

1 except where the contract also includes a provision for con-
2 traceptive coverage.

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

5 (1) any of the following religious plans:

6 (A) Personal Care’s HMO; and

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

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

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

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

19 SEC. 734. The Congress of the United States recog-
20 nizes the United States Anti-Doping Agency (USADA) as
21 the official anti-doping agency for Olympic, Pan Amer-
22 ican, and Paralympic sport in the United States.

23 SEC. 735. Not later than 6 months after the date of
24 enactment of this Act, the Inspector General of each appli-
25 cable department or agency shall submit to the Committee

1 on Appropriations a report detailing what policies and pro-
2 cedures are in place for each department or agency to give
3 first priority to the location of new offices and other facili-
4 ties in rural areas, as directed by the Rural Development
5 Act of 1972.

6 SEC. 736. Each Executive department and agency
7 shall evaluate the creditworthiness of an individual before
8 issuing the individual a government travel charge card.
9 The department or agency may not issue a government
10 travel charge card to an individual that either lacks a cred-
11 it history or is found to have an unsatisfactory credit his-
12 tory as a result of this evaluation: *Provided*, That this re-
13 striction shall not preclude issuance of a restricted-use
14 charge, debit, or stored value card made in accordance
15 with agency procedures to (a) an individual with an unsat-
16 isfactory credit history where such card is used to pay
17 travel expenses and the agency determines there is no suit-
18 able alternative payment mechanism available before
19 issuing the card, or (b) an individual who lacks a credit
20 history. Each Executive department and agency shall es-
21 tablish guidelines and procedures for disciplinary actions
22 to be taken against agency personnel for improper, fraud-
23 ulent, or abusive use of government charge cards, which
24 shall include appropriate disciplinary actions for use of
25 charge cards for purposes, and at establishments, that are

1 inconsistent with the official business of the Department
2 or agency or with applicable standards of conduct.

3 SEC. 737. Notwithstanding section 1346 of title 31,
4 United States Code, or section 710 of this Act, funds
5 made available for the current fiscal year by this or any
6 other Act shall be available for the interagency funding
7 of the National Oceanographic Partnership Program Of-
8 fice, authorized by 10 U.S.C. 7902, and the Coastal Amer-
9 ica program, which benefit multiple Federal departments,
10 agencies, or entities: *Provided*, That the Department of
11 Commerce shall provide a report describing the budget of
12 and resources connected with the National Oceanographic
13 Partnership Program Office and the Coastal America pro-
14 gram to the House and Senate Committees on Appropria-
15 tions, the House Committee on Science, and the Senate
16 Committee on Commerce, Science, and Transportation 90
17 days after the enactment of this Act.

18 SEC. 738. Section 640(c) of the Treasury and Gen-
19 eral Government Appropriations Act, 2000 (Public Law
20 106–58; 2 U.S.C. 437g note 1), as amended by section
21 642 of the Treasury and General Government Appropria-
22 tions Act, 2002 (Public Law 107–67), is amended by
23 striking “December 31, 2003” and inserting “December
24 31, 2005”.

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

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

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

16 “(5) If a designation, report, or statement filed
17 pursuant to this Act (other than under paragraph
18 (2)(A)(i) or (4)(A)(ii) or subsection (g)(1)) is sent
19 by registered mail, certified mail, priority mail hav-
20 ing a delivery confirmation, or express mail having
21 a delivery confirmation, the United States postmark
22 shall be considered the date of filing the designation,
23 report or statement. If a designation, report or
24 statement filed pursuant to this Act (other than
25 under paragraph (2)(A)(i) or (4)(A)(ii), or sub-

1 section (g)(1)) is sent by an overnight delivery serv-
2 ice with an on-line tracking system, the date on the
3 proof of delivery to the delivery service shall be con-
4 sidered the date of filing of the designation, report,
5 or statement.”.

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

15 (b) Notwithstanding section 713 of this Act, the ad-
16 justment in rates of basic pay for the statutory pay sys-
17 tems that take place in fiscal year 2004 under sections
18 5344 and 5348 of title 5, United States Code, shall be
19 no less than the percentage in paragraph (a) as employees
20 in the same location whose rates of basic pay are adjusted
21 pursuant to the statutory pay systems under section 5303
22 and 5304 of title 5, United States Code. Prevailing rate
23 employees at locations where there are no employees whose
24 pay is increased pursuant to sections 5303 and 5304 of
25 title 5 and prevailing rate employees described in section

1 5343(a)(5) of title 5 shall be considered to be located in
2 the pay locality designated as “Rest of US” pursuant to
3 section 5304 of title 5 for purposes of this paragraph.

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

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

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

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

19 (3) the costs attributable to paying outside con-
20 sultants and contractors to carry out the agency’s
21 competitive sourcing program;

22 (4) the costs attributable to paying agency per-
23 sonnel to carry out its competitive sourcing program;
24 and

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

3 This Act may be cited as the “Transportation, Treas-
4 ury, and Independent Agencies Appropriations Act,
5 2004”.

Union Calendar No. 133

108TH CONGRESS
1ST SESSION

H. R. 2989

[Report No. 108-243]

A BILL

Making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

JULY 30, 2003

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