

108TH CONGRESS
2^D SESSION

H. R. 4755

AN ACT

Making appropriations for the Legislative Branch
for the fiscal year ending September 30, 2005,
and for other purposes.

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Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any

1 money in the Treasury not otherwise appropriated, for the
2 Legislative Branch for the fiscal year ending September
3 30, 2005, and for other purposes, namely:

4 TITLE I—LEGISLATIVE BRANCH

5 APPROPRIATIONS

6 HOUSE OF REPRESENTATIVES

7 SALARIES AND EXPENSES

8 For salaries and expenses of the House of Represent-
9 atives, \$1,044,281,000, as follows:

10 HOUSE LEADERSHIP OFFICES

11 For salaries and expenses, as authorized by law,
12 \$18,678,000, including: Office of the Speaker,
13 \$2,708,000, including \$25,000 for official expenses of the
14 Speaker; Office of the Majority Floor Leader, \$2,027,000,
15 including \$10,000 for official expenses of the Majority
16 Leader; Office of the Minority Floor Leader, \$2,840,000,
17 including \$10,000 for official expenses of the Minority
18 Leader; Office of the Majority Whip, including the Chief
19 Deputy Majority Whip, \$1,741,000, including \$5,000 for
20 official expenses of the Majority Whip; Office of the Mi-
21 nority Whip, including the Chief Deputy Minority Whip,
22 \$1,303,000, including \$5,000 for official expenses of the
23 Minority Whip; Speaker's Office for Legislative Floor Ac-
24 tivities, \$470,000; Republican Steering Committee,
25 \$881,000; Republican Conference, \$1,500,000; Demo-
26 cratic Steering and Policy Committee, \$1,589,000; Demo-

1 cratic Caucus, \$792,000; nine minority employees,
 2 \$1,409,000; training and program development—major-
 3 ity, \$290,000; training and program development—minor-
 4 ity, \$290,000; Cloakroom Personnel—majority, \$419,000;
 5 and Cloakroom Personnel—minority, \$419,000.

6 MEMBERS' REPRESENTATIONAL ALLOWANCES
 7 INCLUDING MEMBERS' CLERK HIRE, OFFICIAL
 8 EXPENSES OF MEMBERS, AND OFFICIAL MAIL

9 For Members' representational allowances, including
 10 Members' clerk hire, official expenses, and official mail,
 11 \$521,195,000.

12 COMMITTEE EMPLOYEES

13 STANDING COMMITTEES, SPECIAL AND SELECT

14 For salaries and expenses of standing committees,
 15 special and select, authorized by House resolutions,
 16 \$114,299,000: *Provided*, That such amount shall remain
 17 available for such salaries and expenses until December
 18 31, 2006.

19 COMMITTEE ON APPROPRIATIONS

20 For salaries and expenses of the Committee on Ap-
 21 propriations, \$24,926,000, including studies and examina-
 22 tions of executive agencies and temporary personal serv-
 23 ices for such committee, to be expended in accordance with
 24 section 202(b) of the Legislative Reorganization Act of
 25 1946 and to be available for reimbursement to agencies

1 for services performed: *Provided*, That such amount shall
2 remain available for such salaries and expenses until De-
3 cember 31, 2006.

4 SALARIES, OFFICERS AND EMPLOYEES

5 For compensation and expenses of officers and em-
6 ployees, as authorized by law, \$160,133,000, including:
7 for salaries and expenses of the Office of the Clerk, includ-
8 ing not more than \$13,000, of which not more than
9 \$10,000 is for the Family Room, for official representa-
10 tion and reception expenses, \$20,534,000; for salaries and
11 expenses of the Office of the Sergeant at Arms, including
12 the position of Superintendent of Garages, and including
13 not more than \$3,000 for official representation and re-
14 ception expenses, \$5,879,000; for salaries and expenses of
15 the Office of the Chief Administrative Officer,
16 \$116,034,000, of which \$7,500,000 shall remain available
17 until expended; for salaries and expenses of the Office of
18 the Inspector General, \$3,986,000; for salaries and ex-
19 penses of the Office of Emergency Planning, Preparedness
20 and Operations, \$1,000,000, to remain available until ex-
21 pended; for salaries and expenses of the Office of General
22 Counsel, \$962,000; for the Office of the Chaplain,
23 \$155,000; for salaries and expenses of the Office of the
24 Parliamentarian, including the Parliamentarian and
25 \$2,000 for preparing the Digest of Rules, \$1,673,000; for

1 salaries and expenses of the Office of the Law Revision
2 Counsel of the House, \$2,346,000; for salaries and ex-
3 penses of the Office of the Legislative Counsel of the
4 House, \$6,721,000; for salaries and expenses of the Office
5 of Interparliamentary Affairs, \$687,000; and for other au-
6 thorized employees, \$156,000.

7 ALLOWANCES AND EXPENSES

8 For allowances and expenses as authorized by House
9 resolution or law, \$205,050,000, including: supplies, mate-
10 rials, administrative costs and Federal tort claims,
11 \$4,350,000; official mail for committees, leadership of-
12 fices, and administrative offices of the House, \$410,000;
13 Government contributions for health, retirement, Social
14 Security, and other applicable employee benefits,
15 \$199,600,000; and miscellaneous items including pur-
16 chase, exchange, maintenance, repair and operation of
17 House motor vehicles, interparliamentary receptions, and
18 gratuities to heirs of deceased employees of the House,
19 \$690,000.

20 CHILD CARE CENTER

21 For salaries and expenses of the House of Represent-
22 atives Child Care Center, such amounts as are deposited
23 in the account established by section 312(d)(1) of the Leg-
24 islative Branch Appropriations Act, 1992 (2 U.S.C. 2112),
25 subject to the level specified in the budget of the Center,

1 as submitted to the Committee on Appropriations of the
2 House of Representatives.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN
5 MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE
6 USED FOR DEFICIT REDUCTION OR TO REDUCE THE
7 FEDERAL DEBT.—Notwithstanding any other provision of
8 law, any amounts appropriated under this Act for
9 “HOUSE OF REPRESENTATIVES—SALARIES AND
10 EXPENSES—MEMBERS' REPRESENTATIONAL ALLOW-
11 ANCES” shall be available only for fiscal year 2005. Any
12 amount remaining after all payments are made under such
13 allowances for fiscal year 2005 shall be deposited in the
14 Treasury and used for deficit reduction (or, if there is no
15 Federal budget deficit after all such payments have been
16 made, for reducing the Federal debt, in such manner as
17 the Secretary of the Treasury considers appropriate).

18 (b) REGULATIONS.—The Committee on House Ad-
19 ministration of the House of Representatives shall have
20 authority to prescribe regulations to carry out this section.

21 (c) DEFINITION.—As used in this section, the term
22 “Member of the House of Representatives” means a Rep-
23 resentative in, or a Delegate or Resident Commissioner
24 to, the Congress.

1 SEC. 102. NET EXPENSES OF TELECOMMUNI-
2 CATIONS REVOLVING FUND. (a) There is hereby estab-
3 lished in the Treasury of the United States a revolving
4 fund for the House of Representatives to be known as the
5 Net Expenses of Telecommunications Revolving Fund
6 (hereafter in this section referred to as the “Revolving
7 Fund”), consisting of funds deposited by the Chief Admin-
8 istrative Officer of the House of Representatives from
9 amounts provided by legislative branch offices to purchase,
10 lease, obtain, and maintain the data and voice tele-
11 communications services and equipment located in such
12 offices.

13 (b) Amounts in the Revolving Fund shall be used by
14 the Chief Administrative Officer without fiscal year limita-
15 tion to purchase, lease, obtain, and maintain the data and
16 voice telecommunications services and equipment of legis-
17 lative branch offices.

18 (c) The Revolving Fund shall be treated as a category
19 of allowances and expenses for purposes of section 101(a)
20 of the Legislative Branch Appropriations Act, 1993 (2
21 U.S.C. 95b(a)).

22 (d) Section 306 of the Legislative Branch Appropria-
23 tions Act, 1989 (2 U.S.C. 117f) is amended—

24 (1) by striking subsection (b) and redesignating
25 subsection (c) as subsection (b); and

1 (2) in subsection (b) (as so redesignated), by
2 striking “subsections (a) and (b)” and inserting
3 “subsection (a)”.

4 (e) Section 102 of the Legislative Branch Appropria-
5 tions Act, 2003 (2 U.S.C. 112g) is amended by adding
6 at the end the following new subsection:

7 “(e) This section shall not apply with respect to any
8 telecommunications equipment which is subject to cov-
9 erage under section 103 of the Legislative Branch Appro-
10 priations Act, 2005 (relating to the Net Expenses of Tele-
11 communications Revolving Fund).”.

12 (f) This section and the amendments made by this
13 section shall apply with respect to fiscal year 2005 and
14 each succeeding fiscal year, except that for purposes of
15 making deposits into the Revolving Fund under subsection
16 (a), the Chief Administrative Officer may deposit amounts
17 provided by legislative branch offices during fiscal year
18 2004 or any succeeding fiscal year.

19 SEC. 103. CONTRACT FOR EXERCISE FACILITY. (a)
20 IN GENERAL.—The Chief Administrative Officer of the
21 House of Representatives shall enter into a contract on
22 a competitive basis with a private entity for the manage-
23 ment, operation, and maintenance of the exercise facility
24 established for the use of employees of the House of Rep-

1 representatives which is constructed with funds made avail-
2 able under this Act.

3 (b) USE OF FEES TO SUPPORT CONTRACT.—Any
4 amounts paid as fees for the use of the exercise facility
5 described in subsection (a) shall be used to cover costs
6 incurred by the Chief Administrative Officer under the
7 contract entered into under this section or to otherwise
8 support the management, operation, and maintenance of
9 the facility, and shall remain available until expended.

10 SEC. 104. SENSE OF THE HOUSE. It is the sense of
11 the House of Representatives that Members of the House
12 who use vehicles in traveling for official and representa-
13 tional purposes, including Members who lease vehicles for
14 which the lease payments are made using funds provided
15 under the Members' Representational Allowance, are en-
16 couraged to use hybrid electric and alternatively fueled ve-
17 hicles whenever possible, as the use of these vehicles will
18 help to move our Nation toward the use of a hydrogen
19 fuel cell vehicle and reduce our dependence on oil.

20 JOINT ITEMS

21 For Joint Committees, as follows:

22 JOINT ECONOMIC COMMITTEE

23 For salaries and expenses of the Joint Economic
24 Committee, \$4,139,000, to be disbursed by the Secretary
25 of the Senate.

1 JOINT COMMITTEE ON TAXATION

2 For salaries and expenses of the Joint Committee on
3 Taxation, \$8,433,000, to be disbursed by the Chief Ad-
4 ministrative Officer of the House of Representatives.

5 For other joint items, as follows:

6 OFFICE OF THE ATTENDING PHYSICIAN

7 For medical supplies, equipment, and contingent ex-
8 penses of the emergency rooms, and for the Attending
9 Physician and his assistants, including: (1) an allowance
10 of \$2,175 per month to the Attending Physician; (2) an
11 allowance of \$725 per month each to four medical officers
12 while on duty in the Office of the Attending Physician;
13 (3) an allowance of \$725 per month to two assistants and
14 \$580 per month each not to exceed 11 assistants on the
15 basis heretofore provided for such assistants; and (4)
16 \$1,680,000 for reimbursement to the Department of the
17 Navy for expenses incurred for staff and equipment as-
18 signed to the Office of the Attending Physician, which
19 shall be advanced and credited to the applicable appropria-
20 tion or appropriations from which such salaries, allow-
21 ances, and other expenses are payable and shall be avail-
22 able for all the purposes thereof, \$2,528,000, to be dis-
23 bursed by the Chief Administrative Officer of the House
24 of Representatives.

13 STATEMENTS OF APPROPRIATIONS

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1 CAPITOL POLICE

2 SALARIES

3 For salaries of employees of the Capitol Police, in-
4 cluding overtime, hazardous duty pay differential, and
5 Government contributions for health, retirement, social se-
6 curity, professional liability insurance, and other applica-
7 ble employee benefits, \$203,440,000, to be disbursed by
8 the Chief of the Capitol Police or his designee.

9 GENERAL EXPENSES

10 For necessary expenses of the Capitol Police, includ-
11 ing motor vehicles, communications and other equipment,
12 security equipment and installation, uniforms, weapons,
13 supplies, materials, training, medical services, forensic
14 services, stenographic services, personal and professional
15 services, the employee assistance program, the awards pro-
16 gram, postage, communication services, travel advances,
17 relocation of instructor and liaison personnel for the Fed-
18 eral Law Enforcement Training Center, and not more
19 than \$5,000 to be expended on the certification of the
20 Chief of the Capitol Police in connection with official rep-
21 resentation and reception expenses, \$28,888,000, of which
22 \$700,000 shall remain available until expended, to be dis-
23 bursed by the Chief of the Capitol Police or his designee:
24 *Provided*, That, notwithstanding any other provision of
25 law, the cost of basic training for the Capitol Police at

1 the Federal Law Enforcement Training Center for fiscal
2 year 2005 shall be paid by the Secretary of Homeland Se-
3 curity from funds available to the Department of Home-
4 land Security.

5 ADMINISTRATIVE PROVISIONS

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 1001. TRANSFER AUTHORITY. Amounts appro-
8 priated for fiscal year 2005 for the Capitol Police may
9 be transferred between the headings “SALARIES” and
10 “GENERAL EXPENSES” upon the approval of the Commit-
11 tees on Appropriations of the Senate and the House of
12 Representatives.

13 SEC. 1002. RELEASE OF SECURITY INFORMATION.

14 (a) AUTHORITY OF BOARD TO DETERMINE CONDITIONS
15 FOR RELEASE.—Notwithstanding any other provision of
16 law, any information in the possession of the United
17 States Capitol Police (whether developed by the Capitol
18 Police or obtained by the Capitol Police from another
19 source) that relates to actions taken by the Capitol Police
20 in response to an emergency situation, or to any other
21 counterterrorism and security preparedness measures
22 taken by the Capitol Police, may be released by the Capitol
23 Police to another entity only if the Capitol Police Board
24 determines, in consultation with other appropriate law en-
25 forcement officials and experts in security preparedness,

1 that the release of the information will not jeopardize the
2 physical security and safety of the facilities and properties
3 under the jurisdiction of the Capitol Police.

4 (b) RULE OF CONSTRUCTION REGARDING REQUESTS
5 FOR INFORMATION FROM CONGRESS.—Nothing in this
6 section may be construed to affect the ability of the House
7 of Representatives and the Senate (including any Member,
8 officer, or committee thereof) to obtain information from
9 the Capitol Police regarding the operations and activities
10 of the Capitol Police that affect the House of Representa-
11 tives and Senate.

12 (c) REGULATIONS.—The Capitol Police Board shall
13 promulgate regulations to carry out this section, with the
14 approval of the Committees on Appropriations of the
15 House of Representatives and Senate.

16 (d) EFFECTIVE DATE.—This section shall apply with
17 respect to fiscal year 2005 and each succeeding fiscal year.

18 SEC. 1003. SOLE AND EXCLUSIVE AUTHORITY OF
19 BOARD AND CHIEF TO DETERMINE RATES OF PAY. (a)
20 IN GENERAL.—The Capitol Police Board and the Chief
21 of the Capitol Police shall have the sole and exclusive au-
22 thority to determine the rates and amounts for each of
23 the following for members of the Capitol Police:

24 (1) The rate of basic pay (including the rate of
25 basic pay upon appointment), premium pay, spe-

1 cialty assignment and proficiency pay, and merit
2 pay.

3 (2) The rate of cost-of-living adjustments, com-
4 parability adjustments, and locality adjustments.

5 (3) The amount for recruitment and relocation
6 bonuses.

7 (4) The amount for retention allowances.

8 (5) The amount for educational assistance pay-
9 ments.

10 (b) NO REVIEW OR APPEAL PERMITTED.—The de-
11 termination of a rate or amount described in subsection
12 (a) may not be subject to review or appeal in any manner.

13 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion may be construed to affect—

15 (1) any authority provided under law for a com-
16 mittee of the House of Representatives or Senate, or
17 any other entity of the legislative branch, to review
18 or approve any determination of a rate or amount
19 described in subsection (a);

20 (2) any rate or amount described in subsection
21 (a) which is established under law; or

22 (3) the terms of any collective bargaining agree-
23 ment.

24 (d) EFFECTIVE DATE.—This section shall apply with
25 respect to fiscal year 2005 and each succeeding fiscal year.

1 SEC. 1004. (a) AUTHORITY TO SETTLE CLAIMS
2 UNDER FEDERAL TORT CLAIMS ACT.—For purposes of
3 section 2672 of title 28, United States Code (relating to
4 the administrative adjustment of claims), the United
5 States Capitol Police shall be considered a Federal agency
6 and the Capitol Police Board shall be considered the head
7 of the agency.

8 (b) RULES OF CONSTRUCTION.—Nothing in this sec-
9 tion may be construed—

10 (1) to affect any authority relating to the pay-
11 ment of claims under title 31, United States Code;
12 or

13 (2) to affect the payment of any award or set-
14 tlement under the Congressional Accountability Act
15 of 1995.

16 (c) EFFECTIVE DATE.—This section shall apply with
17 respect to fiscal year 2005 and each succeeding fiscal year.

18 SEC. 1005. DEPLOYMENT OUTSIDE OF JURISDIC-
19 TION. (a) REQUIREMENTS FOR PRIOR NOTICE AND AP-
20 PROVAL.—The Chief of the Capitol Police may not deploy
21 any officer outside of the areas established by law for the
22 jurisdiction of the Capitol Police unless—

23 (1) the Chief provides prior notification to the
24 Committees on Appropriations of the House of Rep-

1 representatives and Senate of the costs anticipated to
2 be incurred with respect to the deployment; and

3 (2) the Capitol Police Board gives prior ap-
4 proval to the deployment.

5 (b) EXCEPTION FOR CERTAIN SERVICES.—Sub-
6 section (a) does not apply with respect to the deployment
7 of any officer for any of the following purposes:

8 (1) Responding to an imminent threat or emer-
9 gency.

10 (2) Intelligence gathering.

11 (3) Providing protective services.

12 (c) EFFECTIVE DATE.—This section shall apply with
13 respect to fiscal year 2005 and each succeeding fiscal year.

14 SEC. 1006. LEGAL COMPLIANCE SYSTEM. The Cap-
15 itol Police General Counsel, in conjunction with the Cap-
16 itol Police Employment Counsel for employment and labor
17 law matters, shall be responsible for implementing and
18 maintaining an effective legal compliance system with all
19 applicable laws, under the oversight of the Capitol Police
20 Board.

21 SEC. 1007. (a) IN GENERAL.—None of the funds
22 made available for the Capitol Police for any fiscal year
23 in any Act may be used for a mounted horse unit.

24 (b) EFFECTIVE DATE.—This section shall take effect
25 on the date of the enactment of this Act and shall apply

1 with respect to the fiscal year in which such date occurs
2 and each succeeding fiscal year.

3 OFFICE OF COMPLIANCE

4 SALARIES AND EXPENSES

5 For salaries and expenses of the Office of Compli-
6 ance, as authorized by section 305 of the Congressional
7 Accountability Act of 1995 (2 U.S.C. 1385), \$2,421,000,
8 of which \$305,000 shall remain available until September
9 30, 2006: *Provided*, That the Executive Director of the
10 Office of Compliance may, within the limits of available
11 appropriations, dispose of surplus or obsolete personal
12 property by interagency transfer, donation, or discarding.

13 ADMINISTRATIVE PROVISION

14 SEC. 1101. (a) The Executive Director of the Office
15 of Compliance may, in order to recruit or retain qualified
16 personnel, establish and maintain hereafter a program
17 under which the Office may agree to repay (by direct pay-
18 ments on behalf of the employee) all or a portion of any
19 student loan previously taken out by such employee.

20 (b) The Executive Director may, by regulation, make
21 applicable such provisions of section 5379 of title 5,
22 United States Code, as the Executive Director determines
23 necessary to provide for such program.

24 (c) The regulations shall provide the amount paid by
25 the Office may not exceed—

1 (1) \$6,000 for any employee in any calendar
2 year; or

3 (2) a total of \$40,000 in the case of any em-
4 ployee.

5 (d) The Office may not reimburse an employee for
6 any repayments made by such employee prior to the Office
7 entering into an agreement under this section with such
8 employee.

9 (e) Any amount repaid by, or recovered from, an indi-
10 vidual under this section and its implementing regulations
11 shall be credited to the appropriation account available for
12 salaries and expenses of the Office at the time of repay-
13 ment or recovery.

14 (f) This section shall apply to fiscal year 2005 and
15 each fiscal year thereafter.

16 CONGRESSIONAL BUDGET OFFICE

17 SALARIES AND EXPENSES

18 For salaries and expenses necessary for operation of
19 the Congressional Budget Office, including not more than
20 \$3,000 to be expended on the certification of the Director
21 of the Congressional Budget Office in connection with offi-
22 cial representation and reception expenses, \$34,790,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official reception and representation expenses, to be expended on the certification of the Architect of the Capitol; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$79,581,000, of which \$1,500,000 shall remain available until September 30, 2009.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$18,185,000, of which \$4,000,000 shall remain available until September 30, 2009.

1 CAPITOL GROUNDS

2 For all necessary expenses for care and improvement
3 of grounds surrounding the Capitol, the Senate and House
4 office buildings, and the Capitol Power Plant, \$7,033,000,
5 of which \$527,000 shall remain available until September
6 30, 2009.

7 HOUSE OFFICE BUILDINGS

8 For all necessary expenses for the maintenance, care
9 and operation of the House office buildings, \$65,130,000,
10 of which \$27,103,000 shall remain available until Sep-
11 tember 30, 2009.

12 CAPITOL POWER PLANT

13 For all necessary expenses for the maintenance, care
14 and operation of the Capitol Power Plant; lighting, heat-
15 ing, power (including the purchase of electrical energy)
16 and water and sewer services for the Capitol, Senate and
17 House office buildings, Library of Congress buildings, and
18 the grounds about the same, Botanic Garden, Senate ga-
19 rage, and air conditioning refrigeration not supplied from
20 plants in any of such buildings; heating the Government
21 Printing Office and Washington City Post Office, and
22 heating and chilled water for air conditioning for the Su-
23 preme Court Building, the Union Station complex, the
24 Thurgood Marshall Federal Judiciary Building and the
25 Folger Shakespeare Library, expenses for which shall be

1 advanced or reimbursed upon request of the Architect of
2 the Capitol and amounts so received shall be deposited
3 into the Treasury to the credit of this appropriation,
4 \$56,139,000, of which \$630,000 shall remain available
5 until September 30, 2009: *Provided*, That not more than
6 \$4,400,000 of the funds credited or to be reimbursed to
7 this appropriation as herein provided shall be available for
8 obligation during fiscal year 2005.

9 LIBRARY BUILDINGS AND GROUNDS

10 For all necessary expenses for the mechanical and
11 structural maintenance, care and operation of the Library
12 buildings and grounds, \$34,783,000, of which
13 \$18,110,000 shall remain available until September 30,
14 2009.

15 CAPITOL POLICE BUILDINGS AND GROUNDS

16 For all necessary expenses for the maintenance, care
17 and operation of buildings and grounds of the United
18 States Capitol Police, \$4,883,000.

19 BOTANIC GARDEN

20 For all necessary expenses for the maintenance, care
21 and operation of the Botanic Garden and the nurseries,
22 buildings, grounds, and collections; and purchase and ex-
23 change, maintenance, repair, and operation of a passenger
24 motor vehicle; all under the direction of the Joint Com-
25 mittee on the Library, \$5,932,000: *Provided*, That this ap-

1 appropriation shall not be available for construction of the
2 National Garden.

3 MANAGEMENT AND OPERATION OF CAPITOL POWER
4 PLANT

5 SEC. 1201. (a) CONTRACT WITH PRIVATE ENTITY
6 FOR MANAGEMENT AND OPERATION OF THE CAPITOL
7 POWER PLANT.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the Committees on Appropriations of the House of
10 Representatives and Senate notify the Architect of
11 the Capitol that the Committees approve the imple-
12 mentation plan submitted under subsection (b), the
13 Architect shall enter into a contract with a private
14 entity for the management and operation of the
15 Capitol Power Plant.

16 (2) REQUIREMENTS FOR CONTRACT.—The con-
17 tract entered into under this subsection—

18 (A) shall be awarded on a competitive
19 basis;

20 (B) shall include such terms and condi-
21 tions as the Architect of the Capitol deems nec-
22 essary to ensure that the Capitol Power Plant
23 will continue to provide lighting, heating, power,
24 and air conditioning services to the United
25 States Capitol, Senate and House office build-

ings, the Supreme Court Building, and the other facilities served by the Plant;

(C) shall be carried out in a manner consistent with the implementation plan submitted under subsection (b), as approved by the Committees on Appropriations of the House of Representatives and Senate; and

(D) if the contract is a multiyear contract, shall meet the requirements described in paragraph (3).

(3) SPECIAL RULES FOR MULTIYEAR CONTRACT.—The Architect may enter into a contract under this subsection which is a multiyear contract subject to the following conditions:

(A) The Architect determines that—

(i) the need for the services provided will continue over the period of the contract;

(ii) the use of a multiyear contract will yield substantial cost savings; and

(iii) the use of a multiyear contract will not eliminate the ability of small businesses to compete for and enter into the contract.

1 (B) For the first fiscal year for which the
2 contract will be in effect, there are sufficient
3 funds available for payments of the costs of the
4 contract during the year, including any termi-
5 nation and cancellation costs. Amounts avail-
6 able for paying termination and cancellation
7 costs shall remain available until the costs asso-
8 ciated with the termination and cancellation of
9 the contract are paid.

10 (C) The period covered by the contract is
11 not longer than 10 years.

12 (b) IMPLEMENTATION PLAN.—

13 (1) SUBMISSION TO COMMITTEES.—Not later
14 than 270 days after the date of the enactment of
15 this Act or 270 days after the date of the completion
16 of the West Refrigeration Plant (whichever occurs
17 later), the Architect of the Capitol shall submit to
18 the Committees on Appropriations of the House of
19 Representatives and Senate an implementation plan
20 for carrying out the requirements of this section.

21 (2) CONTENTS OF PLAN.—The implementation
22 plan shall include the following elements:

23 (A) A description of the steps the Architect
24 shall take to minimize the cost and ensure the

1 effectiveness of the operation of the Capitol
2 Power Plant.

3 (B) A description of how the Architect will
4 administer the competition for the contract en-
5 tered into under subsection (a) for the manage-
6 ment and operation of the Capitol Power Plant,
7 including the key logistic milestones that will
8 affect the competition.

9 (C) A description of the budgetary impact
10 of the contract and the proposed schedule of
11 the appropriations that will be required to cover
12 the costs of the contract.

13 (D) The actions to be taken by the Archi-
14 tect to ensure effective performance of the con-
15 tractor, including a description of the manage-
16 ment systems the Architect will use to monitor
17 and oversee the contractor's efforts, the antici-
18 pated performance standards that the con-
19 tractor will be measured against (including the
20 levels of plant capacity, efficiency of fuel and
21 deliveries of steam and chilled water, and emis-
22 sion levels) and such other standards that in
23 the Architect's judgment are needed to ensure
24 the efficient operation of the Plant.

1 (E) The steps to be taken to ensure system
2 operations and reliability by maintaining ade-
3 quate levels of facility maintenance and staff-
4 ing.

5 (F) The specifications of security measures
6 to be taken to ensure the safety and protection
7 of the Plant, including its utility distribution
8 systems, and the steps that will be taken to co-
9 ordinate these efforts with the United States
10 Capitol Police.

11 (G) The steps to be taken to continue the
12 multi-use fuel capability of the Plant.

13 (H) A description of a plan to manage the
14 transition to the contractor for the management
15 and operation of the facility, including steps to
16 be taken to mitigate the effect of the contract
17 on the Plant's existing employees.

18 (I) An analysis of the cost and feasibility
19 of incorporating a combined steam and elec-
20 trical power generation system for the Plant.

21 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion may be construed to limit the authority of the Archi-
23 tect of the Capitol to procure any services under any other
24 authority.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$373,225,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2005, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2005 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June

1 28, 1902, in excess of the amount authorized for obliga-
2 tion or expenditure in appropriations Acts: *Provided fur-*
3 *ther*, That the total amount available for obligation shall
4 be reduced by the amount by which collections are less
5 than \$6,350,000: *Provided further*, That of the total
6 amount appropriated, \$12,481,000 shall remain available
7 until expended for acquisition of books, periodicals, news-
8 papers, and all other materials including subscriptions for
9 bibliographic services for the Library, including \$40,000
10 to be available solely for the purchase, when specifically
11 approved by the Librarian, of special and unique materials
12 for additions to the collections: *Provided further*, That of
13 the total amount appropriated, not more than \$12,000
14 may be expended, on the certification of the Librarian of
15 Congress, in connection with official representation and
16 reception expenses for the Overseas Field Offices: *Pro-*
17 *vided further*, That of the total amount appropriated,
18 \$250,000 shall remain available until expended, and shall
19 be transferred to the Abraham Lincoln Bicentennial Com-
20 mission for carrying out the purposes of Public Law 106–
21 173, of which \$10,000 may be used for official representa-
22 tion and reception expenses of the Abraham Lincoln Bi-
23 centennial Commission: *Provided further*, That of the total
24 amount appropriated, \$11,026,000 shall remain available
25 until expended for partial support of the National Audio-

1 Visual Conservation Center: *Provided further*, That of the
 2 total amount appropriated, \$2,795,000 shall remain avail-
 3 able until expended for the development and maintenance
 4 of the Alternate Computer Facility.

5 COPYRIGHT OFFICE

6 SALARIES AND EXPENSES

7 For necessary expenses of the Copyright Office,
 8 \$53,518,000, of which not more than \$26,981,000, to re-
 9 main available until expended, shall be derived from collec-
 10 tions credited to this appropriation during fiscal year 2005
 11 under section 708(d) of title 17, United States Code: *Pro-*
 12 *vided*, That the Copyright Office may not obligate or ex-
 13 pend any funds derived from collections under such sec-
 14 tion, in excess of the amount authorized for obligation or
 15 expenditure in appropriations Acts: *Provided further*, That
 16 not more than \$6,496,000 shall be derived from collections
 17 during fiscal year 2005 under sections 111(d)(2),
 18 119(b)(2), 802(h), 1005, and 1316 of such title: *Provided*
 19 *further*, That the total amount available for obligation
 20 shall be reduced by the amount by which collections are
 21 less than \$33,477,000: *Provided further*, That not more
 22 than \$100,000 of the amount appropriated is available for
 23 the maintenance of an “International Copyright Institute”
 24 in the Copyright Office of the Library of Congress for the
 25 purpose of training nationals of developing countries in

1 intellectual property laws and policies: *Provided further*,
 2 That not more than \$4,250 may be expended, on the cer-
 3 tification of the Librarian of Congress, in connection with
 4 official representation and reception expenses for activities
 5 of the International Copyright Institute and for copyright
 6 delegations, visitors, and seminars.

7 CONGRESSIONAL RESEARCH SERVICE

8 SALARIES AND EXPENSES

9 For necessary expenses to carry out the provisions
 10 of section 203 of the Legislative Reorganization Act of
 11 1946 (2 U.S.C. 166) and to revise and extend the Anno-
 12 tated Constitution of the United States of America,
 13 \$96,385,000: *Provided*, That no part of such amount may
 14 be used to pay any salary or expense in connection with
 15 any publication, or preparation of material therefor (ex-
 16 cept the Digest of Public General Bills), to be issued by
 17 the Library of Congress unless such publication has ob-
 18 tained prior approval of either the Committee on House
 19 Administration of the House of Representatives or the
 20 Committee on Rules and Administration of the Senate.

21 BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

22 SALARIES AND EXPENSES

23 For salaries and expenses to carry out the Act
 24 of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C.

1 135a), \$60,187,000, of which \$22,210,000 shall remain
2 available until expended.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 1301. INCENTIVE AWARDS PROGRAM. Of the
5 amounts appropriated to the Library of Congress in this
6 Act, not more than \$5,000 may be expended, on the cer-
7 tification of the Librarian of Congress, in connection with
8 official representation and reception expenses for the in-
9 centive awards program.

10 SEC. 1302. REIMBURSABLE AND REVOLVING FUND
11 ACTIVITIES. (a) IN GENERAL.—For fiscal year 2005, the
12 obligational authority of the Library of Congress for the
13 activities described in subsection (b) may not exceed
14 \$106,985,000.

15 (b) ACTIVITIES.—The activities referred to in sub-
16 section (a) are reimbursable and revolving fund activities
17 that are funded from sources other than appropriations
18 to the Library in appropriations Acts for the legislative
19 branch.

20 (c) TRANSFER OF FUNDS.—During fiscal year 2005,
21 the Librarian of Congress may temporarily transfer funds
22 appropriated in this Act, under the heading “LIBRARY
23 OF CONGRESS” under the subheading “SALARIES AND
24 EXPENSES” to the revolving fund for the FEDLINK Pro-
25 gram and the Federal Research Program established

1 under section 103 of the Library of Congress Fiscal Oper-
2 ations Improvement Act of 2000 (Public Law 106–481;
3 2 U.S.C. 182c): *Provided*, That the total amount of such
4 transfers may not exceed \$1,900,000: *Provided further*,
5 That the appropriate revolving fund account shall reim-
6 burse the Library for any amounts transferred to it before
7 the period of availability of the Library appropriation ex-
8 pires.

9 SEC. 1303. NATIONAL DIGITAL INFORMATION IN-
10 FRASTRUCTURE AND PRESERVATION PROGRAM. The first
11 proviso under the heading “LIBRARY OF CON-
12 GRESS—SALARIES AND EXPENSES” in chapter 9 of divi-
13 sion A of the Miscellaneous Appropriations Act, 2001, as
14 enacted into law by section 1(a)(4) of the Consolidated
15 Appropriations Act, 2001 (Public Law 106–554; 114 Stat.
16 2763A–194), as amended by section 1303 of the Legisla-
17 tive Branch Appropriations Act, 2003, is amended—

18 (1) by striking “other than money” and insert-
19 ing “other than money and pledges”; and

20 (2) by striking “March 31, 2005” and inserting
21 “March 31, 2010”.

1 GOVERNMENT PRINTING OFFICE
2 CONGRESSIONAL PRINTING AND BINDING
3 (INCLUDING TRANSFER OF FUNDS)

4 For authorized printing and binding for the Congress
5 and the distribution of Congressional information in any
6 format; printing and binding for the Architect of the Cap-
7 itol; expenses necessary for preparing the semimonthly
8 and session index to the Congressional Record, as author-
9 ized by law (section 902 of title 44, United States Code);
10 printing and binding of Government publications author-
11 ized by law to be distributed to Members of Congress; and
12 printing, binding, and distribution of Government publica-
13 tions authorized by law to be distributed without charge
14 to the recipient, \$88,800,000: *Provided*, That this appro-
15 priation shall not be available for paper copies of the per-
16 manent edition of the Congressional Record for individual
17 Representatives, Resident Commissioners or Delegates au-
18 thorized under section 906 of title 44, United States Code:
19 *Provided further*, That this appropriation shall be available
20 for the payment of obligations incurred under the appro-
21 priations for similar purposes for preceding fiscal years:
22 *Provided further*, That notwithstanding the 2-year limita-
23 tion under section 718 of title 44, United States Code,
24 none of the funds appropriated or made available under
25 this Act or any other Act for printing and binding and

1 related services provided to Congress under chapter 7 of
 2 title 44, United States Code, may be expended to print
 3 a document, report, or publication after the 27-month pe-
 4 riod beginning on the date that such document, report,
 5 or publication is authorized by Congress to be printed, un-
 6 less Congress reauthorizes such printing in accordance
 7 with section 718 of title 44, United States Code: *Provided*
 8 *further*, That any unobligated or unexpended balances in
 9 this account or accounts for similar purposes for preceding
 10 fiscal years may be transferred to the Government Print-
 11 ing Office revolving fund for carrying out the purposes of
 12 this heading, subject to the approval of the Committees
 13 on Appropriations of the House of Representatives and
 14 Senate.

15 OFFICE OF SUPERINTENDENT OF DOCUMENTS

16 SALARIES AND EXPENSES

17 (INCLUDING TRANSFER OF FUNDS)

18 For expenses of the Office of Superintendent of Doc-
 19 uments necessary to provide for the cataloging and index-
 20 ing of Government publications and their distribution to
 21 the public, Members of Congress, other Government agen-
 22 cies, and designated depository and international exchange
 23 libraries as authorized by law, \$32,524,000: Provided,
 24 That amounts of not more than \$2,000,000 from current
 25 year appropriations are authorized for producing and dis-
 26 seminating Congressional serial sets and other related

1 publications for fiscal years 2003 and 2004 to depository
2 and other designated libraries: *Provided further*, That any
3 unobligated or unexpended balances in this account or ac-
4 counts for similar purposes for preceding fiscal years may
5 be transferred to the Government Printing Office revolv-
6 ing fund for carrying out the purposes of this heading,
7 subject to the approval of the Committees on Appropria-
8 tions of the House of Representatives and Senate.

9 GOVERNMENT PRINTING OFFICE REVOLVING FUND

10 The Government Printing Office may make such ex-
11 penditures, within the limits of funds available and in ac-
12 cord with the law, and to make such contracts and com-
13 mitments without regard to fiscal year limitations as pro-
14 vided by section 9104 of title 31, United States Code, as
15 may be necessary in carrying out the programs and pur-
16 poses set forth in the budget for the current fiscal year
17 for the Government Printing Office revolving fund: *Pro-*
18 *vided*, That not more than \$5,000 may be expended on
19 the certification of the Public Printer in connection with
20 official representation and reception expenses: *Provided*
21 *further*, That the revolving fund shall be available for the
22 hire or purchase of not more than 12 passenger motor
23 vehicles: *Provided further*, That expenditures in connection
24 with travel expenses of the advisory councils to the Public
25 Printer shall be deemed necessary to carry out the provi-

1 sions of title 44, United States Code: *Provided further*,
 2 That the revolving fund shall be available for temporary
 3 or intermittent services under section 3109(b) of title 5,
 4 United States Code, but at rates for individuals not more
 5 than the daily equivalent of the annual rate of basic pay
 6 for level V of the Executive Schedule under section 5316
 7 of such title: *Provided further*, That the revolving fund and
 8 the funds provided under the headings “OFFICE OF SU-
 9 PERINTENDENT OF DOCUMENTS” and “SALARIES AND
 10 EXPENSES” together may not be available for the full-time
 11 equivalent employment of more than 2,889 workyears (or
 12 such other number of workyears as the Public Printer may
 13 request, subject to the approval of the Committees on Ap-
 14 propriations of the House of Representatives and Senate):
 15 *Provided further*, That activities financed through the re-
 16 volving fund may provide information in any format: *Pro-*
 17 *vided further*, That not more than \$10,000 may be ex-
 18 pended from the revolving fund in support of the activities
 19 of the Benjamin Franklin Tercentenary Commission es-
 20 tablished under the Benjamin Franklin Tercentenary
 21 Commission Act (Public Law 107–202).

22 ADMINISTRATIVE PROVISION

23 SEC. 1401. DISCOUNT AUTHORITY OF SUPER-
 24 INTENDENT OF DOCUMENTS. Section 1708 of title 44,
 25 United States Code, is amended by striking “of not to ex-

ceed 25 percent may be allowed to book dealers and quantity purchasers” and inserting “may be allowed as determined by the Superintendent of Documents”.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$473,500,000: *Provided*, That not more than \$5,000,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2005: *Provided further*, That not more than

1 \$2,500,000 of reimbursements received under section
2 9105 of title 31, United States Code, shall be available
3 for use in fiscal year 2005: *Provided further*, That this
4 appropriation and appropriations for administrative ex-
5 penses of any other department or agency which is a mem-
6 ber of the National Intergovernmental Audit Forum or a
7 Regional Intergovernmental Audit Forum shall be avail-
8 able to finance an appropriate share of either Forum's
9 costs as determined by the respective Forum, including
10 necessary travel expenses of non-Federal participants:
11 *Provided further*, That payments hereunder to the Forum
12 may be credited as reimbursements to any appropriation
13 from which costs involved are initially financed: *Provided*
14 *further*, That this appropriation and appropriations for ad-
15 ministrative expenses of any other department or agency
16 which is a member of the American Consortium on Inter-
17 national Public Administration (ACIPA) shall be available
18 to finance an appropriate share of ACIPA costs as deter-
19 mined by the ACIPA, including any expenses attributable
20 to membership of ACIPA in the International Institute of
21 Administrative Sciences.

1 PAYMENT TO THE OPEN WORLD LEADERSHIP
2 CENTER TRUST FUND

3 For a payment to the Open World Leadership Center
4 Trust Fund for financing activities of the Open World
5 Leadership Center, \$6,750,000.

6 TITLE II—GENERAL PROVISIONS

7 SEC. 201. MAINTENANCE AND CARE OF PRIVATE
8 VEHICLES. No part of the funds appropriated in this Act
9 shall be used for the maintenance or care of private vehi-
10 cles, except for emergency assistance and cleaning as may
11 be provided under regulations relating to parking facilities
12 for the House of Representatives issued by the Committee
13 on House Administration and for the Senate issued by the
14 Committee on Rules and Administration.

15 SEC. 202. FISCAL YEAR LIMITATION. No part of the
16 funds appropriated in this Act shall remain available for
17 obligation beyond fiscal year 2005 unless expressly so pro-
18 vided in this Act.

19 SEC. 203. RATES OF COMPENSATION AND DESIGNA-
20 TION. Whenever in this Act any office or position not spe-
21 cifically established by the Legislative Pay Act of 1929
22 (46 Stat. 32 et seq.) is appropriated for or the rate of
23 compensation or designation of any office or position ap-
24 propriated for is different from that specifically estab-
25 lished by such Act, the rate of compensation and the des-

1 ignation in this Act shall be the permanent law with re-
2 spect thereto: *Provided*, That the provisions in this Act
3 for the various items of official expenses of Members, offi-
4 cers, and committees of the Senate and House of Rep-
5 resentatives, and clerk hire for Senators and Members of
6 the House of Representatives shall be the permanent law
7 with respect thereto.

8 SEC. 204. CONSULTING SERVICES. The expenditure
9 of any appropriation under this Act for any consulting
10 service through procurement contract, under section 3109
11 of title 5, United States Code, shall be limited to those
12 contracts where such expenditures are a matter of public
13 record and available for public inspection, except where
14 otherwise provided under existing law, or under existing
15 Executive order issued under existing law.

16 SEC. 205. AWARDS AND SETTLEMENTS. Such sums
17 as may be necessary are appropriated to the account de-
18 scribed in subsection (a) of section 415 of the Congres-
19 sional Accountability Act of 1995 (2 U.S.C. 1415(a)) to
20 pay awards and settlements as authorized under such sub-
21 section.

22 SEC. 206. COSTS OF LBFMC. Amounts available for
23 administrative expenses of any legislative branch entity
24 which participates in the Legislative Branch Financial
25 Managers Council (LBFMC) established by charter on

1 March 26, 1996, shall be available to finance an appro-
2 priate share of LBFMC costs as determined by the
3 LBFMC, except that the total LBFMC costs to be shared
4 among all participating legislative branch entities (in such
5 allocations among the entities as the entities may deter-
6 mine) may not exceed \$2,000.

7 SEC. 207. LANDSCAPE MAINTENANCE. The Architect
8 of the Capitol, in consultation with the District of Colum-
9 bia, is authorized to maintain and improve the landscape
10 features, excluding streets and sidewalks, in the irregular
11 shaped grassy areas bounded by Washington Avenue, SW
12 on the northeast, Second Street SW on the west, Square
13 582 on the south, and the beginning of the I-395 tunnel
14 on the southeast.

15 SEC. 208. TRANSFER OF FUNDS. None of the funds
16 made available in this Act may be transferred to any de-
17 partment, agency, or instrumentality of the United States
18 Government, except pursuant to a transfer made by, or
19 transfer authority provided in, this Act or any other ap-
20 propriation Act.

21 SEC. 209. ETRAVEL SERVICE. Notwithstanding any
22 other provision of law, no entity within the legislative
23 branch shall be required to use the eTravel Service estab-
24 lished by the Administrator of General Services for official

1 travel by officers or employees of the entity during fiscal
2 year 2005 or any succeeding fiscal year.

3 SEC. 210. VOLUNTARY SEPARATION INCENTIVE PAY-
4 MENTS. (a) AUTHORITY TO OFFER PAYMENTS.—Notwith-
5 standing any other provision of law, the head of any office
6 in the legislative branch may establish a program under
7 which voluntary separation incentive payments may be of-
8 fered to eligible employees of the office to encourage such
9 employees to separate from service voluntarily (whether by
10 retirement or resignation), in accordance with this section.

11 (b) AMOUNT AND ADMINISTRATION OF PAYMENTS.—
12 A voluntary separation incentive payment made under this
13 section—

14 (1) shall be paid in a lump sum after the em-
15 ployee's separation;

16 (2) shall be equal to the lesser of—

17 (A) an amount equal to the amount the
18 employee would be entitled to receive under sec-
19 tion 5595(c) of title 5, United States Code, if
20 the employee were entitled to payment under
21 such section (without adjustment for any pre-
22 vious payment made); or

23 (B) an amount determined by the head of
24 the office involved, not to exceed \$25,000;

1 (3) may be made only in the case of an em-
2 ployee who voluntarily separates (whether by retire-
3 ment or resignation) under this section;

4 (4) shall not be a basis for payment, and shall
5 not be included in the computation, of any other
6 type of Government benefit;

7 (5) shall not be taken into account in deter-
8 mining the amount of any severance pay to which
9 the employee may be entitled under section 5595 of
10 title 5, United States Code, based on any other sepa-
11 ration; and

12 (6) shall be paid from appropriations or funds
13 available for the payment of the basic pay of the em-
14 ployee.

15 (c) PLAN.—

16 (1) PLAN REQUIRED FOR MAKING PAYMENTS.—
17 No voluntary separation incentive payment may be
18 paid under this section with respect to an office un-
19 less the head of the office submits a plan described
20 in paragraph (2) to each applicable Committee de-
21 scribed in paragraph (3), and each applicable Com-
22 mittee approves the plan.

23 (2) CONTENTS OF PLAN.—A plan described in
24 this paragraph with respect to an office is a plan
25 containing the following information:

1 (A) The specific positions and functions to
2 be reduced or eliminated.

3 (B) A description of which categories of
4 employees will be offered incentives.

5 (C) The time period during which incen-
6 tives may be paid.

7 (D) The number and amounts of voluntary
8 separation incentive payments to be offered.

9 (E) A description of how the office will op-
10 erate without the eliminated positions and func-
11 tions.

12 (3) APPLICABLE COMMITTEE.—For purposes of
13 this subsection, the “applicable Committee” with re-
14 spect to an office means—

15 (A) in the case of an office of the House
16 of Representatives, the Committee on House
17 Administration of the House of Representatives;
18 and

19 (B) in the case of any other office, the
20 Committee on House Administration of the
21 House of Representatives and the Committee
22 on Rules and Administration of the Senate.

23 (d) EXCLUSION OF CERTAIN OFFICES.—This section
24 shall not apply—

1 (1) to any office of the Senate or to any em-
2 ployee of such an office; or

3 (2) to any office which is an Executive agency
4 under section 105 of title 5, United States Code, or
5 any employee of such an office.

6 (e) ELIGIBLE EMPLOYEE DEFINED.—

7 (1) IN GENERAL.—In this section, an “eligible
8 employee” is an employee (as defined in section
9 2105, United States Code) or a Congressional em-
10 ployee (as defined in section 2107, United States
11 Code) who—

12 (A) is serving under an appointment with-
13 out time limitation; and

14 (B) has been currently employed for a con-
15 tinuous period of at least 3 years.

16 (2) EXCLUSIONS.—An “eligible employee” does
17 not include any of the following:

18 (A) A reemployed annuitant under sub-
19 chapter III of chapter 83 or 84 of title 5,
20 United States Code, or another retirement sys-
21 tem for employees of the Government.

22 (B) An employee having a disability on the
23 basis of which such employee is or would be eli-
24 gible for disability retirement under subchapter
25 III of chapter 83 or 84 of title 5, United States

1 Code, or another retirement system for employ-
2 ees of the Government.

3 (C) An employee who is in receipt of a de-
4 cision notice of involuntary separation for mis-
5 conduct or unacceptable performance.

6 (D) An employee who has previously re-
7 ceived any voluntary separation incentive pay-
8 ment from the Federal Government under this
9 section or any other authority.

10 (E) An employee covered by statutory re-
11 employment rights who is on transfer employ-
12 ment with another organization.

13 (F) Any employee who—

14 (i) during the 36-month period pre-
15 ceding the date of separation of that em-
16 ployee, performed service for which a stu-
17 dent loan repayment benefit was or is to be
18 paid under section 5379 of title 5, United
19 States Code, or any other authority;

20 (ii) during the 24-month period pre-
21 ceding the date of separation of that em-
22 ployee, performed service for which a re-
23 cruitment or relocation bonus was or is to
24 be paid under section 5753 of such title or
25 any other authority; or

1 (iii) during the 12-month period pre-
2 ceding the date of separation of that em-
3 ployee, performed service for which a re-
4 tention bonus was or is to be paid under
5 section 5754 of such title or any other au-
6 thority.

7 (f) REPAYMENT FOR INDIVIDUALS RETURNING TO
8 GOVERNMENT EMPLOYMENT.—

9 (1) IN GENERAL.—Subject to paragraph (2), an
10 employee who has received a voluntary separation in-
11 centive payment under this section and accepts em-
12 ployment with the Government of the United States
13 within 5 years after the date of the separation on
14 which the payment is based shall be required to
15 repay the entire amount of the incentive payment to
16 the office that paid the incentive payment.

17 (2) WAIVER FOR INDIVIDUALS POSSESSING
18 UNIQUE ABILITIES.—(A) If the employment is with
19 an Executive agency (as defined by section 105 of
20 title 5, United States Code), the Director of the Of-
21 fice of Personnel Management may, at the request
22 of the head of the agency, waive the repayment re-
23 quired under this subsection if the individual in-
24 volved possesses unique abilities and is the only
25 qualified applicant available for the position.

1 (B) If the employment is with an entity in the
2 legislative branch, the head of the entity or the ap-
3 pointing official may waive the repayment required
4 under this subsection if the individual involved pos-
5 sesses unique abilities and is the only qualified appli-
6 cant available for the position.

7 (C) If the employment is with the judicial
8 branch, the Director of the Administrative Office of
9 the United States Courts may waive the repayment
10 required under this subsection if the individual in-
11 volved possesses unique abilities and is the only
12 qualified applicant available for the position.

13 (3) TREATMENT OF PERSONAL SERVICES CON-
14 TRACTS.—For purposes of paragraph (1) (but not
15 paragraph (2)), the term “employment” includes
16 employment under a personal services contract with
17 the United States.

18 (g) EFFECTIVE DATE.—This section shall take effect
19 July 1, 2005, and shall apply with respect to fiscal year
20 2005 and each succeeding fiscal year.

21 SEC. 211. COMPENSATION LIMITATION. None of the
22 funds contained in this Act or any other Act may be used
23 to pay the salary of any officer or employee of the legisla-
24 tive branch during fiscal year 2005 or any succeeding fis-
25 cal year to the extent that the aggregate amount of com-

1 pensation paid to the employee during the year (including
2 base salary, performance awards and other bonus pay-
3 ments, and incentive payments, but excluding the value
4 of any in-kind benefits and payments) exceeds the annual
5 rate of pay for a Member of the House of Representatives
6 or a Senator.

7 SEC. 212. CAPITOL GROUNDS ENCLOSURE. None of
8 the funds contained in this Act may be used to study, de-
9 sign, plan, or otherwise further the construction or consid-
10 eration of a fence to enclose the perimeter of the grounds
11 of the United States Capitol.

12 This Act may be cited as the “Legislative Branch Ap-
13 propriations Act, 2005”.

Passed the House of Representatives July 12, 2004.

Attest:

Clerk.