

Calendar No. 279

108TH CONGRESS
1ST SESSION

H. R. 2989

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2003

Received; read twice and placed on the calendar

AN ACT

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 Representatives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Departments of Transportation and Treasury and inde-
4 pendent agencies for the fiscal year ending September 30,
5 2004, and for other purposes, namely:

6 **TITLE I**

7 **DEPARTMENT OF TRANSPORTATION**

8 **OFFICE OF THE SECRETARY**

9 **SALARIES AND EXPENSES**

10 For necessary expenses of the Office of the Secretary,
11 \$93,577,000 (increased by \$500,000), of which not to ex-
12 ceed \$2,212,000 shall be available for the immediate Of-
13 fice of the Secretary; not to exceed \$841,000 shall be
14 available for the immediate Office of the Deputy Sec-
15 retary; not to exceed \$15,560,000 shall be available for
16 the Office of the General Counsel; not to exceed
17 \$12,717,000 shall be available for the Office of the Under
18 Secretary of Transportation for Policy; not to exceed
19 \$8,630,000 shall be available for the Office of the Assist-
20 ant Secretary for Budget and Programs; not to exceed
21 \$2,518,000 shall be available for the Office of the Assist-
22 ant Secretary for Governmental Affairs; not to exceed
23 \$28,882,000 shall be available for the Office of the Assist-
24 ant Secretary for Administration; not to exceed
25 \$1,982,000 shall be available for the Office of Public Af-

1 fairs; not to exceed \$1,447,000 shall be available for the
2 Office of the Executive Secretariat; not to exceed
3 \$730,000 shall be available for the Board of Contract Ap-
4 peals; not to exceed \$1,268,000 shall be available for the
5 Office of Small and Disadvantaged Business Utilization;
6 not to exceed \$14,565,000 shall be available for the Office
7 of the Chief Information Officer; and not to exceed
8 \$2,000,000 shall be available for the Office of Intelligence
9 and Security: *Provided*, That the Secretary of Transpor-
10 tation is authorized to transfer funds appropriated for any
11 office of the Office of the Secretary to any other office
12 of the Office of the Secretary: *Provided further*, That no
13 appropriation for any office shall be increased or de-
14 creased by more than 5 percent by all such transfers: *Pro-*
15 *vided further*, That any change in funding greater than
16 5 percent shall be submitted for approval to the House
17 and Senate Committees on Appropriations: *Provided fur-*
18 *ther*, That not to exceed \$60,000 shall be for allocation
19 within the Department for official reception and represen-
20 tation expenses as the Secretary may determine: *Provided*
21 *further*, That notwithstanding any other provision of law,
22 excluding fees authorized in Public Law 107-71, there
23 may be credited to this appropriation up to \$2,500,000
24 in funds received in user fees: *Provided further*, That none

1 of the funds provided in this Act shall be available for
2 the position of Assistant Secretary for Public Affairs.

3 OFFICE OF CIVIL RIGHTS

4 For necessary expenses of the Office of Civil Rights,
5 \$8,569,000.

6 TRANSPORTATION PLANNING, RESEARCH, AND 7 DEVELOPMENT

8 For necessary expenses for conducting transportation
9 planning, research, systems development, development ac-
10 tivities, and making grants, to remain available until ex-
11 pended, \$8,336,000.

12 WORKING CAPITAL FUND

13 Necessary expenses for operating costs and capital
14 outlays of the Working Capital Fund, not to exceed
15 \$116,715,000, shall be paid from appropriations made
16 available to the Department of Transportation: *Provided*,
17 That such services shall be provided on a competitive basis
18 to entities within the Department of Transportation: *Pro-
vided further*, That the above limitation on operating ex-
19 penses shall not apply to non-DOT entities: *Provided fur-
ther*, That no funds appropriated in this Act to an agency
20 of the Department shall be transferred to the Working
21 Capital Fund without the approval of the agency modal
22 administrator: *Provided further*, That no assessments may
23 be levied against any program, budget activity, subactivity

1 or project funded by this Act unless notice of such assess-
2 ments and the basis therefor are presented to the House
3 and Senate Committees on Appropriations and are ap-
4 proved by such Committees.

5 MINORITY BUSINESS RESOURCE CENTER PROGRAM

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

15 MINORITY BUSINESS OUTREACH

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

22 NEW HEADQUARTERS BUILDING

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

1 FEDERAL AVIATION ADMINISTRATION

2 OPERATIONS

3 For necessary expenses of the Federal Aviation Ad-
4 ministration, not otherwise provided for, including oper-
5 ations and research activities related to commercial space
6 transportation, administrative expenses for research and
7 development, establishment of air navigation facilities, the
8 operation (including leasing) and maintenance of aircraft,
9 subsidizing the cost of aeronautical charts and maps sold
10 to the public, lease or purchase of passenger motor vehi-
11 cles for replacement only, in addition to amounts made
12 available by Public Law 104-264, \$7,532,000,000, of
13 which \$4,043,000,000 shall be derived from the Airport
14 and Airway Trust Fund, of which not to exceed
15 \$6,076,724,000 shall be available for air traffic services
16 program activities; not to exceed \$870,505,000 shall be
17 available for aviation regulation and certification program
18 activities; not to exceed \$218,481,000 shall be available
19 for research and acquisition program activities; not to ex-
20 ceed \$11,776,000 shall be available for commercial space
21 transportation program activities; not to exceed
22 \$49,783,000 shall be available for financial services pro-
23 gram activities; not to exceed \$75,367,000 shall be avail-
24 able for human resources program activities; not to exceed
25 \$87,749,000 shall be available for regional coordination

1 program activities; not to exceed \$140,429,000 shall be
2 available for staff offices; and not to exceed \$29,681,000
3 shall be available for information services: *Provided*, That
4 none of the funds in this Act shall be available for the
5 Federal Aviation Administration to finalize or implement
6 any regulation that would promulgate new aviation user
7 fees not specifically authorized by law after the date of
8 the enactment of this Act: *Provided further*, That there
9 may be credited to this appropriation funds received from
10 States, counties, municipalities, foreign authorities, other
11 public authorities, and private sources, for expenses in-
12 curred in the provision of agency services, including re-
13 ceipts for the maintenance and operation of air navigation
14 facilities, and for issuance, renewal or modification of cer-
15 tificates, including airman, aircraft, and repair station cer-
16 tificates, or for tests related thereto, or for processing
17 major repair or alteration forms: *Provided further*, That
18 of the funds appropriated under this heading, not less
19 than \$7,500,000 shall be for the contract tower cost-shar-
20 ing program: *Provided further*, That funds may be used
21 to enter into a grant agreement with a nonprofit standard-
22 setting organization to assist in the development of avia-
23 tion safety standards: *Provided further*, That none of the
24 funds in this Act shall be available for new applicants for
25 the second career training program: *Provided further*,

1 That none of the funds in this Act shall be available for
2 paying premium pay under 5 U.S.C. 5546(a) to any Fed-
3 eral Aviation Administration employee unless such em-
4 ployee actually performed work during the time cor-
5 responding to such premium pay: *Provided further*, That
6 none of the funds in this Act may be obligated or expended
7 to operate a manned auxiliary flight service station in the
8 contiguous United States: *Provided further*, That none of
9 the funds in this Act for aeronautical charting and cartog-
10 raphy are available for activities conducted by, or coordi-
11 nated through, the Working Capital Fund: *Provided fur-*
12 *ther*, That of the amount appropriated under this heading,
13 not to exceed \$50,000 may be transferred to the Aircraft
14 Loan Purchase Guarantee Program: *Provided further*,
15 That not later than March 1, 2004, the Secretary of
16 Transportation, in consultation with the Administrator of
17 the Federal Aviation Administration, shall issue final reg-
18 ulations, pursuant to 5 U.S.C. 8335, establishing an ex-
19 emption process allowing individual air traffic controllers
20 to delay mandatory retirement until the employee reaches
21 no later than 61 years of age: *Provided further*, That of
22 the funds provided under this heading, \$4,000,000 is
23 available only for recruitment, personnel compensation
24 and benefits, and related costs to raise the level of oper-
25 ational air traffic control supervisors to the level of 1,726:

1 *Provided further*, That none of the funds in this Act may
2 be obligated or expended to execute or continue to imple-
3 ment a memorandum of understanding or memorandum
4 of agreement (or any revisions thereto) with representa-
5 tives of any FAA bargaining unit unless such document
6 is filed in a central registry and catalogued in an auto-
7 mated, searchable database under the executive direction
8 of appropriate management representatives at FAA head-
9 quarters: *Provided further*, That none of the funds in this
10 Act may be obligated or expended for an employee of the
11 Federal Aviation Administration to purchase a store gift
12 card or gift certificate through use of a Government-issued
13 credit card.

14 FACILITIES AND EQUIPMENT

15 (AIRPORT AND AIRWAY TRUST FUND)

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

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

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

8 RESEARCH, ENGINEERING, AND DEVELOPMENT

9 (AIRPORT AND AIRWAY TRUST FUND)

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

22 GENERAL PROVISIONS—FEDERAL AVIATION

23 ADMINISTRATION

24 SEC. 101. Notwithstanding any other provision of
25 law, airports may transfer, without consideration, to the

1 Federal Aviation Administration (FAA) instrument land-
2 ing systems (along with associated approach lighting
3 equipment and runway visual range equipment) which
4 conform to FAA design and performance specifications,
5 the purchase of which was assisted by a Federal airport-
6 aid program, airport development aid program or airport
7 improvement program grant: *Provided*, That, the Federal
8 Aviation Administration shall accept such equipment,
9 which shall thereafter be operated and maintained by FAA
10 in accordance with agency criteria.

11 SEC. 102. None of the funds in this Act may be used
12 to compensate in excess of 350 technical staff-years under
13 the federally funded research and development center con-
14 tract between the Federal Aviation Administration and the
15 Center for Advanced Aviation Systems Development dur-
16 ing fiscal year 2004.

17 SEC. 103. None of the funds made available in this
18 Act may be used for engineering work related to an addi-
19 tional runway at Louis Armstrong New Orleans Inter-
20 national Airport.

21 SEC. 104. None of the funds in this Act shall be used
22 to pursue or adopt guidelines or regulations requiring air-
23 port sponsors to provide to the Federal Aviation Adminis-
24 tration without cost building construction, maintenance,
25 utilities and expenses, or space in airport sponsor-owned

1 buildings for services relating to air traffic control, air
2 navigation, or weather reporting: *Provided*, That the pro-
3 hibition of funds in this section does not apply to negotia-
4 tions between the agency and airport sponsors to achieve
5 agreement on “below-market” rates for these items or to
6 grant assurances that require airport sponsors to provide
7 land without cost to the FAA for air traffic control facili-
8 ties.

9 SEC. 105. None of the funds appropriated or limited
10 by this Act may be used to change weight restrictions or
11 prior permission rules at Teterboro Airport in Teterboro,
12 New Jersey.

13 SEC. 106. Notwithstanding any other provision of
14 law, funds appropriated for official travel by Federal de-
15 partments and agencies may be used by such departments
16 and agencies, if consistent with Office of Management and
17 Budget circular A-126 regarding official travel for Gov-
18 ernment personnel, to participate in the fractional aircraft
19 ownership pilot program.

20 **FEDERAL HIGHWAY ADMINISTRATION**

21 **LIMITATION ON ADMINISTRATIVE EXPENSES**

22 Necessary expenses for administration and operation
23 of the Federal Highway Administration, not to exceed
24 \$359,458,000, shall be paid in accordance with law from
25 appropriations made available by this Act to the Federal

1 Highway Administration together with advances and reim-
2 bursements received by the Federal Highway Administra-
3 tion.

4 FEDERAL-AID HIGHWAYS

5 (LIMITATION ON OBLIGATIONS)

6 (HIGHWAY TRUST FUND)

7 None of the funds in this Act shall be available for
8 the implementation or execution of programs, the obliga-
9 tions for which are in excess of \$33,385,000,000 for Fed-
10 eral-aid highways and highway safety construction pro-
11 grams for fiscal year 2004: *Provided*, That within the
12 \$33,385,000,000 obligation limitation on Federal-aid
13 highways and highway safety construction programs, not
14 more than \$462,500,000 shall be available for the imple-
15 mentation or execution of programs for transportation re-
16 search (sections 502, 503, 504, 506, 507, and 508 of title
17 23, United States Code, as amended; section 5505 of title
18 49, United States Code, as amended; and sections 5112
19 and 5204–5209 of Public Law 105–178) for fiscal year
20 2004: *Provided further*, That this limitation on transpor-
21 tation research programs shall not apply to any authority
22 previously made available for obligation.

1 FEDERAL-AID HIGHWAYS

2 (LIQUIDATION OF CONTRACT AUTHORIZATION)

3 (HIGHWAY TRUST FUND)

4 For carrying out the provisions of title 23, United
5 States Code, that are attributable to Federal-aid high-
6 ways, including the National Scenic and Recreational
7 Highway as authorized by 23 U.S.C. 148, not otherwise
8 provided, including reimbursement for sums expended
9 pursuant to the provisions of 23 U.S.C. 308,
10 \$34,000,000,000 or so much thereof as may be available
11 in and derived from the Highway Trust Fund, to remain
12 available until expended.

13 FEDERAL-AID HIGHWAYS

14 (HIGHWAY TRUST FUND)

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

1 allocation and distribution are made, \$133,450,000 shall
2 be retained for surface transportation projects.

3 GENERAL PROVISIONS—FEDERAL HIGHWAY

4 ADMINISTRATION

5 SEC. 110. Notwithstanding 31 U.S.C. 3302, funds re-
6 ceived by the Bureau of Transportation Statistics from the
7 sale of data products, for necessary expenses incurred pur-
8 suant to 49 U.S.C. 111 may be credited to the Federal-
9 aid highways account for the purpose of reimbursing the
10 Bureau for such expenses: *Provided*, That such funds shall
11 be subject to the obligation limitation for Federal-aid
12 highways and highway safety construction.

13 SEC. 111. Notwithstanding any other provision of
14 law:

15 (1) Section 1105(c) of the Intermodal Surface
16 Transportation Efficiency Act of 1991 (105 Stat.
17 2032; 112 Stat. 191; 115 Stat. 871) is amended—

18 (A) in paragraph (42), by striking “Ful-
19 ton, Mississippi,” the first time that it appears
20 and all that follows to the end of the paragraph
21 and inserting “Fulton, Mississippi.”; and

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

23 “(45) The United States Route 78 Corridor
24 from Memphis, Tennessee, to Corridor X of the Ap-
25 palachian development highway system near Fulton,

1 Mississippi, and Corridor X of the Appalachian de-
2 velopment highway system extending from near Ful-
3 ton, Mississippi, to near Birmingham, Alabama.”.

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

7 (A) in subparagraph (A) by striking “(A)
8 IN GENERAL.—The portions” and all that fol-
9 lows through the end of the first sentence and
10 inserting:

11 “(A) IN GENERAL.—The portions of the
12 routes referred to in subsection (c)(1), sub-
13 section (c)(3) (relating solely to the Kentucky
14 Corridor), clauses (i), (ii), and (except with re-
15 spect to Georgetown County) (iii) of subsection
16 (c)(5)(B), subsection (c)(9), subsections (c)(18)
17 and (c)(20), subsection (c)(36), subsection
18 (c)(37), subsection (c)(40), subsection (c)(42),
19 and subsection (c)(45) that are not a part of
20 the Interstate System are designated as future
21 parts of the Interstate System.”; and

22 (B) by adding the following at the end of
23 subparagraph (B)(i): “The route referred to in
24 subsection (c)(45) is designated as Interstate
25 Route I-22.”.

1 SEC. 112. Notwithstanding any other provision of
2 law, in section 1602 of the Transportation Equity Act for
3 the 21st Century—

4 (1) item number 230 is amended by striking
5 “Monroe County transportation improvements on
6 Long Pond Road, Pattonwood Road, and Lyell
7 road” and inserting “Route 531/Brockport-Roch-
8 ester Corridor in Monroe County, New York”.

9 (2) Item number 1149 is amended by striking
10 “Traffic Mitigation Project on William Street and
11 Lossen Road in Cheektowaga” and inserting “Study
12 and implement mitigation and diversion options for
13 William Street and Broadway Street in
14 Cheektowaga, I-90 Corridor Study; Interchange 53
15 to Interchange 49, PIN 552830 and Cheektowaga
16 Rails to Trails, PIN 575508”.

17 (3) Item number 476 is amended by striking
18 “Expand Perkins Road in Baton Rouge” and insert-
19 ing “Feasibility study, design, and construction of a
20 connector between Louisiana Highway 1026 and I-
21 12 in Livingston Parish”.

22 (4) Item 4 of the table contained in section
23 1602 of the Transportation Equity Act for the 21st
24 Century, relating to construction of a bike path in
25 Michigan, is amended by striking “between Mount

1 Clemens and New Baltimore" and inserting "for the
2 Macomb Orchard Trail in Macomb County".

3 SEC. 113. Intelligent Transportation Systems appro-
4 priations made to the State of Wisconsin in Public Law
5 105–277, Public Law 106–69, and Public Law 107–87
6 shall not be subject to the limitations of Public Law 105–
7 178, section 5208(d), 23 U.S.C. 502 note.

8 SEC. 114. Notwithstanding Public Law 105–178, sec-
9 tion 5208(d), Intelligent Transportation Systems appro-
10 priations for—

11 (1) Wausau-Stevens Point-Wisconsin Rapids,
12 Wisconsin, in Public Law 105–277 and Public Law
13 106–69 shall be available for use in the counties of
14 Ashland, Barron, Bayfield, Burnett, Chippewa,
15 Douglas, Iron, Lincoln, Marathon, Polk, Portage,
16 Price, Rusk, Sawyer, Taylor, Washburn, Wood,
17 Clark, Langlade, and Oneida; and

18 (2) the City of Superior and Douglas County,
19 Wisconsin, in Public Law 106–69 shall be available
20 for use in the City of Superior and northern Wis-
21 consin.

22 SEC. 115. Notwithstanding any other provision of
23 law, for the purpose of assisting in the development, con-
24 struction and financing of additional improvements to the
25 Alameda Corridor, including construction of a truck ex-

1 pressway or other enhancements, the Secretary of Trans-
2 portation shall modify the loan agreement entered into
3 with the Alameda Corridor Transportation Authority pur-
4 suant to Public Law 104–208 to revise the interest rate
5 to equal the average yield, as of the date of modification
6 of the loan agreement, on marketable Treasury securities
7 of similar maturity to the expected remaining average life
8 of the loan.

9 SEC. 116. (a) IN GENERAL.—As soon as practicable
10 after the date of enactment of this Act, the Secretary of
11 Transportation shall enter into an agreement with the
12 State of Nevada, the State of Arizona, or both, to provide
13 a method of funding for construction of a Hoover Dam
14 Bypass Bridge from funds allocated for the Federal Lands
15 Highway Program under section 202(b) of title 23, United
16 States Code.

17 (b) METHODS OF FUNDING.—

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

14 FEDERAL MOTOR CARRIER SAFETY

15 ADMINISTRATION

16 MOTOR CARRIER SAFETY

17 (LIMITATION ON ADMINISTRATIVE EXPENSES)

18 (HIGHWAY TRUST FUND)

19 For necessary expenses for administration of motor
20 carrier safety programs and motor carrier safety research,
21 pursuant to section 104(a)(1)(B) of title 23, United States
22 Code, not to exceed \$236,753,000 shall be paid in accord-
23 ance with law from appropriations made available by this
24 Act and from any available take-down balances to the Fed-
25 eral Motor Carrier Safety Administration, together with
26 advances and reimbursements received by the Federal

1 Motor Carrier Safety Administration: *Provided*, That such
2 amounts shall be available to carry out the functions and
3 operations of the Federal Motor Carrier Safety Adminis-
4 tration.

5 NATIONAL MOTOR CARRIER SAFETY PROGRAM

6 (LIQUIDATION OF CONTRACT AUTHORIZATION)

7 (LIMITATION ON OBLIGATIONS)

8 (HIGHWAY TRUST FUND)

9 For payment of obligations incurred in carrying out
10 49 U.S.C. 31102, 31106 and 31309, \$190,000,000, to be
11 derived from the Highway Trust Fund and to remain
12 available until expended: *Provided*, That none of the funds
13 in this Act shall be available for the implementation or
14 execution of programs the obligations for which are in ex-
15 cess of \$190,000,000 for “Motor Carrier Safety Grants”
16 and “Information Systems”.

17 GENERAL PROVISIONS—FEDERAL MOTOR CARRIER
18 SAFETY ADMINISTRATION

19 SEC. 130. None of the funds appropriated, limited,
20 or made available in this Act shall be used to implement
21 or enforce any provision of the Final Rule issued on April
22 16, 2003 (Docket No. FMCSA-97-2350) as it applies to
23 operators of utility service vehicles as defined in 49 CFR
24 section 395.2.

25 SEC. 131. Funds appropriated or limited in this Act
26 shall be subject to the terms and conditions stipulated in

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

6 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 For payment of obligations incurred in carrying out
25 the provisions of 23 U.S.C. 402, 405, and 410, to remain
26 available until expended, \$225,000,000, to be derived from

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

1 exceed \$500,000 of the funds made available for section 410
2 “Alcohol-Impaired Driving Countermeasures Grants”
3 shall be available for technical assistance to the States.

4 GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC

5 SAFETY ADMINISTRATION

6 SEC. 140. Notwithstanding any other provision of
7 law, States may use funds provided in this Act under sec-
8 tion 402 of title 23, United States Code, to produce and
9 place highway safety public service messages in television,
10 radio, cinema, and print media, and on the Internet in
11 accordance with guidance issued by the Secretary of
12 Transportation: *Provided*, That any state that uses funds
13 for such public service messages shall submit to the Sec-
14 retary and the House and Senate Committees on Appro-
15 priations a report describing and assessing the effective-
16 ness of the messages.

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

1 FEDERAL RAILROAD ADMINISTRATION

2 SAFETY AND OPERATIONS

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

6 RAILROAD RESEARCH AND DEVELOPMENT

7 For necessary expenses for railroad research and de-
8 velopment, \$28,225,000, to remain available until ex-
9 pended.

10 RAILROAD REHABILITATION AND IMPROVEMENT

11 PROGRAM

12 (LIMITATION ON DIRECT LOANS AND LOAN GUARANTEES)

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

1 NEXT GENERATION HIGH-SPEED RAIL

2 For necessary expenses for the Next Generation
3 High-Speed Rail program as authorized under 49 U.S.C.
4 26101 and 26102, \$28,250,000, to remain available until
5 expended.

6 GRANTS TO THE NATIONAL RAILROAD PASSENGER

7 CORPORATION

8 To enable the Secretary of Transportation to make
9 grants to the National Railroad Passenger Corporation,
10 \$900,000,000, to remain available until September 30,
11 2004, including \$400,000,000 for quarterly grants for op-
12 erating expenses, \$373,000,000 for quarterly grants for
13 capital expenses along the Northeast Corridor Mainline,
14 and \$127,000,000 for quarterly grants for general capital
15 improvements: *Provided*, That the Secretary of Transpor-
16 tation shall approve funding to cover operating losses and
17 a long-distance train of the National Railroad Passenger
18 Corporation only after receiving and reviewing a grant re-
19 quest for each specific train route: *Provided further*, That
20 each such grant request shall be accompanied by a de-
21 tailed financial analysis and revenue projection justifying
22 the Federal support to the Secretary's satisfaction: *Pro-
23 vided further*, That the Secretary of Transportation and
24 the Amtrak Board of Directors shall ensure that, of the
25 amount made available under this heading, sufficient sums

1 are reserved to satisfy the contractual obligations of the
2 National Railroad Passenger Corporation for commuter
3 and intercity passenger rail service: *Provided further*, That
4 within 60 days of enactment of this Act but not later than
5 October 1, 2003, Amtrak shall transmit to the Secretary
6 of Transportation and the House and Senate Committees
7 on Appropriations a business plan for operating and cap-
8 ital improvements to be funded in fiscal year 2004 under
9 section 24104(a) of title 49, United States Code: *Provided*
10 *further*, That the business plan shall include a description
11 of the work to be funded, along with cost estimates and
12 an estimated timetable for completion of the projects cov-
13 ered by this business plan: *Provided further*, That not later
14 than October 1, 2003 and each month thereafter, Amtrak
15 shall submit to the Secretary of Transportation and the
16 House and Senate Committees on Appropriations a sup-
17 plemental report regarding the business plan, which shall
18 describe the work completed to date, any changes to the
19 business plan, and the reasons for such changes: *Provided*
20 *further*, That none of the funds in this Act may be used
21 for operating expenses and capital projects not approved
22 by the Secretary of Transportation nor on the National
23 Railroad Passenger Corporation's fiscal year 2004 busi-
24 ness plan: *Provided further*, That none of the funds under
25 this heading may be obligated or expended until the Na-

1 tional Railroad Passenger Corporation agrees to continue
2 abiding by the provisions of paragraphs 1, 2, 3, 5, 9, and
3 11 of the summary of conditions for the direct loan agree-
4 ment of June 28, 2002, in the same manner as in effect
5 on the date of enactment of this Act.

6 GENERAL PROVISIONS—FEDERAL RAILROAD

7 ADMINISTRATION

8 SEC. 150. To authorize the Surface Transportation
9 Board to direct the continued operation of certain com-
10 muter rail passenger transportation operations in emer-
11 gency situations, and for other purposes:

12 (a) Section 11123 of title 49, United States Code,
13 is amended—

14 (1) in subsection (a)—

15 (A) by inserting “failure of existing com-
16 muter rail passenger transportation operations
17 caused by a cessation of service by the National
18 Railroad Passenger Corporation,” after “ces-
19 sation of operations.”;

20 (B) by striking “or” at the end of para-
21 graph (3):

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

24 (D) by adding at the end the following new
25 paragraph:

1 “(5) in the case of a failure of existing freight
2 or commuter rail passenger transportation oper-
3 ations caused by a cessation of service by the Na-
4 tional Railroad Passenger Corporation, direct the
5 continuation of the operations and dispatching,
6 maintenance, and other necessary infrastructure
7 functions related to the operations.”;

8 (2) in subsection (b)(3)—

9 (A) by striking “When” and inserting “(A)
10 Except as provided in subparagraph (B),
11 when”; and

12 (B) by adding at the end the following new
13 subparagraph:

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

3 “(4) In the case of a failure of existing freight or
4 commuter rail passenger transportation operations caused
5 by cessation of service by the National Railroad Passenger
6 Corporation, the Board may not direct a rail carrier to
7 undertake activities under subsection (a) to continue such
8 operations unless—

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

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

15 (4) by adding at the end the following new sub-
16 sections:

17 "(e) For purposes of this section, the National Rail-
18 road Passenger Corporation and any entity providing com-
19 muter rail passenger transportation shall be considered
20 rail carriers subject to the Board's jurisdiction.

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

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

4 **FEDERAL TRANSIT ADMINISTRATION**

5 **ADMINISTRATIVE EXPENSES**

6 For necessary administrative expenses of the Federal
7 Transit Administration’s programs, \$14,500,000: *Pro-*
8 *vided*, That no more than \$72,500,000 of budget authority
9 shall be available for these purposes: *Provided further*,
10 That of the funds available not to exceed \$948,000 shall
11 be available for the Office of the Administrator; not to
12 exceed \$6,126,000 shall be available for the Office of Ad-
13 ministration; not to exceed \$3,848,000 shall be available
14 for the Office of the Chief Counsel; not to exceed
15 \$1,067,000 shall be available for the Office of Commu-
16 nication and Congressional Affairs; not to exceed
17 \$7,303,000 shall be available for the Office of Program
18 Management; not to exceed \$6,027,000 shall be available
19 for the Office of Budget and Policy; not to exceed
20 \$4,328,000 shall be available for the Office of Demonstra-
21 tion and Innovation; not to exceed \$2,657,000 shall be
22 available for the Office of Civil Rights; not to exceed
23 \$3,732,000 shall be available for the Office of Planning;
24 not to exceed \$17,697,000 shall be available for regional
25 offices; and not to exceed \$16,567,000 shall be available

1 for the central account: *Provided further*, That the Admin-
2 istrator is authorized to transfer funds appropriated for
3 an office of the Federal Transit Administration: *Provided*
4 *further*, That no appropriation for an office shall be in-
5 creased or decreased by more than 3 percent by all such
6 transfers: *Provided further*, That any change in funding
7 greater than 3 percent shall be submitted for approval to
8 the House and Senate Committees on Appropriations:
9 *Provided further*, That not to exceed \$1,000,000 shall be
10 available for travel expenses: *Provided further*, That of the
11 funds in this Act available for the execution of contracts
12 under section 5327(c) of title 49, United States Code,
13 \$2,000,000 shall be reimbursed to the Department of
14 Transportation's Office of Inspector General for costs as-
15 sociated with audits and investigations of transit-related
16 issues, including reviews of new fixed guideway systems:
17 *Provided further*, That not to exceed \$2,200,000 for the
18 National transit database shall remain available until ex-
19 pended.

20 FORMULA GRANTS

21 (INCLUDING TRANSFER OF FUNDS)

22 For necessary expenses to carry out 49 U.S.C. 5307,
23 5308, 5310, 5311, 5327, and section 3038 of Public Law
24 105–178, \$767,800,000, to remain available until ex-

1 pended: *Provided*, That no more than \$3,839,000,000 of
2 budget authority shall be available for these purposes.

3 UNIVERSITY TRANSPORTATION RESEARCH

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

8 TRANSIT PLANNING AND RESEARCH

9 For necessary expenses to carry out 49 U.S.C. 5303,
10 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and
11 5322, \$24,200,000, to remain available until expended:
12 *Provided*, That no more than \$122,000,000 of budget au-
13 thority shall be available for these purposes: *Provided fur-*
14 *ther*, That \$5,250,000 is available to provide rural trans-
15 portation assistance (49 U.S.C. 5311(b)(2)), \$4,000,000
16 is available to carry out programs under the National
17 Transit Institute (49 U.S.C. 5315), \$8,250,000 is avail-
18 able to carry out transit cooperative research programs
19 (49 U.S.C. 5313(a)), \$60,385,600 is available for metro-
20 politan planning (49 U.S.C. 5303, 5304, and 5305),
21 \$12,614,400 is available for State planning (49 U.S.C.
22 5313(b)); and \$31,500,000 is available for the national
23 planning and research program (49 U.S.C. 5314).

1 TRUST FUND SHARE OF EXPENSES
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (HIGHWAY TRUST FUND)

4 For payment of obligations incurred in carrying out
5 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327,
6 5334, 5505, and sections 3037 and 3038 of Public Law
7 105–178, \$5,807,020,000 to remain available until ex-
8 pended, and to be derived from the Mass Transit Account
9 of the Highway Trust Fund: *Provided*, That
10 \$3,071,200,000 shall be paid to the Federal Transit Ad-
11 ministration’s formula grants account: *Provided further*,
12 That \$97,800,000 shall be paid to the Federal Transit Ad-
13 ministration’s transit planning and research account: *Pro-
14 vided further*, That \$58,000,000 shall be paid to the Fed-
15 eral Transit Administration’s administrative expenses ac-
16 count: *Provided further*, That \$4,800,000 shall be paid to
17 the Federal Transit Administration’s university transpor-
18 tation research account: *Provided further*, That
19 \$64,000,000 shall be paid to the Federal Transit Adminis-
20 tration’s job access and reverse commute grants program:
21 *Provided further*, That \$2,507,220,000 shall be paid to the
22 Federal Transit Administration’s capital investment
23 grants account.

1 CAPITAL INVESTMENT GRANTS

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out 49 U.S.C. 5308,
4 5309, 5318, and 5327, \$599,280,000, to remain available
5 until expended: *Provided*, That no more than
6 \$3,106,500,000 of budget authority shall be available for
7 these purposes: *Provided further*, That there shall be avail-
8 able for fixed guideway modernization, \$1,214,400,000;
9 there shall be available for the replacement, rehabilitation,
10 and purchase of buses and related equipment and the con-
11 struction of bus-related facilities, \$677,700,000; and there
12 shall be available for new fixed guideway systems
13 \$1,214,400,000, to be available as follows:

14 Baltimore, MD, Central Light Rail Double
15 Track Project, \$40,000,000;

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

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

19 Charlotte, NC, South Corridor Light Rail
20 Project, \$4,000,000;

21 Chicago Transit Authority, IL, Douglas Branch
22 Reconstruction, \$85,000,000;

23 Chicago, IL, Metra Commuter Rail Expansions
24 and Extensions, \$52,000,000;

1 Chicago, IL, Ravenswood Reconstruction,
2 \$45,000,000;

3 Dallas, TX, North Central Light Rail Extension,
4 \$30,161,283;

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

7 East Side Access Project, NY, Phase I,
8 \$70,000,000;

9 Ft. Lauderdale, FL, Tri-Rail Commuter
10 Project, \$18,410,000;

11 Las Vegas, NV, Resort Corridor Fixed Guideway,
12 \$15,000,000;

13 Los Angeles, CA, Eastside Light Rail Transit
14 System, \$10,000,000;

15 Memphis, TN, Medical Center Rail Extension,
16 \$9,247,588;

17 Minneapolis, MN, Hiawatha Corridor Light
18 Rail Transit (LRT), \$74,980,000;

19 New Orleans, LA, Canal Street Streetcar
20 Project, \$23,921,373;

21 New York, Second Avenue Subway, \$3,000,000;

22 Newark, NJ, Rail Link (NERL) MOS1,
23 \$22,566,022;

24 Northern, NJ, Hudson-Bergen Light Rail
25 (MOS2), \$100,000,000;

1 Phoenix, AZ, Central Phoenix/East Valley
2 Light Rail Transit Project, \$13,000,000;
3 Pittsburgh, PA, Stage II Light Rail Transit
4 Reconstruction, \$32,243,422;
5 Portland, OR, Interstate MAX Light Rail Ex-
6 tension, \$77,500,000;
7 Raleigh, NC, Triangle Transit Authority Re-
8 gional Rail Project, \$3,000,000;
9 Salt Lake City, UT, Medical Center LRT Ex-
10 tension, \$30,663,361;
11 San Diego, CA, Mission Valley East Light Rail
12 Transit Extension, \$65,000,000;
13 San Diego, CA, Oceanside-Escondido Rail
14 Project, \$48,000,000;
15 San Juan, PR, Tren Urbano Rapid Transit
16 System, \$43,540,000;
17 Seattle, WA, Sound Transit Central Link Ini-
18 tial Segment, \$15,000,000;
19 Washington, DC/MD, Largo Extension,
20 \$65,000,000;
21 Washington, DC/VA, Dulles Corridor Rapid
22 Transit Project, \$25,000,000;
23 Hawaii and Alaska Ferry Boats, \$10,296,000;
24 Oversight set-aside, \$12,144,000; and

1 San Francisco, CA, Muni Third Street Light
2 Rail Project, \$10,000,000:

3 *Provided further*, That notwithstanding any other provi-
4 sion of law, for the purpose of calculating the non-New
5 Starts share of the total project cost of both phases of
6 San Francisco Muni's Third Street Light Rail Transit
7 project for fiscal year 2004, the Secretary of Transpor-
8 tation shall include all non-New Starts contributions made
9 towards Phase 1 of the two-phase project for engineering,
10 final design and construction, and also shall allow non-
11 New Starts funds expended on one element or phase of
12 the project to be used to meet the non-New Starts share
13 requirement of any element or phase of the project: *Pro-*
14 *vided further*, That none of the funds provided in this Act
15 for the San Francisco Muni's Third Street Light Rail
16 Transit Project shall be obligated if the Federal Transit
17 Administration determines that the project is found to be
18 "not recommended" after evaluation and computation of
19 revised transportation system user benefit data.

20 JOB ACCESS AND REVERSE COMMUTE GRANTS

21 For necessary expenses to carry out section 3037 of
22 the Federal Transit Act of 1998, \$17,000,000, to remain
23 available until expended: *Provided*, That no more than
24 \$85,000,000 of budget authority shall be available for
25 these purposes: *Provided further*, That up to \$200,000 of

1 the funds provided under this heading may be used by the
2 Federal Transit Administration for technical assistance
3 and support and performance reviews of the Job Access
4 and Reverse Commute Grants program.

5 **GENERAL PROVISIONS—FEDERAL TRANSIT**

6 **ADMINISTRATION**

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

12 SEC. 161. Notwithstanding any other provision of
13 law, and except for fixed guideway modernization projects,
14 funds made available by this Act under “Federal Transit
15 Administration, Capital investment grants” for projects
16 specified in this Act or identified in reports accompanying
17 this Act not obligated by September 30, 2006, and other
18 recoveries, shall be made available for other projects under
19 49 U.S.C. 5309.

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

1 SEC. 163. None of the funds in this Act shall be made
2 available for the design, construction, or maintenance of
3 any segment of a light rail system in Houston that has
4 not been specifically approved by a majority of the partici-
5 pating voters in the Houston Metropolitan Transit Au-
6 thority service area in a referendum.

7 SEC. 164. Notwithstanding any other provision of
8 law, funds made available for the Roaring Fork Transpor-
9 tation Authority, Colorado, under Public Laws 106-69
10 and 106-346 shall be made available for the Roaring Fork
11 Valley Bus Rapid Transit project.

12 SAINT LAWRENCE SEAWAY DEVELOPMENT
13 CORPORATION

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

1 OPERATIONS AND MAINTENANCE

2 (HARBOR MAINTENANCE TRUST FUND)

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

9 MARITIME ADMINISTRATION

10 MARITIME SECURITY PROGRAM

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

15 OPERATIONS AND TRAINING

16 For necessary expenses of operations and training ac-
17 tivities authorized by law, \$105,897,000, of which
18 \$22,000,000 shall remain available until September 30,
19 2004, for salaries and benefits of employees of the United
20 States Merchant Marine Academy; of which \$13,000,000
21 shall remain available until expended for capital improve-
22 ments at the United States Merchant Marine Academy;
23 of which \$9,063,000 shall remain available until expended
24 for the State Maritime Schools Schoolship Maintenance
25 and Repair; of which \$500,000 shall remain available until

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

6 SHIP DISPOSAL

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

11 GENERAL PROVISIONS—MARITIME ADMINISTRATION

12 SEC. 170. Notwithstanding any other provision of
13 this or any other Act, the Maritime Administration is au-
14 thorized to furnish utilities and services and make nec-
15 essary repairs in connection with any lease, contract, or
16 occupancy involving Government property under control of
17 the Maritime Administration, and payments received
18 therefore shall be credited to the appropriation charged
19 with the cost thereof: *Provided*, That rental payments
20 under any such lease, contract, or occupancy for items
21 other than such utilities, services, or repairs shall be de-
22 posited into the Treasury as miscellaneous receipts. No
23 obligations shall be incurred during the current fiscal year
24 from the construction fund established by the Merchant
25 Marine Act, 1936, or otherwise, in excess of the appropri-
ation.

1 tions and limitations contained in this Act or in any prior
2 Appropriations Act.

3 SEC. 171. Chapter 10 of title I of the Emergency
4 Wartime Supplemental Appropriations Act (Public Law
5 108–11) is amended by striking “For the cost of guaran-
6 teed loans, as authorized, \$25,000,000, to remain avail-
7 able until September 30, 2005:” and inserting “For the
8 cost of guaranteed loans and associated administrative ex-
9 penses, as authorized, \$25,000,000, to remain available
10 until September 30, 2005, of which up to \$4,498,000 may
11 be used for associated administrative expenses:”.

12 RESEARCH AND SPECIAL PROGRAMS

13 ADMINISTRATION

14 RESEARCH AND SPECIAL PROGRAMS

15 For expenses necessary to discharge the functions of
16 the Research and Special Programs Administration,
17 \$47,018,000, of which \$645,000 shall be derived from the
18 Pipeline Safety Fund, and of which \$2,437,000 shall re-
19 main available until September 30, 2006: *Provided*, That
20 up to \$1,200,000 in fees collected under 49 U.S.C.
21 5108(g) shall be deposited in the general fund of the
22 Treasury as offsetting receipts: *Provided further*, That
23 there may be credited to this appropriation, to be available
24 until expended, funds received from States, counties, mu-
25 nicipalities, other public authorities, and private sources

1 for expenses incurred for training, for reports publication
2 and dissemination, and for travel expenses incurred in per-
3 formance of hazardous materials exemptions and approv-
4 als functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

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

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

20 For necessary expenses to carry out 49 U.S.C.
21 5127(c), \$200,000, to be derived from the Emergency
22 Preparedness Fund, to remain available until September
23 30, 2006: *Provided*, That not more than \$14,300,000 shall
24 be made available for obligation in fiscal year 2004 from
25 amounts made available by 49 U.S.C. 5116(i), 5127(c),
26 and 5127(d): *Provided further*, That none of the funds

1 made available by 49 U.S.C. 5116(i), 5127(c), and
2 5127(d) shall be made available for obligation by individ-
3 uals other than the Secretary of Transportation, or his
4 designee.

5 **OFFICE OF INSPECTOR GENERAL**

6 **SALARIES AND EXPENSES**

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

1 SURFACE TRANSPORTATION BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses of the Surface Transpor-
4 tation Board, including services authorized by 5 U.S.C.
5 3109, \$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.

OFFICE OF INSPECTOR GENERAL

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.

TREASURY INSPECTOR GENERAL FOR TAX

ADMINISTRATION

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 United States Mint in the produc-
23 tion of circulating coins. The amounts reimbursed to the
24 Comptroller General pursuant to this paragraph shall be

1 deposited to the appropriation of the General Accounting
2 Office 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 established 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 dealing
2 courteously with the taxpayers, and in cross-cultural
3 relations.

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

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

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

23 **PAYMENT TO THE POSTAL SERVICE FUND**

24 For payment to the Postal Service Fund for revenue
25 forgone on free and reduced rate mail, pursuant to sub-

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

18 TITLE IV—EXECUTIVE OFFICE OF THE PRESI-
19 DENT AND FUNDS APPROPRIATED TO THE
20 PRESIDENT

21 COMPENSATION OF THE PRESIDENT

22 For compensation of the President, including an ex-
23 pense allowance at the rate of \$50,000 per annum as au-
24 thorized by 3 U.S.C. 102, \$450,000: *Provided*, That none
25 of the funds made available for official expenses shall be

1 expended for any other purpose and any unused amount
2 shall revert to the Treasury pursuant to section 1552 of
3 title 31, United States Code: *Provided further*, That none
4 of the funds made available for official expenses shall be
5 considered as taxable to the President.

6 WHITE HOUSE OFFICE

7 SALARIES AND EXPENSES

8 For necessary expenses for the White House as au-
9 thorized by law, including not to exceed \$3,850,000 for
10 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
11 subsistence expenses as authorized by 3 U.S.C. 105, which
12 shall be expended and accounted for as provided in that
13 section; hire of passenger motor vehicles, newspapers,
14 periodicals, teletype news service, and travel (not to exceed
15 \$100,000 to be expended and accounted for as provided
16 by 3 U.S.C. 103); and not to exceed \$19,000 for official
17 entertainment expenses, to be available for allocation with-
18 in the Executive Office of the President, \$66,057,000:
19 *Provided*, That \$8,650,000 of the funds appropriated shall
20 be available for reimbursements to the White House Com-
21 munications Agency.

22 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

23 OPERATING EXPENSES

24 For the care, maintenance, repair and alteration, re-
25 furnishing, improvement, heating, and lighting, including

1 electric power and fixtures, of the Executive Residence at
2 the White House and official entertainment expenses of
3 the President, \$12,501,000, to be expended and accounted
4 for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

5 REIMBURSABLE EXPENSES

6 For the reimbursable expenses of the Executive Resi-
7 dence at the White House, such sums as may be nec-
8 essary: *Provided*, That all reimbursable operating expenses
9 of the Executive Residence shall be made in accordance
10 with the provisions of this paragraph: *Provided further*,
11 That, notwithstanding any other provision of law, such
12 amount for reimbursable operating expenses shall be the
13 exclusive authority of the Executive Residence to incur ob-
14 ligations and to receive offsetting collections, for such ex-
15 penses: *Provided further*, That the Executive Residence
16 shall require each person sponsoring a reimbursable polit-
17 ical event to pay in advance an amount equal to the esti-
18 mated cost of the event, and all such advance payments
19 shall be credited to this account and remain available until
20 expended: *Provided further*, That the Executive Residence
21 shall require the national committee of the political party
22 of the President to maintain on deposit \$25,000, to be
23 separately accounted for and available for expenses relat-
24 ing to reimbursable political events sponsored by such
25 committee during such fiscal year: *Provided further*, That
26 the Executive Residence shall ensure that a written notice

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

1 Residence shall maintain a system for the tracking of ex-
2 penses related to reimbursable events within the Executive
3 Residence that includes a standard for the classification
4 of any such expense as political or nonpolitical: *Provided*
5 *further*, That no provision of this paragraph may be con-
6 strued to exempt the Executive Residence from any other
7 applicable requirement of subchapter I or II of chapter
8 37 of title 31, United States Code.

9 WHITE HOUSE REPAIR AND RESTORATION

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

15 COUNCIL OF ECONOMIC ADVISERS

16 SALARIES AND EXPENSES

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

20 OFFICE OF POLICY DEVELOPMENT

21 SALARIES AND EXPENSES

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

1 NATIONAL SECURITY COUNCIL

2 SALARIES AND EXPENSES

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

6 OFFICE OF ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses of the Office of Administra-
9 tion, including services as authorized by 5 U.S.C. 3109
10 and 3 U.S.C. 107, and hire of passenger motor vehicles,
11 \$82,826,000, of which \$17,470,000 shall remain available
12 until expended for the Capital Investment Plan for contin-
13 ued modernization of the information technology infra-
14 structure within the Executive Office of the President.

15 OFFICE OF MANAGEMENT AND BUDGET

16 SALARIES AND EXPENSES

17 For necessary expenses of the Office of Management
18 and Budget, including hire of passenger motor vehicles
19 and services as authorized by 5 U.S.C. 3109 and to carry
20 out the provisions of chapter 35 of title 44, United States
21 Code, \$62,772,000 (reduced by \$500,000), of which not
22 to exceed \$1,500 shall be available for official representa-
23 tion expenses: *Provided*, That, as provided in 31 U.S.C.
24 1301(a), appropriations shall be applied only to the ob-
25 jects for which appropriations were made except as other-

1 wise provided by law: *Provided further*, That none of the
2 funds appropriated in this Act for the Office of Manage-
3 ment and Budget may be used for the purpose of review-
4 ing any agricultural marketing orders or any activities or
5 regulations under the provisions of the Agricultural Mar-
6 keting Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Pro-*
7 *vided further*, That none of the funds made available for
8 the Office of Management and Budget by this Act may
9 be expended for the altering of the transcript of actual
10 testimony of witnesses, except for testimony of officials of
11 the Office of Management and Budget, before the Com-
12 mittees on Appropriations or the Committees on Veterans'
13 Affairs or their subcommittees: *Provided further*, That the
14 preceding shall not apply to printed hearings released by
15 the Committees on Appropriations or the Committees on
16 Veterans' Affairs: *Provided further*, That none of the
17 funds appropriated in this Act may be available to pay
18 the salary or expenses of any employee of the Office of
19 Management and Budget who, after February 15, 2003,
20 calculates, prepares, or approves any tabular or other ma-
21 terial that proposes the sub-allocation of budget authority
22 or outlays by the Committees on Appropriations among
23 their subcommittees.

1 OFFICE OF NATIONAL DRUG CONTROL POLICY

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

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

21 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant
24 to the Office of National Drug Control Policy Reauthorization
25 Act of 1998 (21 U.S.C. 1701 et seq.) as amended,
26

1 \$40,000,000, which shall remain available until expended,
2 consisting of \$18,000,000 for counternarcotics research
3 and development projects, and \$22,000,000 for the contin-
4 ued operation of the technology transfer program: *Pro-*
5 *vided*, That the \$18,000,000 for counternarcotics research
6 and development projects shall be available for transfer
7 to other Federal departments or agencies.

8 **FEDERAL DRUG CONTROL PROGRAMS**

9 **HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM**

10 **(INCLUDING TRANSFER OF FUNDS)**

11 For necessary expenses of the Office of National
12 Drug Control Policy's High Intensity Drug Trafficking
13 Areas Program, \$226,350,000, for drug control activities
14 consistent with the approved strategy for each of the des-
15 ignated High Intensity Drug Trafficking Areas, of which
16 no less than 51 percent shall be transferred to State and
17 local entities for drug control activities, which shall be ob-
18 ligated within 120 days of the date of the enactment of
19 this Act: *Provided*, That up to 49 percent, to remain avail-
20 able until September 30, 2005, may be transferred to Fed-
21 eral agencies and departments at a rate to be determined
22 by the Director, of which not less than \$2,100,000 shall
23 be used for auditing services and associated activities, and
24 at least \$500,000 of the \$2,100,000 shall be used to de-
25 velop and implement a data collection system to measure
26 the performance of the High Intensity Drug Trafficking

1 Areas Program: *Provided further*, That High Intensity
2 Drug Trafficking Areas Programs designated as of Sep-
3 tember 30, 2003, shall be funded at no less than the fiscal
4 year 2003 initial allocation levels unless the Director sub-
5 mits to the Committees on Appropriations, and the Com-
6 mittees approve, justification for changes in those levels
7 based on clearly articulated priorities for the High Inten-
8 sity Drug Trafficking Areas Programs, as well as pub-
9 lished Office of National Drug Control Policy performance
10 measures of effectiveness: *Provided further*, That no funds
11 of an amount in excess of the fiscal year 2004 budget re-
12 quest shall be obligated prior to the approval of the Com-
13 mittee on Appropriations.

14 OTHER FEDERAL DRUG CONTROL PROGRAMS

15 (INCLUDING TRANSFER OF FUNDS)

16 For activities to support a national anti-drug cam-
17 paign for youth, and for other purposes, authorized by (21
18 U.S.C. 1701 et seq.) as amended, \$230,000,000, to re-
19 main available until expended, of which the following
20 amounts are available as follows: \$150,000,000 to support
21 a national media campaign; \$70,000,000 for a program
22 of assistance and matching grants to local coalitions and
23 other activities, as authorized in chapter 2 of the National
24 Narcotics Leadership Act of 1988, as amended;
25 \$4,500,000 for the Counterdrug Intelligence Executive

1 Secretariat; \$2,000,000 for evaluations and research re-
2 lated to National Drug Control Program performance
3 measures; \$1,000,000 for the National Drug Court Insti-
4 tute; \$1,500,000 for the United States Anti-Doping Agen-
5 cy for anti-doping activities; and \$1,000,000 for the
6 United States membership dues to the World Anti-Doping
7 Agency: *Provided*, That such funds may be transferred to
8 other Federal departments and agencies to carry out such
9 activities: *Provided further*, That of the amounts appro-
10 priated for a national media campaign, no less than 77
11 percent shall be used for the purchase of advertising time
12 and space for the national media campaign.

13 **UNANTICIPATED NEEDS**

14 For expenses necessary to enable the President to
15 meet unanticipated needs, in furtherance of the national
16 interest, security, or defense which may arise at home or
17 abroad during the current fiscal year, as authorized by
18 3 U.S.C. 108, \$1,000,000.

19 **SPECIAL ASSISTANCE TO THE PRESIDENT AND THE**

20 **OFFICIAL RESIDENCE OF THE VICE PRESIDENT**

21 **SALARIES AND EXPENSES**

22 For necessary expenses to enable the Vice President
23 to provide assistance to the President in connection with
24 specially assigned functions; services as authorized by 5
25 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-

1 penses as authorized by 3 U.S.C. 106, which shall be ex-
2 pended and accounted for as provided in that section; and
3 hire of passenger motor vehicles, \$4,461,000.

4 OPERATING EXPENSES

5 (INCLUDING TRANSFER OF FUNDS)

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

16 TITLE V—INDEPENDENT AGENCIES

17 ARCHITECTURAL AND TRANSPORTATION

18 BARRIERS COMPLIANCE BOARD

19 SALARIES AND EXPENSES

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

1 NATIONAL TRANSPORTATION SAFETY BOARD

2 SALARIES AND EXPENSES

3 For necessary expenses of the National Transpor-
4 tation Safety Board, including hire of passenger motor ve-
5 hicles and aircraft; services as authorized by 5 U.S.C.
6 3109, but at rates for individuals not to exceed the per
7 diem rate equivalent to the rate for a GS-15; uniforms,
8 or allowances therefor, as authorized by law (5 U.S.C.
9 5901-5902) \$76,679,000, of which not to exceed \$2,000
10 may be used for official reception and representation ex-
11 penses.

12 EMERGENCY FUND

13 For necessary expenses of the National Transpor-
14 tation Safety Board for accident investigations, \$600,000,
15 to remain available until expended: *Provided*, That these
16 funds shall be available only to the extent necessary to
17 restore the balance of the emergency fund to \$2,000,000
18 (29 U.S.C. 1118(b)).

19 COMMITTEE FOR PURCHASE FROM PEOPLE

20 WHO ARE BLIND OR SEVERELY DISABLED

21 SALARIES AND EXPENSES

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

1 **FEDERAL ELECTION COMMISSION**2 **SALARIES AND EXPENSES**

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

9 **ELECTION ASSISTANCE COMMISSION**10 **SALARIES AND EXPENSES**

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

13 **ELECTION REFORM PROGRAMS**

14 For necessary expenses to carry out a program of re-
15 quirements payments to States as authorized by Section
16 257 of the Help America Vote Act of 2002, \$495,000,000:
17 *Provided*, That no more than $\frac{1}{10}$ of 1 percent of funds
18 available for requirements payments under Section 257 of
19 the Help America Vote Act of 2002 shall be allocated to
20 any territory.

21 **FEDERAL LABOR RELATIONS AUTHORITY**22 **SALARIES AND EXPENSES**

23 For necessary expenses to carry out functions of the
24 Federal Labor Relations Authority, pursuant to Reorga-
25 nization Plan Numbered 2 of 1978, and the Civil Service

1 Reform Act of 1978, including services authorized by 5
2 U.S.C. 3109, and including hire of experts and consult-
3 ants, hire of passenger motor vehicles, and rental of con-
4 ference rooms in the District of Columbia and elsewhere,
5 \$29,611,000: *Provided*, That public members of the Fed-
6 eral Service Impasses Panel may be paid travel expenses
7 and per diem in lieu of subsistence as authorized by law
8 (5 U.S.C. 5703) for persons employed intermittently in
9 the Government service, and compensation as authorized
10 by 5 U.S.C. 3109: *Provided further*, That notwithstanding
11 31 U.S.C. 3302, funds received from fees charged to non-
12 Federal participants at labor-management relations con-
13 ferences shall be credited to and merged with this account,
14 to be available without further appropriation for the costs
15 of carrying out these conferences.

16 FEDERAL MARITIME COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses of the Federal Maritime
19 Commission as authorized by section 201(d) of the Mer-
20 chant Marine Act, 1936, as amended (46 U.S.C. App.
21 1111), including services as authorized by 5 U.S.C. 3109;
22 hire of passenger motor vehicles as authorized by 31
23 U.S.C. 1343(b); and uniforms or allowances therefore, as
24 authorized by 5 U.S.C. 5901–5902, \$18,471,000: *Pro-*

1 *vided*, That not to exceed \$2,000 shall be available for offi-
2 cial reception and representation expenses.

3 GENERAL SERVICES ADMINISTRATION

4 REAL PROPERTY ACTIVITIES

5 (FEDERAL BUILDINGS FUND)

6 (LIMITATIONS ON AVAILABILITY OF REVENUE)

7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount to be deposited in, and to
9 be used for the purposes of, the Fund established pursu-
10 ant to section 210(f) of the Federal Property and Admin-
11 istrative Services Act of 1949, as amended (40 U.S.C.
12 592), \$247,350,000. The revenues and collections depos-
13 ited into the Fund shall be available for necessary ex-
14 penses of real property management and related activities
15 not otherwise provided for, including operation, mainte-
16 nance, and protection of federally owned and leased build-
17 ings; rental of buildings in the District of Columbia; res-
18 toration of leased premises; moving governmental agencies
19 (including space adjustments and telecommunications re-
20 location expenses) in connection with the assignment, allo-
21 cation and transfer of space; contractual services incident
22 to cleaning or servicing buildings, and moving; repair and
23 alteration of federally owned buildings including grounds,
24 approaches and appurtenances; care and safeguarding of
25 sites; maintenance, preservation, demolition, and equip-
26 ment; acquisition of buildings and sites by purchase, con-

1 demnation, or as otherwise authorized by law; acquisition
2 of options to purchase buildings and sites; conversion and
3 extension of federally owned buildings; preliminary plan-
4 ning and design of projects by contract or otherwise; con-
5 struction of new buildings (including equipment for such
6 buildings); and payment of principal, interest, and any
7 other obligations for public buildings acquired by install-
8 ment purchase and purchase contract; in the aggregate
9 amount of \$6,557,518,000, of which: (1) \$406,168,000
10 shall remain available until expended for construction (in-
11 cluding funds for sites and expenses and associated design
12 and construction services) of additional projects at the fol-
13 lowing locations:

14 New Construction:

15 California:

16 San Diego, Border Station, \$34,211,000.

17 Georgia:

18 Atlanta, Tuttle Building Annex,

19 \$10,600,000.

20 Maine:

21 Jackman, Border Station, \$7,712,000.

22 Maryland:

24 \$146,451,000.

25 Michigan:

1 Detroit, Ambassador Bridge Border Sta-
2 tion, \$25,387,000.

3 New York:

4 Champlain, Border Station, \$31,031,000.

5 Texas:

6 Del Rio, Border Station, \$23,966,000.

7 Eagle Pass, Border Station, \$31,980,000.

10 McAllen, Border Station, \$17,938,000.

11 Washington:

12 Blaine, Border Station, \$9,812,000.

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

14 *Provided*, That each of the foregoing limits of costs on
15 new construction projects may be exceeded to the extent
16 that savings are effected in other such projects, but not
17 to exceed 10 percent of the amounts included in an ap-
18 proved prospectus, if required, unless advance approval is
19 obtained from the Committees on Appropriations of a
20 greater amount: *Provided further*, That all funds for direct
21 construction projects shall expire on September 30, 2005,
22 and remain in the Federal Buildings Fund except for
23 funds for projects as to which funds for design or other
24 funds have been obligated in whole or in part prior to such
25 date; (2) \$1,010,454,000 shall remain available until ex-

1 pended for repairs and alterations, which includes associ-
2 ated design and construction services:

3 Colorado:

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

6 District of Columbia:

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

8 Eisenhower Executive Office Building,
9 \$65,757,000.

10 Federal Office Building 8, \$134,872,000.

11 Main Interior Building, \$15,603,000.

12 Fire & Life Safety, \$68,188,000.

13 Georgia:

14 Atlanta, Richard B. Russell Federal Build-
15 ing, \$32,173,000.

16 Illinois:

17 Chicago, Dirksen Courthouse & Kluczynski
18 Federal Building, \$24,056,000.

19 Springfield, Paul H. Findley Federal
20 Building—Courthouse, \$6,183,000.

21 Massachusetts:

22 Boston, John W. McCormack Post Office
23 and Courthouse, \$73,037,000.

24 New York:

1 Brooklyn, Emanuel Celler Courthouse,
2 \$65,511,000.

3 North Dakota:

6 Ohio:

7 Columbus, John W. Bricker Federal Build-
8 ing, \$10,707,000.

9 Washington:

12 Seattle, Henry M. Jackson Federal Build-
13 ing, \$6,868,000.

14 Special Emphasis Programs:

15 Chlorofluorocarbons Program, \$5,000,000.

16 Energy Program, \$5,000,000.

19 Design Program, \$41,462,000.

20 Basic Repairs and Alterations, \$365,000,000:

21 *Provided further*, That of the funds provided in this Act
22 for the repair of the Eisenhower Executive Office Build-
23 ing, \$30,757,000 is not available for obligation until 15
24 days after the Executive Office of the President submits
25 a report to the Committees on Appropriations regarding

1 the use of non-Federal funding in renovation and fur-
2 nishing efforts for the Eisenhower Executive Office Build-
3 ing: *Provided further*, That funds made available in any
4 previous Act in the Federal Buildings Fund for Repairs
5 and Alterations shall, for prospectus projects, be limited
6 to the amount identified for each project, except each
7 project in any previous Act may be increased by an
8 amount not to exceed 10 percent unless advance approval
9 is obtained from the Committees on Appropriations of a
10 greater amount: *Provided further*, That additional projects
11 for which prospectuses have been fully approved may be
12 funded under this category only if advance approval is ob-
13 tained from the Committees on Appropriations: *Provided*
14 *further*, That the amounts provided in this or any prior
15 Act for “Repairs and Alterations” may be used to fund
16 costs associated with implementing security improvements
17 to buildings necessary to meet the minimum standards for
18 security in accordance with current law and in compliance
19 with the reprogramming guidelines of the appropriate
20 Committees of the House and Senate: *Provided further*,
21 That the difference between the funds appropriated and
22 expended on any projects in this or any prior Act, under
23 the heading “Repairs and Alterations”, may be trans-
24 ferred to Basic Repairs and Alterations or used to fund
25 authorized increases in prospectus projects: *Provided fur-*

1 *ther*, That all funds for repairs and alterations prospectus
2 projects shall expire on September 30, 2005 and remain
3 in the Federal Buildings Fund except funds for projects
4 as to which funds for design or other funds have been obli-
5 gated in whole or in part prior to such date: *Provided fur-*
6 *ther*, That the amount provided in this or any prior Act
7 for Basic Repairs and Alterations may be used to pay
8 claims against the Government arising from any projects
9 under the heading "Repairs and Alterations" or used to
10 fund authorized increases in prospectus projects; (3)
11 \$169,745,000 for installment acquisition payments includ-
12 ing payments on purchase contracts which shall remain
13 available until expended; (4) \$3,308,187,000 for rental of
14 space which shall remain available until expended; and (5)
15 \$1,608,708,000 for building operations which shall remain
16 available until expended: *Provided further*, That funds
17 available to the General Services Administration shall not
18 be available for expenses of any construction, repair, alter-
19 ation and acquisition project for which a prospectus, if re-
20 quired by the Public Buildings Act of 1959, as amended,
21 has not been approved, except that necessary funds may
22 be expended for each project for required expenses for the
23 development of a proposed prospectus: *Provided further*,
24 That funds available in the Federal Buildings Fund may
25 be expended for emergency repairs when advance approval

1 is obtained from the Committees on Appropriations: *Pro-*
2 *vided further*, That amounts necessary to provide reim-
3 bursable special services to other agencies under section
4 210(f)(6) of the Federal Property and Administrative
5 Services Act of 1949, as amended (40 U.S.C. 592(b)(2))
6 and amounts to provide such reimbursable fencing, light-
7 ing, guard booths, and other facilities on private or other
8 property not in Government ownership or control as may
9 be appropriate to enable the United States Secret Service
10 to perform its protective functions pursuant to 18 U.S.C.
11 3056, shall be available from such revenues and collec-
12 tions: *Provided further*, That revenues and collections and
13 any other sums accruing to this Fund during fiscal year
14 2004, excluding reimbursements under section 210(f)(6)
15 of the Federal Property and Administrative Services Act
16 of 1949 (40 U.S.C. 592(b)(2)) in excess of
17 \$6,557,518,000 shall remain in the Fund and shall not
18 be available for expenditure except as authorized in appro-
19 priations Acts.

20 GENERAL ACTIVITIES

21 GOVERNMENT-WIDE POLICY

22 For expenses authorized by law, not otherwise pro-
23 vided for, for Government-wide policy and evaluation ac-
24 tivities associated with the management of real and per-
25 sonal property assets and certain administrative services;

1 Government-wide policy support responsibilities relating to
2 acquisition, telecommunications, information technology
3 management, and related technology activities; and serv-
4 ices as authorized by 5 U.S.C. 3109, \$56,383,000.

5 OPERATING EXPENSES

6 For expenses authorized by law, not otherwise pro-
7 vided for, for Government-wide activities associated with
8 utilization and donation of surplus personal property; dis-
9 posal of real property; telecommunications, information
10 technology management, and related technology activities;
11 providing Internet access to Federal information and serv-
12 ices; agency-wide policy direction and management, and
13 Board of Contract Appeals; accounting, records manage-
14 ment, and other support services incident to adjudication
15 of Indian Tribal Claims by the United States Court of
16 Federal Claims; services as authorized by 5 U.S.C. 3109;
17 and not to exceed \$7,500 for official reception and rep-
18 resentation expenses, \$79,110,000.

19 OFFICE OF INSPECTOR GENERAL

20 For necessary expenses of the Office of Inspector
21 General and services authorized by 5 U.S.C. 3109,
22 \$39,169,000: *Provided*, That not to exceed \$15,000 shall
23 be available for payment for information and detection of
24 fraud against the Government, including payment for re-
25 covery of stolen Government property: *Provided further*,
26 That not to exceed \$2,500 shall be available for awards

1 to employees of other Federal agencies and private citizens
2 in recognition of efforts and initiatives resulting in en-
3 hanced Office of Inspector General effectiveness.

4 ELECTRONIC GOVERNMENT FUND

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses in support of interagency
7 projects that enable the Federal Government to expand
8 its ability to conduct activities electronically, through the
9 development and implementation of innovative uses of the
10 Internet and other electronic methods, \$1,000,000, to re-
11 main available until expended: *Provided*, That these funds
12 may be transferred to Federal agencies to carry out the
13 purposes of the Fund: *Provided further*, That this transfer
14 authority shall be in addition to any other transfer author-
15 ity provided in this Act: *Provided further*, That such trans-
16 fers may not be made until 10 days after a proposed
17 spending plan and justification for each project to be un-
18 dertaken has been submitted to the Committees on Appro-
19 priations.

20 ALLOWANCES AND OFFICE STAFF FOR FORMER

21 PRESIDENTS

22 (INCLUDING TRANSFER OF FUNDS)

23 For carrying out the provisions of the Act of August
24 25, 1958, as amended (3 U.S.C. 102 note), and Public
25 Law 95-138, \$3,393,000: *Provided*, That the Adminis-
26 trator of General Services shall transfer to the Secretary

1 of the Treasury such sums as may be necessary to carry
2 out the provisions of such Acts.

3 GENERAL PROVISIONS—GENERAL SERVICES

4 ADMINISTRATION

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

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

14 SEC. 503. Funds in the Federal Buildings Fund
15 made available for fiscal year 2004 for Federal Buildings
16 Fund activities may be transferred between such activities
17 only to the extent necessary to meet program require-
18 ments: *Provided*, That any proposed transfers shall be ap-
19 proved in advance by the Committees on Appropriations.

20 SEC. 504. No funds made available by this Act shall
21 be used to transmit a fiscal year 2005 request for United
22 States Courthouse construction that: (1) does not meet
23 the design guide standards for construction as established
24 and approved by the General Services Administration, the
25 Judicial Conference of the United States, and the Office

1 of Management and Budget; and (2) does not reflect the
2 priorities of the Judicial Conference of the United States
3 as set out in its approved 5-year construction plan: *Pro-*
4 *vided*, That the fiscal year 2005 request must be accom-
5 panied by a standardized courtroom utilization study of
6 each facility to be constructed, replaced, or expanded.

7 SEC. 505. None of the funds provided in this Act may
8 be used to increase the amount of occupiable square feet,
9 provide cleaning services, security enhancements, or any
10 other service usually provided through the Federal Build-
11 ings Fund, to any agency that does not pay the rate per
12 square foot assessment for space and services as deter-
13 mined by the General Services Administration in compli-
14 ance with the Public Buildings Amendments Act of 1972
15 (Public Law 92-313).

16 SEC. 506. Funds provided to other Government agen-
17 cies by the Information Technology Fund, General Serv-
18 ices Administration, under section 110 of the Federal
19 Property and Administrative Services Act of 1949 (40
20 U.S.C. 757) and sections 5124(b) and 5128 of the
21 Clinger-Cohen Act of 1996 (40 U.S.C. 1424(b) and 1428),
22 for performance of pilot information technology projects
23 which have potential for Government-wide benefits and
24 savings, may be repaid to this Fund from any savings ac-

1 tually incurred by these projects or other funding, to the
2 extent feasible.

3 SEC. 507. From funds made available under the
4 heading “Federal Buildings Fund, Limitations on Avail-
5 ability of Revenue”, claims against the Government of less
6 than \$250,000 arising from direct construction projects
7 and acquisition of buildings may be liquidated from sav-
8 ings effected in other construction projects with prior noti-
9 fication to the Committees on Appropriations.

10 SEC. 508. None of the funds in this Act may be used
11 by the General Services Administration to develop or im-
12 plement a mandatory system without exceptions that re-
13 quires agencies Government-wide to use a specific elec-
14 tronic travel solution or the eTravel Service: *Provided*,
15 That this section shall also apply to the Department of
16 Transportation in any development of electronic travel so-
17 lutions for its modal administrations.

18 SEC. 509. (a) The Administrator of General Services
19 shall carry out the authority of the Election Assistance
20 Commission to make election assistance payments under
21 subtitle D of title II of the Help America Vote Act of
22 2002, including the authority under such subtitle to re-
23 ceive statements and applications from entities seeking
24 such payments and reports from entities receiving such
25 payments.

1 (b) The authority of the Administrator of General
2 Services under subsection (a) shall apply with respect to
3 amounts appropriated for fiscal year 2004 and amounts
4 appropriated for fiscal year 2003 which remain unobli-
5 gated and unexpended at the end of fiscal year 2003, ex-
6 cept that this authority shall expire upon the earlier of—

7 (1) the expiration of the 3-month period which
8 begins on the date on which all members of the
9 Election Assistance Commission are appointed; or
10 (2) June 30, 2004.

11 (c) Upon the appointment of all members of the Elec-
12 tion Assistance Commission, the Administrator of General
13 Services shall transmit to the Commission all statements,
14 applications, and reports received by the Administrator in
15 carrying out this section.

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

20 MERIT SYSTEMS PROTECTION BOARD

21 SALARIES AND EXPENSES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses to carry out functions of the
24 Merit Systems Protection Board pursuant to Reorganiza-
25 tion Plan Numbered 2 of 1978 and the Civil Service Re-

1 form Act of 1978, including services as authorized by 5
2 U.S.C. 3109, rental of conference rooms in the District
3 of Columbia and elsewhere, hire of passenger motor vehi-
4 cles, and direct procurement of survey printing,
5 \$32,877,000, together with not to exceed \$2,626,000 for
6 administrative expenses to adjudicate retirement appeals
7 to be transferred from the Civil Service Retirement and
8 Disability Fund in amounts determined by the Merit Sys-
9 tems Protection Board.

10 MORRIS K. UDALL SCHOLARSHIP AND EXCEL-
11 LENCE IN NATIONAL ENVIRONMENTAL
12 POLICY FOUNDATION

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

15 For payment to the Morris K. Udall Scholarship and
16 Excellence in National Environmental Policy Trust Fund,
17 pursuant to the Morris K. Udall Scholarship and Excel-
18 lence in National Environmental and Native American
19 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),
20 \$1,300,000, to remain available until expended of which
21 \$100,000 shall be used to conduct financial audits pursu-
22 ant to the Accountability of Tax Dollars Act of 2002 (Pub-
23 lic Law 107-289) notwithstanding sections 8 and 9 of
24 Public Law 102-259: *Provided*, That up to 70 percent of
25 such funds may be transferred by the Morris K. Udall

1 Scholarship and Excellence in National Environmental
2 Policy Foundation for the necessary expenses of the Na-
3 tive Nations Institute.

4 ENVIRONMENTAL DISPUTE RESOLUTION FUND

5 For payment to the Environmental Dispute Resolu-
6 tion Fund to carry out activities authorized in the Envi-
7 ronmental Policy and Conflict Resolution Act of 1998,
8 \$1,300,000, to remain available until expended.

9 NATIONAL ARCHIVES AND RECORDS

10 ADMINISTRATION

11 OPERATING EXPENSES

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

1 ELECTRONIC RECORDS ARCHIVE

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

8 REPAIRS AND RESTORATION

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

14 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

15 COMMISSION

16 GRANTS PROGRAM

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

21 OFFICE OF GOVERNMENT ETHICS

22 SALARIES AND EXPENSES

23 For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Re-

1 form Act of 1989, including services as authorized by 5
2 U.S.C. 3109, rental of conference rooms in the District
3 of Columbia and elsewhere, hire of passenger motor vehi-
4 cles, and not to exceed \$1,500 for official reception and
5 representation expenses, \$10,738,000.

6 OFFICE OF PERSONNEL MANAGEMENT

7 SALARIES AND EXPENSES

8 (INCLUDING TRANSFER OF TRUST FUNDS)

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

1 cost of the enterprise human resources integration project,
2 \$2,500,000 shall remain available until expended for the
3 cost of leading the Government-wide initiative to mod-
4 ernize Federal payroll systems and service delivery, and
5 \$2,500,000 shall remain available through September 30,
6 2005 to coordinate and conduct program evaluation and
7 performance measurement; and in addition \$126,854,000
8 for administrative expenses, to be transferred from the ap-
9 propriate trust funds of the Office of Personnel Manage-
10 ment without regard to other statutes, including direct
11 procurement of printed materials, for the retirement and
12 insurance programs, of which \$27,640,000 shall remain
13 available until expended for the cost of automating the re-
14 tirement recordkeeping systems: *Provided*, That the provi-
15 sions of this appropriation shall not affect the authority
16 to use applicable trust funds as provided by sections
17 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of
18 title 5, United States Code: *Provided further*, That no part
19 of this appropriation shall be available for salaries and ex-
20 penses of the Legal Examining Unit of the Office of Per-
21 sonnel Management established pursuant to Executive
22 Order No. 9358 of July 1, 1943, or any successor unit
23 of like purpose: *Provided further*, That the President's
24 Commission on White House Fellows, established by Exec-
25 utive Order No. 11183 of October 3, 1964, may, during

1 fiscal year 2004, accept donations of money, property, and
2 personal services in connection with the development of
3 a publicity brochure to provide information about the
4 White House Fellows, except that no such donations shall
5 be accepted for travel or reimbursement of travel expenses,
6 or for the salaries of employees of such Commission.

7 OFFICE OF INSPECTOR GENERAL

8 SALARIES AND EXPENSES

9 (INCLUDING TRANSFER OF TRUST FUNDS)

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

1 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

2 HEALTH BENEFITS

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

8 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE

9 LIFE INSURANCE

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

14 PAYMENT TO CIVIL SERVICE RETIREMENT AND

15 DISABILITY FUND

16 For financing the unfunded liability of new and in-
17 creased annuity benefits becoming effective on or after Oc-
18 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-
19 nuieties under special Acts to be credited to the Civil Serv-
20 ice Retirement and Disability Fund, such sums as may
21 be necessary: *Provided*, That annuities authorized by the
22 Act of May 29, 1944, as amended, and the Act of August
23 19, 1950, as amended (33 U.S.C. 771-775), may here-
24 after be paid out of the Civil Service Retirement and Dis-
25 ability Fund.

1 HUMAN CAPITAL PERFORMANCE FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For a human capital performance fund, \$2,500,000:
4 *Provided*, That such amount shall not be available for obli-
5 gation or transfer until enactment of legislation that es-
6 tablishes a human capital performance fund within the Of-
7 fice of Personnel Management: *Provided further*, That
8 such amounts as determined by the Director of the Office
9 of Personnel Management may be transferred to Federal
10 agencies to carry out the purposes of this fund as author-
11 ized: *Provided further*, That no funds shall be available
12 for obligation or transfer to any Federal agency until the
13 Director has notified the relevant subcommittees of juris-
14 diction of the Committees on Appropriations of the ap-
15 proval of a performance pay plan for that agency, and the
16 prior approval of such subcommittees has been attained.

17 OFFICE OF SPECIAL COUNSEL

18 SALARIES AND EXPENSES

19 For necessary expenses to carry out functions of the
20 Office of Special Counsel pursuant to Reorganization Plan
21 Numbered 2 of 1978, the Civil Service Reform Act of
22 1978 (Public Law 95-454), as amended, the Whistle-
23 blower Protection Act of 1989 (Public Law 101-12), as
24 amended, Public Law 103-424, and the Uniformed Serv-
25 ices Employment and Reemployment Act of 1994 (Public

1 Law 103–353), including services as authorized by 5
2 U.S.C. 3109, payment of fees and expenses for witnesses,
3 rental of conference rooms in the District of Columbia and
4 elsewhere, and hire of passenger motor vehicles;
5 \$13,504,000.

6 UNITED STATES TAX COURT

7 SALARIES AND EXPENSES

8 For necessary expenses, including contract reporting
9 and other services as authorized by 5 U.S.C. 3109,
10 \$40,187,000: *Provided*, That travel expenses of the judges
11 shall be paid upon the written certificate of the judge.

12 WHITE HOUSE COMMISSION ON THE NATIONAL

13 MOMENT OF REMEMBRANCE

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

16 TITLE VI—GENERAL PROVISIONS

17 THIS ACT

18 (INCLUDING TRANSFERS OF FUNDS)

19 SEC. 601. During the current fiscal year applicable
20 appropriations to the Department of Transportation shall
21 be available for maintenance and operation of aircraft;
22 hire of passenger motor vehicles and aircraft; purchase of
23 liability insurance for motor vehicles operating in foreign
24 countries on official department business; and uniforms,

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

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

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

12 SEC. 604. None of the funds in this Act shall be avail-
13 able for salaries and expenses of more than 110 political
14 and Presidential appointees in the Department of Trans-
15 portation: *Provided*, That none of the personnel covered
16 by this provision may be assigned on temporary detail out-
17 side the Department of Transportation.

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

23 SEC. 606. None of the funds appropriated in this Act
24 shall remain available for obligation beyond the current

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

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

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

13 SEC. 609. (a) No recipient of funds made available
14 in this Act shall disseminate personal information (as de-
15 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
16 ment of motor vehicles in connection with a motor vehicle
17 record as defined in 18 U.S.C. 2725(1), except as provided
18 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
19 2721.

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

23 SEC. 610. Funds received by the Federal Highway
24 Administration, Federal Transit Administration, and Fed-
25 eral Railroad Administration from States, counties, mu-

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

9 SEC. 611. Notwithstanding any other provision of
10 law, rule or regulation, the Secretary of Transportation
11 is authorized to allow the issuer of any preferred stock
12 heretofore sold to the Department to redeem or repur-
13 chase such stock upon the payment to the Department of
14 an amount determined by the Secretary.

15 SEC. 612. None of the funds in title I of this Act
16 may be used to make a grant unless the Secretary of
17 Transportation notifies the House and Senate Committees
18 on Appropriations not less than 3 full business days before
19 any discretionary grant award, letter of intent, or full
20 funding grant agreement totaling \$1,000,000 or more is
21 announced by the department or its modal administrations
22 from: (1) any discretionary grant program of the Federal
23 Highway Administration other than the emergency relief
24 program; (2) the airport improvement program of the
25 Federal Aviation Administration; or (3) any program of

1 the Federal Transit Administration other than the for-
2 mula grants and fixed guideway modernization programs:
3 *Provided*, That no notification shall involve funds that are
4 not available for obligation.

5 SEC. 613. For the purpose of any applicable law, for
6 fiscal year 2004, the city of Norman, Oklahoma, shall be
7 considered to be part of the Oklahoma City Transpor-
8 tation Management Area.

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

17 SEC. 615. None of the funds made available in this
18 Act may be transferred to any department, agency, or in-
19 strumentality of the United States Government, except
20 pursuant to a transfer made by, or transfer authority pro-
21 vided in, this Act or any other appropriations Act.

22 SEC. 616. Rebates, refunds, incentive payments,
23 minor fees and other funds received by the Department
24 of Transportation from travel management centers,
25 charge card programs, the subleasing of building space,

1 and miscellaneous sources are to be credited to appropria-
2 tions of the Department of Transportation and allocated
3 to elements of the Department of Transportation using
4 fair and equitable criteria and such funds shall be avail-
5 able until expended.

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

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

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

19 (A) shall be credited to and merged with
20 the appropriation from which the improper pay-
21 ments were made, and shall be available for the
22 purposes and period for which such appropria-
23 tions are available; or

24 (B) if no such appropriation remains avail-
25 able, shall be deposited in the Treasury as mis-

1 cellaneous receipts: *Provided further*, That prior
2 to the transfer of any such recovery to an ap-
3 propriations account, the Secretary shall notify
4 the House and Senate Committees on Approp-
5 riations of the amount and reasons for such
6 transfer: *Provided further*, That for purposes of
7 this section, the term “improper payments,”
8 has the same meaning as that provided in sec-
9 tion 2(d)(2) of Public Law 107-300.

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

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

21 SEC. 620. No part of any appropriation contained in
22 this Act shall be available to pay the salary for any person
23 filling a position, other than a temporary position, for-
24 merly held by an employee who has left to enter the Armed
25 Forces of the United States and has satisfactorily com-

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

9 SEC. 621. Except as otherwise specifically provided
10 by law, not to exceed 50 percent of unobligated balances
11 remaining available at the end of fiscal year 2004 from
12 appropriations made available for salaries and expenses
13 for fiscal year 2004 in this Act, shall remain available
14 through September 30, 2005, for each such account for
15 the purposes authorized: *Provided*, That a request shall
16 be submitted to the Committees on Appropriations for ap-
17 proval prior to the expenditure of such funds: *Provided*
18 *further*, That these requests shall be made in compliance
19 with reprogramming guidelines.

20 SEC. 622. None of the funds made available in this
21 Act may be used by the Executive Office of the President
22 to request from the Federal Bureau of Investigation any
23 official background investigation report on any individual,
24 except when—

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

7 SEC. 623. 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. 624. 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. 625. 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. 626. The provision of section 625 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. 627. 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. 628. 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

6 SEC. 629. 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. 630. EXEMPTION FROM LIMITATIONS ON PRO-
14 CUREMENT OF FOREIGN INFORMATION TECHNOLOGY
15 THAT IS A COMMERCIAL ITEM.—(a) EXEMPTION.—In
16 order to promote Government access to commercial infor-
17 mation technology, the restriction on purchasing non-
18 domestic articles, materials, and supplies set forth in the
19 Buy American Act (41 U.S.C. 10a et seq.), shall not apply
20 to the acquisition by the Federal Government of informa-
21 tion technology (as defined in section 11101 of title 40,
22 United States Code, that is a commercial item (as defined
23 in section 4(12) of the Office of Federal Procurement Pol-
24 icy Act (41 U.S.C. 403(12))).

1 (b) DEFINITION.—Section 11101(6) of title 40,

2 United States Code, is amended—

3 (1) in subparagraph (A), by inserting after

4 “storage,” the following: “analysis, evaluation,”; and

5 (2) in subparagraph (B), by striking “ancillary

6 equipment,” and inserting “ancillary equipment (in-

7 cluding imaging peripherals, input, output, and stor-

8 age devices necessary for security and surveillance),

9 peripheral equipment designed to be controlled by

10 the central processing unit of a computer.”.

11 SEC. 631. It is the sense of the House of Representa-

12 tives that empowerment zones within cities should have

13 the necessary flexibility to expand to include relevant com-

14 munities so that empowerment zone benefits are equitably

15 distributed.

16 SEC. 632. It is the sense of the House of Representa-

17 tives that all census tracts contained in an empowerment

18 zone, either fully or partially, should be equitably accorded

19 the same benefits.

20 SEC. 633. None of the funds made available in this

21 Act may be used to finalize, implement, administer, or en-

22 force—

23 (1) the proposed rule relating to the determina-

24 tion that real estate brokerage is an activity that is

25 financial in nature or incidental to a financial activ-

1 ity published in the Federal Register on January 3,
2 2001 (66 Fed. Reg. 307 et seq.); or

3 (2) the revision proposed in such rule to section
4 1501.2 of title 12 of the Code of Federal Regula-
5 tions.

6 SEC. 634. It is the sense of Congress that, after prop-
7 er documentation, justification, and review, the Depart-
8 ment of Transportation should consider programs to reim-
9 burse general aviation ground support services at Ronald
10 Reagan Washington National Airport, and airports lo-
11 cated within fifteen miles of Ronald Reagan Washington
12 National Airport, for their financial losses due to Govern-
13 ment actions after the terrorist attacks of September 11,
14 2001.

15 SEC. 635. It is the sense of the House of Representa-
16 tives that public private partnerships (PPPs) could help
17 eliminate some of the cost drivers behind complex, capital-
18 intensive highway and transit projects. The House of Rep-
19 resentatives encourages the Secretary of Transportation
20 to apply available funds to select projects that are in the
21 development phase, eligible under title 23 and title 49,
22 United States Code, except 23 U.S.C. 133(b)(8), and that
23 employ a PPP strategy.

1 TITLE VII—GENERAL PROVISIONS

2 DEPARTMENTS, AGENCIES, AND CORPORATIONS

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

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

18 SEC. 703. Unless otherwise specifically provided, the
19 maximum amount allowable during the current fiscal year
20 in accordance with section 16 of the Act of August 2, 1946
21 (60 Stat. 810), for the purchase of any passenger motor
22 vehicle (exclusive of buses, ambulances, law enforcement,
23 and undercover surveillance vehicles), is hereby fixed at
24 \$8,100 except station wagons for which the maximum
25 shall be \$9,100: *Provided*, That these limits may be ex-

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

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

19 SEC. 705. Unless otherwise specified during the cur-
20 rent fiscal year, no part of any appropriation contained
21 in this or any other Act shall be used to pay the compensa-
22 tion of any officer or employee of the Government of the
23 United States (including any agency the majority of the
24 stock of which is owned by the Government of the United
25 States) whose post of duty is in the continental United

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

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

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

21 SEC. 707. In addition to funds provided in this or
22 any other Act, all Federal agencies are authorized to re-
23 ceive and use funds resulting from the sale of materials,
24 including Federal records disposed of pursuant to a
25 records schedule recovered through recycling or waste pre-

1 vention programs. Such funds shall be available until ex-
2 pended for the following purposes:

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

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

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

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

1 penses are subsequently transferred to or paid from other
2 funds, the limitations on administrative expenses shall be
3 correspondingly reduced.

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

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

17 SEC. 711. Funds made available by this or any other
18 Act to the Postal Service Fund (39 U.S.C. 2003) shall
19 be available for employment of guards for all buildings and
20 areas owned or occupied by the Postal Service and under
21 the charge and control of the Postal Service, and such
22 guards shall have, with respect to such property, the pow-
23 ers of special policemen provided by the first section of
24 the Act of June 1, 1948, as amended (62 Stat. 281; 40
25 U.S.C. 318), and, as to property owned or occupied by

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

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

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

21 (1) during the period from the date of expira-
22 tion of the limitation imposed by the comparable sec-
23 tion for the previous fiscal years until the normal ef-
24 fective date of the applicable wage survey adjust-
25 ment that is to take effect in fiscal year 2004, in an

1 amount that exceeds the rate payable for the appli-
2 cable grade and step of the applicable wage schedule
3 in accordance with such section; and

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

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

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

21 (b) Notwithstanding any other provision of law, no
22 prevailing rate employee described in subparagraph (B) or
23 (C) of section 5342(a)(2) of title 5, United States Code,
24 and no employee covered by section 5348 of such title,
25 may be paid during the periods for which subsection (a)

1 is in effect at a rate that exceeds the rates that would
2 be payable under subsection (a) were subsection (a) appli-
3 cable to such employee.

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

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

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

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

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

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

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

24 SEC. 715. Notwithstanding section 1346 of title 31,
25 United States Code, or section 710 of this Act, funds

1 made available for the current fiscal year by this or any
2 other Act shall be available for the interagency funding
3 of national security and emergency preparedness tele-
4 communications initiatives which benefit multiple Federal
5 departments, agencies, or entities, as provided by Execu-
6 tive Order No. 12472 (April 3, 1984).

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

19 (b) The provisions of this section shall not apply to
20 Federal employees or members of the armed services de-
21 tailed to or from—
22 (1) the Central Intelligence Agency;
23 (2) the National Security Agency;
24 (3) the Defense Intelligence Agency;

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

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

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

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

18 (2) removes, suspends from duty without pay,
19 demotes, reduces in rank, seniority, status, pay, or
20 performance of efficiency rating, denies promotion
21 to, relocates, reassigned, transfers, disciplines, or dis-
22 criminated in regard to any employment right, enti-
23 tlement, or benefit, or any term or condition of em-
24 ployment of, any other officer or employee of the
25 Federal Government, or attempts or threatens to

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

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

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

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

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

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

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the 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 disclo-
19 sure to Congress by members of the military); section
20 2302(b)(8) of title 5, United States Code, as amended by
21 the Whistleblower Protection Act (governing disclosures of
22 illegality, waste, fraud, abuse or public health or safety
23 threats); the Intelligence Identities Protection Act of 1982
24 (50 U.S.C. 421 et seq.) (governing disclosures that could
25 expose confidential Government agents); and the statutes

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

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:

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 facil-
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: (1) an individual with an un-
16 satisfactory 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 (2) 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 the following:

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 SEC. 742. It is the sense of the Congress that none
4 of the funds made available in this Act should be used
5 to disestablish any pay locality (as defined by section 5302
6 of title 5, United States Code).

7 SEC. 743. For an additional amount for new fixed
8 guideway systems under the heading “Federal Transit Ad-
9 ministration—Capital Investment Grants” for the Silicon
10 Valley, CA, Rapid Transit Corridor, and the amount oth-
11 erwise provided under such heading for the San Francisco,
12 CA, Muni Third Street Light Rail Project is hereby re-
13 duced by, \$1,000,000.

14 SEC. 744. Notwithstanding any other provision of
15 this Act, for necessary expenses to carry out the essential
16 air service program pursuant to 49 U.S.C. 41742(a), there
17 is hereby appropriated \$63,000,000, to be derived from
18 the airport and airway trust fund and to remain available
19 until expended.

20 SEC. 745. (a) None of the funds made available in
21 this Act may be used to administer or enforce part 515
22 of title 31, Code of Federal Regulations (the Cuban Assets
23 Control Regulations) with respect to any travel or travel-
24 related transaction.

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

9 SEC. 746. None of the funds made available in this
10 Act may be used to enforce any restriction on remittances
11 to nationals of Cuba or Cuban households, including re-
12 mittances for emigration expenses, covered by section
13 515.570 or 515.560(c) of title 31, Code of Federal Regula-
14 tions, other than the restriction that remittances not be
15 made from a blocked source and the restriction that no
16 member of the payee's household be a senior-level Govern-
17 ment official or senior-level communist party official.

18 SEC. 747. None of the funds appropriated by this Act
19 may be used to assist in overturning the judicial ruling
20 contained in the Memorandum and Order of the United
21 States District Court for the Southern District of Illinois
22 entered on July 31, 2003, in the action entitled Kathi Coo-
23 per, Beth Harrington, and Matthew Hillesheim, Individ-
24 ually and on Behalf of All Those Similarly Situated vs.

1 IBM Personal Pension Plan and IBM Corporation (Civil
2 No. 99-829-GPM).

3 SEC. 748. None of the funds made available by this
4 Act may be used to implement the revision to Office of
5 Management and Budget Circular A-76 made on May 29,
6 2003.

7 SEC. 749. (a) None of the funds made available in
8 this Act may be used to implement, administer, or enforce
9 the amendments made to section 515.565(b)(2) of title 31,
10 Code of Federal Regulations (relating to specific licenses
11 for “people-to-people” educational exchanges), as pub-
12 lished in the Federal Register on March 24, 2003.

13 (b) The limitation in subsection (a) shall not apply
14 to the implementation, administration, or enforcement of
15 515.560(c)(3) of title 31, Code of Federal Regulations.

16 This Act may be cited as the “Transportation, Treas-
17 ury, and Independent Agencies Appropriations Act,
18 2004”.

Passed the House of Representatives September 9,
2003.

Attest: JEFF TRANDAHL,
Clerk.

Calendar No. 279

108TH CONGRESS
1ST SESSION

H. R. 2989

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.

SEPTEMBER 10, 2003

Received; read twice and placed on the calendar