

**Calendar No. 277**108TH CONGRESS  
1ST SESSION**S. 1589****[Report No. 108-146]**

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

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2003

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

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**A BILL**

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

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

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

3 TITLE I

4 DEPARTMENT OF TRANSPORTATION

5 OFFICE OF THE SECRETARY

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of the Secretary,  
8 \$91,276,000, of which not to exceed \$2,500,000 shall be  
9 available for the immediate Office of the Secretary; not  
10 to exceed \$706,000 shall be available for the immediate  
11 Office of the Deputy Secretary; not to exceed \$15,403,000  
12 shall be available for the Office of the General Counsel;  
13 not to exceed \$12,312,000 shall be available for the Office  
14 of the Under Secretary of Transportation for Policy; not  
15 to exceed \$8,536,000 shall be available for the Office of  
16 the Assistant Secretary for Budget and Programs; not to  
17 exceed \$2,477,000 shall be available for the Office of the  
18 Assistant Secretary for Governmental Affairs; not to ex-  
19 ceed \$28,882,000 shall be available for the Office of the  
20 Assistant Secretary for Administration; not to exceed  
21 \$1,915,000 shall be available for the Office of Public Af-  
22 fairs; not to exceed \$1,458,000 shall be available for the  
23 Office of the Executive Secretariat; not to exceed  
24 \$700,000 shall be available for the Board of Contract Ap-  
25 peals; not to exceed \$1,268,000 shall be available for the

1 Office of Small and Disadvantaged Business Utilization;  
2 not to exceed \$1,792,000 for the Office of Intelligence and  
3 Security; and not to exceed \$13,327,000 shall be available  
4 for the Office of the Chief Information Officer: *Provided*,  
5 That the Secretary of Transportation is authorized to  
6 transfer funds appropriated for any office of the Office  
7 of the Secretary to any other office of the Office of the  
8 Secretary: *Provided further*, That no appropriation for any  
9 office shall be increased or decreased by more than 5 per-  
10 cent by all such transfers: *Provided further*, That any  
11 change in funding greater than 5 percent shall be sub-  
12 mitted for approval to the House and Senate Committees  
13 on Appropriations: *Provided further*, That not to exceed  
14 \$60,000 shall be for allocation within the Department for  
15 official reception and representation expenses as the Sec-  
16 retary may determine: *Provided further*, That notwith-  
17 standing any other provision of law, excluding fees author-  
18 ized in Public Law 107-71, there may be credited to this  
19 appropriation up to \$2,500,000 in funds received in user  
20 fees: *Provided further*, That none of the funds provided  
21 in this Act shall be available for the position of Assistant  
22 Secretary for Public Affairs.

23

## OFFICE OF CIVIL RIGHTS

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



## 1       MINORITY BUSINESS RESOURCE CENTER PROGRAM

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

## 11                   MINORITY BUSINESS OUTREACH

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

## 18                   PAYMENTS TO AIR CARRIERS

## 19                   (AIRPORT AND AIRWAY TRUST FUND)

20       In addition to funds made available from any other  
21 source to carry out the essential air service program under  
22 49 U.S.C. 41731 through 41742, \$52,000,000, to be de-  
23 rived from the Airport and Airway Trust Fund, to remain  
24 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, \$7,535,648,000, of  
13 which \$6,000,000,000 shall be derived from the Airport  
14 and Airway Trust Fund, of which not to exceed  
15 \$6,047,300,000 shall be available for air traffic services  
16 program activities; not to exceed \$873,374,000 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 \$12,601,000 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 \$77,029,000 shall be avail-  
24 able for human resources program activities; not to exceed  
25 \$84,749,000 shall be available for regional coordination

1 program activities; not to exceed \$142,650,000 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 \$6,500,000 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 Gurantee Program.

15 FACILITIES AND EQUIPMENT

16 (AIRPORT AND AIRWAY TRUST FUND)

17 For necessary expenses, not otherwise provided for,  
18 for acquisition, establishment, technical support services,  
19 improvement by contract or purchase, hire of air naviga-  
20 tion and experimental facilities and equipment and other  
21 capital facilities and equipment in direct support of the  
22 National Airspace System, as authorized under part A of  
23 subtitle VII of title 49, United States Code, including ini-  
24 tial acquisition of necessary sites by lease or grant; engi-  
25 neering and service testing, including construction of test  
26 facilities and acquisition of necessary sites by lease or

1 grant; construction and furnishing of quarters and related  
2 accommodations for officers and employees of the Federal  
3 Aviation Administration stationed at remote localities  
4 where such accommodations are not available; and the  
5 purchase, lease, or transfer of aircraft from funds avail-  
6 able under this heading; to be derived from the Airport  
7 and Airway Trust Fund, \$2,916,000,000, of which  
8 \$2,480,520,000 shall remain available until September 30,  
9 2006, and of which \$435,480,000 shall remain available  
10 until September 30, 2004: *Provided*, That of the total  
11 amount made available under this heading, \$100,000,000  
12 shall be transferred to the heading “Grants-in-Aid for Air-  
13 ports” and shall not be subject to the obligation limitation  
14 stated therein and shall remain available until expended:  
15 *Provided further*, That there may be credited to this appro-  
16 priation funds received from States, counties, municipali-  
17 ties, other public authorities, and private sources, for ex-  
18 penses incurred in the establishment and modernization  
19 of air navigation facilities: *Provided further*, That upon ini-  
20 tial submission to the Congress of the fiscal year 2005  
21 President’s budget, the Secretary of Transportation shall  
22 transmit to the Congress a comprehensive capital invest-  
23 ment plan for the Federal Aviation Administration which  
24 includes funding for each budget line item for fiscal years  
25 2005 through 2009, with total funding for each year of

1 the plan constrained to the funding targets for those years  
 2 as estimated and approved by the Office of Management  
 3 and Budget.

4 RESEARCH, ENGINEERING, AND DEVELOPMENT

5 (AIRPORT AND AIRWAY TRUST FUND)

6 For necessary expenses, not otherwise provided for,  
 7 for research, engineering, and development, as authorized  
 8 under part A of subtitle VII of title 49, United States  
 9 Code, including construction of experimental facilities and  
 10 acquisition of necessary sites by lease or grant,  
 11 \$118,939,000, to be derived from the Airport and Airway  
 12 Trust Fund and to remain available until September 30,  
 13 2006: *Provided*, That there may be credited to this appro-  
 14 priation funds received from States, counties, municipali-  
 15 ties, other public authorities, and private sources, for ex-  
 16 penses incurred for research, engineering, and develop-  
 17 ment.

18 GRANTS-IN-AID FOR AIRPORTS

19 (LIQUIDATION OF CONTRACT AUTHORIZATION)

20 (LIMITATION ON OBLIGATIONS)

21 (AIRPORT AND AIRWAY TRUST FUND)

22 For liquidation of obligations incurred for grants-in-  
 23 aid for airport planning and development, and noise com-  
 24 patibility planning and programs as authorized under sub-  
 25 chapter I of chapter 471 and subchapter I of chapter 475  
 26 of title 49, United States Code, and under other law au-

1 authorizing such obligations; for procurement, installation,  
2 and commissioning of runway incursion prevention devices  
3 and systems at airports of such title; for grants authorized  
4 under section 41743 of title 49, United States Code; and  
5 for inspection activities and administration of airport safe-  
6 ty programs, including those related to airport operating  
7 certificates under section 44706 of title 49, United States  
8 Code, \$3,400,000,000, to be derived from the Airport and  
9 Airway Trust Fund and to remain available until ex-  
10 pended: *Provided*, That none of the funds under this head-  
11 ing shall be available for the planning or execution of pro-  
12 grams the obligations for which are in excess of  
13 \$3,400,000,000 in fiscal year 2004, notwithstanding sec-  
14 tion 47117(g) of title 49, United States Code: *Provided*  
15 *further*, That none of the funds under this heading shall  
16 be available for the replacement of baggage conveyor sys-  
17 tems, reconfiguration of terminal baggage areas, or other  
18 airport improvements that are necessary to install bulk ex-  
19 plosive detection systems: *Provided further*, That notwith-  
20 standing any other provision of law, not more than  
21 \$66,638,000 of funds limited under this heading shall be  
22 obligated for administration and not less than  
23 \$20,000,000 shall be for the Small Community Air Service  
24 Development Pilot Program.

## 1 AVIATION INSURANCE REVOLVING FUND

2 The Secretary of Transportation is hereby authorized  
3 to make such expenditures and investments, within the  
4 limits of funds available pursuant to 49 U.S.C. 44307, and  
5 in accordance with section 104 of the Government Cor-  
6 poration Control Act, as amended (31 U.S.C. 9104), as  
7 may be necessary in carrying out the program for aviation  
8 insurance activities under chapter 443 of title 49, United  
9 States Code.

## 10 GENERAL PROVISIONS—FEDERAL AVIATION

## 11 ADMINISTRATION

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

24 SEC. 102. None of the funds in this Act may be used  
25 to compensate in excess of 350 technical staff-years under  
26 the federally funded research and development center con-

1 tract between the Federal Aviation Administration and the  
2 Center for Advanced Aviation Systems Development dur-  
3 ing fiscal year 2004.

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

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

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

3 FEDERAL HIGHWAY ADMINISTRATION

4 LIMITATION ON ADMINISTRATIVE EXPENSES

5 Necessary expenses for administration and operation  
6 of the Federal Highway Administration, not to exceed  
7 \$337,834,000, shall be paid in accordance with law from  
8 appropriations made available by this Act to the Federal  
9 Highway Administration together with advances and reim-  
10 bursements received by the Federal Highway Administra-  
11 tion: *Provided*, That of the funds available under section  
12 104(a)(1)(A) of title 23, United States Code: \$20,000,000  
13 shall be available to provide grants to States for the devel-  
14 opment or enhancement of notification or communications  
15 systems along highways for alerts and other information  
16 for the recovery of abducted children under section 303  
17 of Public Law 108–21; \$175,000,000 shall be available  
18 to enable the Secretary of Transportation to make grants  
19 for surface transportation projects, and shall remain avail-  
20 able until expended; \$7,000,000 shall be available for envi-  
21 ronmental streamlining activities, which may include mak-  
22 ing grants to, or entering into contracts, cooperative  
23 agreements, and other transactions, with a Federal agen-  
24 cy, State agency, local agency, authority, association, non-

1 profit or for-profit corporation, or institution of higher  
2 education.

3 FEDERAL-AID HIGHWAYS

4 (LIMITATION ON OBLIGATIONS)

5 (HIGHWAY TRUST FUND)

6 None of the funds in this Act shall be available for  
7 the implementation or execution of programs, the obliga-  
8 tions for which are in excess of \$33,843,000,000 for Fed-  
9 eral-aid highways and highway safety construction pro-  
10 grams for fiscal year 2004: *Provided*, That within the  
11 \$33,843,000,000 obligation limitation on Federal-aid  
12 highways and highway safety construction programs, not  
13 more than \$462,500,000 shall be available for the imple-  
14 mentation or execution of programs for transportation re-  
15 search (sections 502, 503, 504, 506, 507, and 508 of title  
16 23, United States Code, as amended; section 5505 of title  
17 49, United States Code, as amended; and sections 5112  
18 and 5204–5209 of Public Law 105–178) for fiscal year  
19 2003: *Provided further*, That this limitation on transpor-  
20 tation research programs shall not apply to any authority  
21 previously made available for obligation: *Provided further*,  
22 That within the \$232,000,000 obligation limitation on In-  
23 telligent Transportation Systems, the following sums shall  
24 be made available for Intelligent Transportation System  
25 projects that are designed to achieve the goals and pur-  
26 poses set forth in section 5203 of the Intelligent Transpor-

1 tation Systems Act of 1998 (subtitle C of title V of Public  
2 Law 105–178; 112 Stat. 453; 23 U.S.C. 502 note) in the  
3 following specified areas:

4           511 Traveler Information Program, North  
5 Carolina, \$400,000;

6           Advanced Ticket Collection and Passenger In-  
7 formation Systems, New Jersey, \$1,500,000;

8           Advanced Traffic Analysis Center, North Da-  
9 kota, \$500,000;

10          Advanced Transportation Management Systems  
11 (AMTS), Montgomery County, Maryland,  
12 \$1,000,000;

13          ATR Transportation Technology/CVISN, New  
14 Mexico, \$1,000,000;

15          Auburn, Auburn Way South ITS, Washington,  
16 \$1,600,000;

17          Cargo Watch Logistics Information System,  
18 New York, \$4,000,000;

19          CCTA Intelligent Transportation Systems,  
20 Vermont, \$1,000,000;

21          Central Florida Regional Transportation Au-  
22 thority: North Orange/South Seminole ITS En-  
23 hanced Circulator, \$2,500,000;

24          City of Boston Intelligent Transportation Sys-  
25 tems, Massachusetts, \$1,750,000;

- 1 City of Huntsville, Alabama ITS, \$5,000,000;  
2 City of Shreveport Intelligent Transportation  
3 System Deployment, Louisiana, \$1,000,000;  
4 Clark County Transit, VAST ITS, Washington,  
5 \$1,600,000;  
6 Dynamic Changeable Message Signs—Urban  
7 Interstate System, Iowa, \$1,000,000;  
8 Fiber Optic Signal Interconnect System, Ari-  
9 zona, \$4,000,000;  
10 Germantown Parkway ITS Project, Tennessee,  
11 \$3,000,000;  
12 GMU ITS, Virginia, \$2,000,000;  
13 Great Lakes ITS, Michigan, \$2,000,000;  
14 Greater Philadelphia Chamber of Commerce  
15 ITS System, Pennsylvania, \$2,000,000;  
16 Hillsborough Area Regional Transit Bus Track-  
17 ing, Communication and Security, Florida,  
18 \$1,000,000;  
19 Hoosier SAFE-T, Indiana, \$3,500,000;  
20 I-70 Incident Management Plan, Colorado,  
21 \$3,000,000;  
22 Intelligent Transportation Systems—Phases II  
23 and III, Ohio, \$1,250,000;

- 1            Intelligent Transportation Systems [ITS] State-  
2            wide and Commercial Vehicle Information Systems  
3            Network [CVISN], Maryland, \$1,000,000;
- 4            Intelligent Transportation Systems, Illinois,  
5            \$4,000,000;
- 6            Iowa Transit Communications, \$1,500,000;
- 7            ITS Expansion in Davis and Utah Counties,  
8            Utah, \$1,250,000;
- 9            ITS, Cache Valley, Utah, \$1,000,000;
- 10           Jacksonville Transportation Authority: Intel-  
11           ligious Transportation Systems Regional Planning,  
12           Florida, \$1,000,000;
- 13           King County, Countywide Signaling Program,  
14           Washington, \$1,500,000;
- 15           Lewis & Clark 511 Coalition, Montana,  
16           \$1,000,000;
- 17           Lincoln, Nebraska StarTran Automatic Vehicle  
18           Location System, \$1,000,000;
- 19           Maine Statewide ITS, \$1,000,000;
- 20           MARTA Automated Fare Collection/Smart  
21           Card System, Georgia, \$1,500,000;
- 22           Mid-America Surface Transportation Weather  
23           Research Institute, North Dakota, \$1,000,000;
- 24           Missouri Statewide Rural ITS, \$5,000,000;

1           Nebraska Statewide Intelligent Transportation  
2           System Deployment, \$2,000,000;  
3           Oklahoma Statewide ITS, \$5,000,000;  
4           Port of Anchorage Intermodal Facility, Alaska,  
5           \$1,500,000;  
6           Program of Projects, Washington, \$5,400,000;  
7           RIPTA ITS Program Phase II, Rhode Island,  
8           \$1,500,000;  
9           Real Time Transit Passenger Information Sys-  
10          tem for the Prince George’s County Department of  
11          Public Works, Maryland, \$1,000,000;  
12          Sacramento Area Council of Governments—ITS  
13          Projects, California, \$4,000,000;  
14          SCDOT InRoads, South Carolina, \$3,000,000;  
15          Seattle City Center ITS, Washington,  
16          \$2,500,000;  
17          Springfield, Missouri Regional ITS,  
18          \$2,000,000;  
19          State of Vermont Interstate Variable Message  
20          Signs and Weather Information Stations,  
21          \$1,000,000;  
22          Statewide AVL Initiative, Nebraska, \$750,000;  
23          TalTran: ITS Smart Bus Implementation, Flor-  
24          ida, \$1,500,000;

- 1 Texas Medical Center Early Warning Transpor-  
2 tation System, \$2,000,000;
- 3 Texas Statewide ITS Deployment and Integra-  
4 tion, \$1,000,000;
- 5 Town of Cary: Computerized Traffic Signal  
6 System Project, North Carolina, \$1,600,000;
- 7 Transportation Research Center [TRC] for  
8 Freight, Trade, Security, and Economic Strength,  
9 Georgia, \$1,000,000;
- 10 Tri-County Automated System Project, Univer-  
11 sity of Southern Mississippi, \$1,000,000;
- 12 Tukwila, Signalization Interconnect and Intel-  
13 ligent Transportation, Washington, \$1,400,000;
- 14 Twin Cities, Minnesota Redundant Communica-  
15 tions Pilot, \$2,000,000;
- 16 UAB Center for Injury Sciences, Birmingham,  
17 Alabama, \$2,000,000;
- 18 University of Alaska Transportation Research  
19 Center, \$2,000,000;
- 20 University of Kentucky Transportation Center,  
21 \$1,500,000;
- 22 University of Oklahoma Intelligent Bridge Sys-  
23 tem Research, \$3,000,000;
- 24 Wisconsin State Patrol Mobile Data Computer  
25 Network Phase II, \$3,000,000;

1 Wyoming Statewide ITS Initiative, \$5,000,000.

2 FEDERAL-AID HIGHWAYS

3 (LIQUIDATION OF CONTRACT AUTHORIZATION)

4 (HIGHWAY TRUST FUND)

5 Notwithstanding any other provision of law, for car-  
6 rying out the provisions of title 23, United States Code,  
7 that are attributable to Federal-aid highways, including  
8 the National Scenic and Recreational Highway as author-  
9 ized by 23 U.S.C. 148, not otherwise provided, including  
10 reimbursement for sums expended pursuant to the provi-  
11 sions of 23 U.S.C. 308, \$34,000,000,000 or so much  
12 thereof as may be available in and derived from the High-  
13 way Trust Fund, to remain available until expended.

14 (RESCISSION)

15 Of the unobligated balances of funds apportioned to  
16 each state under the program authorized under sections  
17 1101(a)(1), 1101(a)(2), 1101(a)(3), 1101(a)(4), and  
18 1101(a)(5) of Public Law 105–178, as amended,  
19 \$156,000,000 are rescinded.

20 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

21 For necessary expenses for the Appalachian Develop-  
22 ment Highway System as authorized under section  
23 1069(y) of Public Law 102–240, as amended,  
24 \$150,000,000, to remain available until expended.

## 1           GENERAL PROVISIONS—FEDERAL HIGHWAY

## 2                           ADMINISTRATION

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

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

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

20                   (3) determine the ratio that—

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

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

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

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

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

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

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

7 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—  
8 The obligation limitation for Federal-aid Highways shall  
9 not apply to obligations: (1) under section 125 of title 23,  
10 United States Code; (2) under section 147 of the Surface  
11 Transportation Assistance Act of 1978; (3) under section  
12 9 of the Federal-Aid Highway Act of 1981; (4) under sec-  
13 tions 131(b) and 131(j) of the Surface Transportation As-  
14 sistance Act of 1982; (5) under sections 149(b) and  
15 149(c) of the Surface Transportation and Uniform Relo-  
16 cation Assistance Act of 1987; (6) under sections 1103  
17 through 1108 of the Intermodal Surface Transportation  
18 Efficiency Act of 1991; (7) under section 157 of title 23,  
19 United States Code, as in effect on the day before the date  
20 of the enactment of the Transportation Equity Act for the  
21 21st Century; (8) under section 105 of title 23, United  
22 States Code (but, only in an amount equal to  
23 \$639,000,000 for such fiscal year); and for Federal-aid  
24 highway programs for which obligation authority was  
25 made available under the Transportation Equity Act for

1 the 21st Century or subsequent public laws for multiple  
2 years or to remain available until used, but only to the  
3 extent that such obligation authority has not lapsed or  
4 been used.

5 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-  
6 THORITY.—Notwithstanding subsection (a), the Secretary  
7 shall after August 1 for such fiscal year revise a distribu-  
8 tion of the obligation limitation made available under sub-  
9 section (a) if a State will not obligate the amount distrib-  
10 uted during that fiscal year and redistribute sufficient  
11 amounts to those States able to obligate amounts in addi-  
12 tion to those previously distributed during that fiscal year  
13 giving priority to those States having large unobligated  
14 balances of funds apportioned under sections 104 and 144  
15 of title 23, United States Code, section 160 (as in effect  
16 on the day before the enactment of the Transportation Eq-  
17 uity Act for the 21st Century) of title 23, United States  
18 Code, and under section 1015 of the Intermodal Surface  
19 Transportation Efficiency Act of 1991 (105 Stat. 1943–  
20 1945).

21 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO  
22 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-  
23 tion limitation shall apply to transportation research pro-  
24 grams carried out under chapter 5 of title 23, United  
25 States Code, except that obligation authority made avail-

1 able for such programs under such limitation shall remain  
2 available for a period of 3 fiscal years.

3 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED  
4 FUNDS.—Not later than 30 days after the date of the dis-  
5 tribution of obligation limitation under subsection (a), the  
6 Secretary shall distribute to the States any funds: (1) that  
7 are authorized to be appropriated for such fiscal year for  
8 Federal-aid highways programs (other than the program  
9 under section 160 of title 23, United States Code) and  
10 for carrying out subchapter I of chapter 311 of title 49,  
11 United States Code, and highway-related programs under  
12 chapter 4 of title 23, United States Code; and (2) that  
13 the Secretary determines will not be allocated to the  
14 States, and will not be available for obligation, in such  
15 fiscal year due to the imposition of any obligation limita-  
16 tion for such fiscal year. Such distribution to the States  
17 shall be made in the same ratio as the distribution of obli-  
18 gation authority under subsection (a)(6). The funds so  
19 distributed shall be available for any purposes described  
20 in section 133(b) of title 23, United States Code.

21 (f) SPECIAL RULE.—Obligation limitation distributed  
22 for a fiscal year under subsection (a)(4) of this section  
23 for a section set forth in subsection (a)(4) shall remain  
24 available until used and shall be in addition to the amount  
25 of any limitation imposed on obligations for Federal-aid

1 highway and highway safety construction programs for fu-  
2 ture fiscal years.

3 (g) Of the obligation limitation transferred to the Na-  
4 tional Highway Traffic Safety Administration for expenses  
5 necessary to discharge the functions of the Secretary with  
6 respect to traffic and highway safety under chapter 301  
7 of title 49, United States Code, and part C of subtitle VI  
8 of title 49, United States Code, \$94,543,500 shall remain  
9 available until September 30, 2006.

10 SEC. 111. Notwithstanding any other provision of  
11 law, whenever an allocation is made of the sums author-  
12 ized to be appropriated for expenditure on the Federal  
13 lands highway program, and whenever an apportionment  
14 is made of the sums authorized to be appropriated for ex-  
15 penditure on the surface transportation program, the con-  
16 gestion mitigation and air quality improvement program,  
17 the National Highway System, the Interstate maintenance  
18 program, the bridge program, the Appalachian develop-  
19 ment highway system, and the minimum guarantee pro-  
20 gram, the Secretary of Transportation shall—

21 (1) deduct a sum in such amount not to exceed  
22 2.55 percent of all sums so made available, as the  
23 Secretary determines necessary, to administer the  
24 provisions of law to be financed from appropriations  
25 for motor carrier safety programs and motor carrier

1 safety research: *Provided*, That any deduction by the  
2 Secretary of Transportation in accordance with this  
3 subsection shall be deemed to be a deduction under  
4 section 104(a)(1)(B) of title 23, United States Code,  
5 and the sum so deducted shall remain available until  
6 expended; and

7 (2) deduct a sum in such amount not to exceed  
8 1.05 percent of all sums so made available, as the  
9 Secretary determines necessary to administer the  
10 provisions of law to be financed from appropriations  
11 for the programs authorized under chapters 1 and 2  
12 of title 23, United States Code, and to make trans-  
13 fers in accordance with section 104(a)(1)(A)(ii) of  
14 title 23, United States Code: *Provided*, That any de-  
15 duction by the Secretary of Transportation in ac-  
16 cordance with this subsection shall be deemed to be  
17 a deduction under section 104(a)(1)(A) of title 23,  
18 United States Code, and the sum so deducted shall  
19 remain available until expended.

20 SEC. 112. Notwithstanding 31 U.S.C. 3302, funds re-  
21 ceived by the Bureau of Transportation Statistics from the  
22 sale of data products, for necessary expenses incurred pur-  
23 suant to 49 U.S.C. 111 may be credited to the Federal-  
24 aid highways account for the purpose of reimbursing the  
25 Bureau for such expenses: *Provided*, That such funds shall

1 be subject to the obligation limitation for Federal-aid  
2 highways and highway safety construction.

3       SEC. 113. For fiscal year 2004, notwithstanding any  
4 other provision of law, historic covered bridges eligible for  
5 Federal assistance under section 1224 of the Transpor-  
6 tation Equity Act for the 21st Century, as amended, may  
7 be funded from amounts set aside for the discretionary  
8 bridge program.

9       SEC. 114. (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.

1           (2) Eligibility for funding under this subsection  
2 shall not be construed as a commitment, guarantee,  
3 or obligation on the part of the United States to  
4 provide for payment of principal or interest of an eli-  
5 gible debt financing instrument as so defined in sec-  
6 tion 122, nor create a right of a third party against  
7 the United States for payment under an eligible debt  
8 financing instrument. The agreement entered into  
9 pursuant to subsection (a) shall make specific ref-  
10 erence to this provision of law.

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

14 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

15 MOTOR CARRIER SAFETY

16 LIMITATION ON ADMINISTRATIVE EXPENSES

17 (HIGHWAY TRUST FUND)

18 (INCLUDING TRANSFER OF FUNDS)

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 \$292,972,233 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: *Provided further*, That notwithstanding any other  
 5 provision of law, \$11,744,000 of the funds made available  
 6 under this heading shall be transferred to and merged  
 7 with funding provided for grants to the States for imple-  
 8 mentation of section 210 of Public Law 106–159 under  
 9 “Federal Motor Carrier Safety Administration, Motor  
 10 Carrier Safety Assistance Program”: *Provided further*,  
 11 That of the funds made available under this heading,  
 12 \$47,000,000 shall be available for the border enforcement  
 13 program as authorized under section 350 of the Depart-  
 14 ment of Transportation and Related Agencies Appropria-  
 15 tions Act, 2002.

16 NATIONAL MOTOR CARRIER SAFETY PROGRAM  
 17 (LIQUIDATION OF CONTRACT AUTHORIZATION)  
 18 (LIMITATION ON OBLIGATIONS)  
 19 (HIGHWAY TRUST FUND)

20 Notwithstanding any other provision of law, for pay-  
 21 ment of obligations incurred in carrying out 49 U.S.C.  
 22 31102, 31106 and 31309, \$190,000,000, to be derived  
 23 from the Highway Trust Fund and to remain available  
 24 until expended: *Provided*, That none of the funds in this  
 25 Act shall be available for the implementation or execution  
 26 of programs the obligations for which are in excess of

1 \$190,000,000 for “Motor Carrier Safety Grants”, and  
 2 “Information Systems”.

3 GENERAL PROVISION—MOTOR CARRIER SAFETY

4 ADMINISTRATION

5 SEC. 130. None of the funds appropriated or made  
 6 available by this Act shall be used to implement or enforce  
 7 any provision of the Final Rule issued on April 16, 2003  
 8 (Docket No. FMCSA–97–2350) as it may apply to opera-  
 9 tors of utility service vehicles as defined in 49 C.F.R.  
 10 395.2.

11 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

12 OPERATIONS AND RESEARCH

13 (HIGHWAY TRUST FUND)

14 For expenses necessary to discharge the functions of  
 15 the Secretary, with respect to traffic and highway safety  
 16 under chapter 301 of title 49, United States Code, and  
 17 part C of subtitle VI of title 49, United States Code,  
 18 \$148,102,000, to be derived from funds available under  
 19 104(a)(1)(A) of title 23, United States Code: *Provided*,  
 20 That such funds shall be transferred to and administered  
 21 by the National Highway Traffic Safety Administration:  
 22 *Provided further*, That none of the funds appropriated by  
 23 this Act may be obligated or expended to plan, finalize,  
 24 or implement any rulemaking to add to section 575.104  
 25 of title 49 of the Code of Federal Regulations any require-  
 26 ment pertaining to a grading standard that is different

1 from the three grading standards (treadwear, traction,  
2 and temperature resistance) already in effect.

3 OPERATIONS AND RESEARCH

4 (LIQUIDATION OF CONTRACT AUTHORIZATION)

5 (LIMITATION ON OBLIGATIONS)

6 (HIGHWAY TRUST FUND)

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

15 NATIONAL DRIVER REGISTER

16 (HIGHWAY TRUST FUND)

17 For expenses necessary to discharge the functions of  
18 the Secretary with respect to the National Driver Register  
19 under chapter 303 of title 49, United States Code,  
20 \$3,600,000, to be derived from the Highway Trust Fund,  
21 and to remain available until expended.

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

5 Notwithstanding any other provision of law, for pay-  
6 ment of obligations incurred in carrying out the provisions  
7 of 23 U.S.C. 402, 405, and 410, to remain available until  
8 expended, \$225,000,000, to be derived from the Highway  
9 Trust Fund: *Provided*, That none of the funds in this Act  
10 shall be available for the planning or execution of pro-  
11 grams the total obligations for which, in fiscal year 2004,  
12 are in excess of \$225,000,000 for programs authorized  
13 under 23 U.S.C. 402, 405, and 410, of which  
14 \$165,000,000 shall be for “Highway Safety Programs”  
15 under 23 U.S.C. 402, \$20,000,000 shall be for “Occupant  
16 Protection Incentive Grants” under 23 U.S.C. 405, and  
17 \$40,000,000 shall be for “Alcohol-Impaired Driving Coun-  
18 termeasures Grants” under 23 U.S.C. 410: *Provided fur-*  
19 *ther*, That none of these funds shall be used for construc-  
20 tion, rehabilitation, or remodeling costs, or for office fur-  
21 nishings and fixtures for State, local, or private buildings  
22 or structures: *Provided further*, That not to exceed  
23 \$8,150,000 of the funds made available for section 402,  
24 not to exceed \$1,000,000 of the funds made available for  
25 section 405, and not to exceed \$2,000,000 of the funds  
26 made available for section 410 shall be available to

1 NHTSA for administering highway safety grants under  
2 chapter 4 of title 23, United States Code: *Provided further*,  
3 That not to exceed \$500,000 of the funds made available  
4 for section 410 “Alcohol-Impaired Driving Counter-  
5 measures Grants” shall be available for technical assist-  
6 ance to the States.

7 GENERAL PROVISIONS—NATIONAL HIGHWAY TRAFFIC  
8 SAFETY ADMINISTRATION

9 SEC. 140. Notwithstanding any other provision of  
10 law, States may use funds provided in this Act under sec-  
11 tion 402 of title 23, United States Code, to produce and  
12 place highway safety public service messages in television,  
13 radio, cinema, and print media, and on the Internet in  
14 accordance with guidance issued by the Secretary of  
15 Transportation: *Provided*, That any State that uses funds  
16 for such public service messages shall submit to the Sec-  
17 retary a report describing and assessing the effectiveness  
18 of the messages: *Provided further*, That \$10,000,000 of  
19 the funds allocated under section 157 of title 23, United  
20 States Code, shall be used as directed by the National  
21 Highway Traffic Safety Administrator to purchase na-  
22 tional paid advertising (including production and place-  
23 ment) to support national safety belt mobilizations: *Pro-*  
24 *vided further*, That, of the funds allocated under section  
25 163 of title 23, United States Code, \$2,750,000 shall be  
26 used as directed by the Administrator to support national

1 impaired driving mobilizations and enforcement efforts,  
2 \$14,000,000 shall be used as directed by the Adminis-  
3 trator to purchase national paid advertising (including  
4 production and placement) to support such national im-  
5 paired driving mobilizations and enforcement efforts,  
6 \$250,000 shall be used as directed by the Administrator  
7 to conduct an evaluation of alcohol-impaired driving mes-  
8 sages, and \$3,000,000 shall be used as directed by the  
9 Administrator to conduct an impaired driving demonstra-  
10 tion program.

11 SEC. 141. Notwithstanding any other provision of  
12 law, funds appropriated or limited in the Act to educate  
13 the motoring public on how to share the road safely with  
14 commercial motor vehicles shall be administered by the  
15 National Highway Traffic Safety Administration.

16 FEDERAL RAILROAD ADMINISTRATION  
17 SAFETY AND OPERATIONS

18 For necessary expenses of the Federal Railroad Ad-  
19 ministration, not otherwise provided for, \$130,825,000, of  
20 which \$11,712,000 shall remain available until expended.

21 RAILROAD RESEARCH AND DEVELOPMENT

22 For necessary expenses for railroad research and de-  
23 velopment, \$34,225,000, to remain available until ex-  
24 pended.

1 RAILROAD REHABILITATION AND IMPROVEMENT  
2 PROGRAM

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

20 NEXT GENERATION HIGH-SPEED RAIL

21 For necessary expenses for the Next Generation  
22 High-Speed Rail program as authorized under 49 U.S.C.  
23 26101 and 26102, \$29,350,000, to remain available until  
24 expended.

## 1 ALASKA RAILROAD REHABILITATION

2 To enable the Secretary of Transportation to make  
3 grants to the Alaska Railroad, \$25,000,000 shall be for  
4 capital rehabilitation and improvements benefiting its pas-  
5 senger operations, to remain available until expended.

## 6 GRANTS TO THE NATIONAL RAILROAD PASSENGER

## 7 CORPORATION

8 To enable the Secretary of Transportation to make  
9 quarterly grants to the National Railroad Passenger Cor-  
10 poration, \$1,346,000,000, to remain available until Sep-  
11 tember 30, 2004: *Provided*, That the Secretary of Trans-  
12 portation shall approve funding to cover operating losses  
13 and capital expenditures for a train of the National Rail-  
14 road Passenger Corporation only after receiving and re-  
15 viewing a grant request for each specific train route: *Pro-*  
16 *vided further*, That each such grant request shall be ac-  
17 companied by a detailed financial analysis, revenue projec-  
18 tion, and capital expenditure projection justifying the Fed-  
19 eral support to the Secretary's satisfaction: *Provided fur-*  
20 *ther*, That the Secretary of Transportation and the Am-  
21 trak Board of Directors shall ensure that, of the amount  
22 made available under this heading, sufficient sums are re-  
23 served to satisfy the contractual obligations of the Na-  
24 tional Railroad Passenger Corporation for commuter and  
25 intercity passenger rail service: *Provided further*, That  
26 within 60 days of enactment of this Act, Amtrak shall

1 transmit to the Secretary of Transportation and the  
2 House and Senate Committees on Appropriations a busi-  
3 ness plan for operating and capital improvements to be  
4 funded in fiscal year 2004 under section 24104(a) of title  
5 49, United States Code: *Provided further*, That the busi-  
6 ness plan shall include a description of the work to be  
7 funded, along with cost estimates and an estimated time-  
8 table for completion of the projects covered by this busi-  
9 ness plan: *Provided further*, That not later than June 1,  
10 2003 and each month thereafter, Amtrak shall submit to  
11 the Secretary of Transportation and the House and Sen-  
12 ate Committees on Appropriations a supplemental report  
13 regarding the business plan, which shall describe the work  
14 completed to date, any changes to the business plan, and  
15 the reasons for such changes: *Provided further*, That none  
16 of the funds in this Act may be used for operating ex-  
17 penses and capital projects not approved by the Secretary  
18 of Transportation nor on the National Railroad Passenger  
19 Corporation's fiscal year 2004 business plan: *Provided fur-*  
20 *ther*, That none of the funds under this heading may be  
21 obligated or expended until the National Railroad Pas-  
22 senger Corporation agrees to continue abiding by the pro-  
23 visions of paragraphs 1, 2, 3, 5, 9, and 11 of the summary  
24 of conditions for the direct loan agreement of June 28,

1 2002, in the same manner as in effect on the date of en-  
2 actment of this Act.

3 FEDERAL TRANSIT ADMINISTRATION

4 ADMINISTRATIVE EXPENSES

5 For necessary administrative expenses of the Federal  
6 Transit Administration's programs authorized by chapter  
7 53 of title 49, United States Code, \$14,600,000: *Provided*,  
8 That no more than \$73,000,000 of budget authority shall  
9 be available for these purposes: *Provided further*, That of  
10 the funds available not to exceed \$980,000 shall be avail-  
11 able for the Office of the Administrator; not to exceed  
12 \$6,133,000 shall be available for the Office of Administra-  
13 tion; not to exceed \$3,750,000 shall be available for the  
14 Office of the Chief Counsel; not to exceed \$1,160,000 shall  
15 be available for the Office of Communication and Congres-  
16 sional Affairs; not to exceed \$7,250,000 shall be available  
17 for the Office of Program Management; not to exceed  
18 \$6,200,000 shall be available for the Office of Budget and  
19 Policy; not to exceed \$4,600,000 shall be available for the  
20 Office of Demonstration and Innovation; not to exceed  
21 \$2,700,000 shall be available for the Office of Civil Rights;  
22 not to exceed \$3,450,000 shall be available for the Office  
23 of Planning; not to exceed \$17,777,000 shall be available  
24 for regional offices; and not to exceed \$16,800,000 shall  
25 be available for the central account: *Provided further*, That

1 the Administrator is authorized to transfer funds appro-  
 2 priated for an office of the Federal Transit Administra-  
 3 tion: *Provided further*, That no appropriation for an office  
 4 shall be increased or decreased by more than 3 percent  
 5 by all such transfers: *Provided further*, That any change  
 6 in funding greater than 3 percent shall be submitted for  
 7 approval to the House and Senate Committees on Appro-  
 8 priations: *Provided further*, That of the funds in this Act  
 9 available for the execution of contracts under section  
 10 5327(c) of title 49, United States Code, \$2,000,000 shall  
 11 be reimbursed to the Department of Transportation's Of-  
 12 fice of Inspector General for costs associated with audits  
 13 and investigations of transit-related issues, including re-  
 14 views of new fixed guideway systems: *Provided further*,  
 15 That not to exceed \$2,200,000 for the National transit  
 16 database shall remain available until expended.

17 FORMULA GRANTS

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses to carry out 49 U.S.C. 5307,  
 20 5308, 5310, 5311, 5327, and section 3038 of Public Law  
 21 105–178, \$767,800,000, to remain available until ex-  
 22 pended: *Provided*, That no more than \$3,839,000,000 of  
 23 budget authority shall be available for these purposes: *Pro-*  
 24 *vided further*, That notwithstanding section 3008 of Public  
 25 Law 105–178, \$50,000,000 of the funds to carry out 49  
 26 U.S.C. 5308 shall be transferred to and merged with fund-

1 ing provided for the replacement, rehabilitation, and pur-  
 2 chase of buses and related equipment and the construction  
 3 of bus-related facilities under “Federal Transit Adminis-  
 4 tration, Capital investment grants”.

5 UNIVERSITY TRANSPORTATION RESEARCH

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

10 TRANSIT PLANNING AND RESEARCH

11 For necessary expenses to carry out 49 U.S.C. 5303,  
 12 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and  
 13 5322, \$24,400,000, to remain available until expended:  
 14 *Provided*, That no more than \$122,000,000 of budget au-  
 15 thority shall be available for these purposes: *Provided fur-*  
 16 *ther*, That \$5,250,000 is available to provide rural trans-  
 17 portation assistance (49 U.S.C. 5311(b)(2)), \$4,000,000  
 18 is available to carry out programs under the National  
 19 Transit Institute (49 U.S.C. 5315), \$8,250,000 is avail-  
 20 able to carry out transit cooperative research programs  
 21 (49 U.S.C. 5313(a)), \$60,385,600 is available for metro-  
 22 politan planning (49 U.S.C. 5303, 5304, and 5305),  
 23 \$12,614,400 is available for State planning (49 U.S.C.  
 24 5313(b)); and \$31,500,000 is available for the national  
 25 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 Notwithstanding any other provision of law, for pay-  
5 ment of obligations incurred in carrying out 49 U.S.C.  
6 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334,  
7 5505, and sections 3037 and 3038 of Public Law 105–  
8 178, \$5,844,000,000, to remain available until expended,  
9 and to be derived from the Mass Transit Account of the  
10 Highway Trust Fund: *Provided*, That \$3,071,200,000  
11 shall be paid to the Federal Transit Administration’s for-  
12 mula grants account: *Provided further*, That \$97,600,000  
13 shall be paid to the Federal Transit Administration’s tran-  
14 sit planning and research account: *Provided further*, That  
15 \$58,400,000 shall be paid to the Federal Transit Adminis-  
16 tration’s administrative expenses account: *Provided fur-*  
17 *ther*, That \$4,800,000 shall be paid to the Federal Transit  
18 Administration’s university transportation research ac-  
19 count: *Provided further*, That \$100,000,000 shall be paid  
20 to the Federal Transit Administration’s job access and re-  
21 verse commute grants program: *Provided further*, That  
22 \$2,512,000,000 shall be paid to the Federal Transit Ad-  
23 ministration’s capital investment 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, \$628,000,000, to remain available  
5 until expended: *Provided*, That no more than  
6 \$3,140,000,000 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, \$607,200,000, which  
12 shall include \$50,000,000 made available under  
13 5309(m)(3)(C) of this title, plus \$50,000,000 transferred  
14 from “Federal Transit Administration, Formula Grants”;  
15 and there shall be available for new fixed guideway sys-  
16 tems \$1,318,400,000, to be available as follows:

17           Alaska     and     Hawaii     Ferry     Projects,  
18           \$10,296,000;

19           Baltimore—Central LRT Double Tracking,  
20           Maryland, \$40,000,000;

21           Birmingham—Transit Corridor, Alabama,  
22           \$6,000,000;

23           Boston—Silver Line Phase III, Massachusetts,  
24           \$1,000,000;

25           Charlotte—South Corridor Light Rail Project,  
26           North Carolina, \$18,000,000;

- 1 Chicago—Douglas Branch Reconstruction, Illi-  
2 nois, \$85,000,000;
- 3 Chicago—North Central, Illinois, \$20,000,000;
- 4 Chicago—UP West Line Extension, Illinois,  
5 \$12,000,000;
- 6 Chicago—Metra Southwest Corridor Commuter  
7 Rail, Illinois, \$20,000,000;
- 8 Chicago—Ravenswood Line Extension, Illinois,  
9 \$10,000,000;
- 10 Commuter Rail Improvements, Delaware,  
11 \$3,000,000;
- 12 Dallas—North Central LRT Extension, Texas,  
13 \$30,161,283;
- 14 Denver—Southeast Corridor LRT, Colorado,  
15 \$80,000,000;
- 16 Dulles Corridor Rapid Transit Project, Vir-  
17 ginia, \$25,000,000;
- 18 Euclid Corridor Transportation Project, Ohio,  
19 \$15,000,000;
- 20 Ft. Lauderdale—Tri-Rail Commuter Rail Up-  
21 grade, Florida, \$18,410,000;
- 22 Houston Advanced Metro Transit Plan, Texas,  
23 \$10,000,000;
- 24 Integrated Intermodal project, Rhode Island,  
25 \$6,000,000;

- 1           Kenosha-Racine-Milwaukee Commuter Rail Ex-  
2           tension, Wisconsin, \$4,000,000;
- 3           Las Vegas—Resort Corridor Fixed Guideway,  
4           Nevada, \$25,000,000;
- 5           Little Rock—River Rail Project, Arkansas,  
6           \$5,000,000;
- 7           Los Angeles—Eastside LRT, California,  
8           \$5,000,000;
- 9           Maine Marine Highway, \$2,000,000;
- 10          Memphis—Medical Center Extension, Ten-  
11          nessee, \$9,247,588;
- 12          Minneapolis—Hiawatha Corridor LRT, Min-  
13          nesota, \$74,980,000;
- 14          Minneapolis—Northstar Commuter Rail  
15          Project, Minnesota, \$10,000,000;
- 16          New Orleans—Canal Street Streetcar Project,  
17          Louisiana, \$36,020,000;
- 18          New York—East Side Access Project, New  
19          York, \$10,000,000;
- 20          Newark Rail Link (MOS-1), New Jersey,  
21          \$22,566,022;
- 22          Northern New Jersey-Hudson-Bergen LRT-  
23          MOS-2, \$100,000,000;
- 24          Northwest Corridor BRT, Atlanta, \$4,000,000;

- 1 Philadelphia—Schuylkill Valley Metro, Pennsyl-  
2 vania, \$16,000,000;
- 3 Pittsburgh—North Shore Connector LRT,  
4 Pennsylvania, \$13,812,304;
- 5 Pittsburgh—Stage II LRT Reconstruction,  
6 Pennsylvania, \$32,243,442;
- 7 Portland—Interstate MAX LRT Extension, Or-  
8 egon, \$77,500,000;
- 9 Regional Commuter Rail (Weber County to Salt  
10 Lake City), Utah, \$12,000,000;
- 11 Salt Lake City—Medical Center, Utah,  
12 \$30,663,361;
- 13 San Diego—Mission Valley East LRT Exten-  
14 sion, California, \$65,000,000;
- 15 San Diego—Oceanside Escondido Rail Project,  
16 California, \$48,000,000;
- 17 San Juan—Tren Urbano Rapid Transit Sys-  
18 tem, Puerto Rico, \$20,000,000;
- 19 Scranton—NY City Rail Service, Pennsylvania,  
20 \$5,000,000;
- 21 Seattle—Central Link LRT MOS-1, Wash-  
22 ington, \$75,000,000;
- 23 SF Area—BART Airport Extension, California,  
24 \$100,000,000;

1 Silicon Valley Rapid Transit Corridor, Cali-  
2 fornia, \$4,000,000;

3 Stamford Urban Transitway Phase II, Con-  
4 necticut, \$7,000,000;

5 Trans-Hudson Midtown Corridor, New Jersey,  
6 \$5,000,000;

7 Triangle Transit Authority Regional Rail Phase  
8 I Project, North Carolina, \$9,000,000;

9 VRE Parking Improvements, Virginia,  
10 \$4,000,000;

11 Washington, DC/Maryland—Largo Extension,  
12 \$65,000,000;

13 Wilmington Train Station Improvements, Dela-  
14 ware, \$2,500,000;

15 Wilsonville-Beaverton Commuter Rail, Oregon,  
16 \$6,000,000;

17 Yarmouth to Auburn Line, Maine, \$3,000,000.

18 JOB ACCESS AND REVERSE COMMUTE GRANTS

19 For necessary expenses to carry out section 3037 of  
20 the Federal Transit Act of 1998, \$25,000,000, to remain  
21 available until expended: *Provided*, That no more than  
22 \$125,000,000 of budget authority shall be available for  
23 these purposes: *Provided further*, That up to \$300,000 of  
24 the funds provided under this heading may be used by the  
25 Federal Transit Administration for technical assistance

1 and support and performance reviews of the Job Access  
2 and Reverse Commute Grants program.

3 GENERAL PROVISIONS—FEDERAL TRANSIT

4 ADMINISTRATION

5 SEC. 150. The limitations on obligations for the pro-  
6 grams of the Federal Transit Administration shall not  
7 apply to any authority under 49 U.S.C. 5338, previously  
8 made available for obligation, or to any other authority  
9 previously made available for obligation.

10 SEC. 151. Notwithstanding any other provision of  
11 law, and except for fixed guideway modernization projects,  
12 funds made available by this Act under “Federal Transit  
13 Administration, Capital investment grants” for projects  
14 specified in this Act or identified in reports accompanying  
15 this Act not obligated by September 30, 2006, and other  
16 recoveries, shall be made available for other projects under  
17 49 U.S.C. 5309.

18 SEC. 152. Notwithstanding any other provision of  
19 law, any funds appropriated before October 1, 2003, under  
20 any section of chapter 53 of title 49, United States Code,  
21 that remain available for expenditure may be transferred  
22 to and administered under the most recent appropriation  
23 heading for any such section.

24 SEC. 153. Funds made available for Alaska or Hawaii  
25 ferry boats or ferry terminal facilities pursuant to 49  
26 U.S.C. 5309(m)(2)(B) may be used to construct new ves-

1 sels and facilities, or to improve existing vessels and facili-  
2 ties, including both the passenger and vehicle-related ele-  
3 ments of such vessels and facilities, and for repair facili-  
4 ties: *Provided*, That not more than \$3,000,000 of the  
5 funds made available pursuant to 49 U.S.C.  
6 5309(m)(2)(B) may be used by the State of Hawaii to  
7 initiate and operate a passenger ferryboat services dem-  
8 onstration project to test the viability of different intra-  
9 island and inter-island ferry boat routes and technology:  
10 *Provided further*, That notwithstanding 49 U.S.C.  
11 5302(a)(7), funds made available for Alaska or Hawaii  
12 ferry boats may be used to acquire passenger ferry boats  
13 and to provide passenger ferry transportation services  
14 within areas of the State of Hawaii under the control or  
15 use of the National Park Service.

16 SEC. 154. Notwithstanding any other provision of  
17 law, funds made available to the Colorado Roaring Fork  
18 Transportation Authority under “Federal Transit Admin-  
19 istration, Capital investment grants” in Public Laws 106–  
20 69 and 106–346 shall be available for expenditure on park  
21 and ride lots in Carbondale and Glenwood Springs, Colo-  
22 rado as part of the Roaring Fork Valley Bus Rapid Tran-  
23 sit project.

24 SEC. 155. Notwithstanding any other provision of  
25 law, unobligated funds made available for a new fixed

1 guideway systems projects under the heading “Federal  
2 Transit Administration, Capital Investment Grants” in  
3 any appropriations act prior to this Act may be used dur-  
4 ing this fiscal year to satisfy expenses incurred for such  
5 projects.

6       SEC. 156. (a) IN GENERAL.—The Secretary shall es-  
7 tablish a pilot program to determine the benefits of en-  
8 couraging cooperative procurement of major capital equip-  
9 ment under sections 5307, 5309, and 5311. The program  
10 shall consist of three pilot projects. Cooperative procure-  
11 ments in these projects may be carried out by grantees,  
12 consortiums of grantees, or members of the private sector  
13 acting as agents of grantees.

14       (b) FEDERAL SHARE.—Notwithstanding any other  
15 provision of law, the Federal share for a grant under this  
16 pilot program shall be 90 percent of the net project cost.

17       (c) PERMISSIBLE ACTIVITIES.—

18             (1) DEVELOPING SPECIFICATIONS.—Coopera-  
19 tive specifications may be developed either by the  
20 grantees or their agents.

21             (2) REQUESTS FOR PROPOSALS.—To the extent  
22 permissible under state and local law, cooperative  
23 procurements under this section may be carried out,  
24 either by the grantees or their agents, by issuing one  
25 request for proposal for each cooperative procure-

1       ment, covering all agencies that are participating in  
2       the procurement.

3           (3) BEST AND FINAL OFFERS.—The cost of  
4       evaluating best and final offers either by the grant-  
5       ees or their agents, is an eligible expense under this  
6       program.

7       (d) TECHNOLOGY.—To the extent feasible, coopera-  
8       tive procurements under this section shall maximize use  
9       of Internet-based software technology designed specifically  
10      for transit buses and other major capital equipment to de-  
11      velop specifications; aggregate equipment requirements  
12      with other transit agencies; generate cooperative request  
13      for proposal packages; create cooperative specifications;  
14      and automate the request for approved equals process.

15      (e) ELIGIBLE EXPENSES.—The cost of the permis-  
16      sible activities under (c) and procurement under (d) are  
17      eligible expenses under the pilot program.

18      (f) PROPORTIONATE CONTRIBUTIONS.—Cooperating  
19      agencies may contribute proportionately to the non-Fed-  
20      eral share of any of the eligible expenses under (e).

21      (g) OUTREACH.—The Secretary shall conduct out-  
22      reach on cooperative procurement. Under this program the  
23      Secretary shall: (1) offer technical assistance to transit  
24      agencies to facilitate the use of cooperative procurement  
25      of major capital equipment and (2) conduct seminars and

1 conferences for grantees, nationwide, on the concept of co-  
2 operative procurement of major capital equipment.

3 (h) REPORT.—Not later than 30 days after delivery  
4 of the base order under each of the pilot projects, the Sec-  
5 retary shall submit to the House and Senate Committees  
6 on Appropriations a report on the results of that pilot  
7 project. Each report shall evaluate any savings realized  
8 through the cooperative procurement and the benefits of  
9 incorporating cooperative procurement, as shown by that  
10 project, into the mass transit program as a whole.

11 SEC. 157. Notwithstanding any other provision of  
12 law, new fixed guideway system funds available for the Yo-  
13 semite, California, area regional transportation system  
14 project, in the Department of Transportation and Related  
15 Agencies Appropriations Act, 2002, Public Law 107–87,  
16 under “Capital Investment Grants”, in the amount of  
17 \$400,000 shall be available for obligation for the replace-  
18 ment, rehabilitation, or purchase of buses or related equip-  
19 ment, or the construction of bus related facilities: *Pro-*  
20 *vided*, That this amount shall be in addition to the amount  
21 available in fiscal year 2002 for these purposes.

22 SEC. 158. Notwithstanding any other provision of  
23 law, for the purpose of calculating the non-New Starts  
24 share of the total project cost of both phases of San Fran-  
25 cisco Muni’s Third Street Light Rail Transit project for

1 fiscal year 2004, the Secretary of Transportation shall in-  
2 clude all non-New Starts contributions made towards  
3 Phase 1 of the two-phase project for engineering, final de-  
4 sign and construction, and also shall allow non-New Starts  
5 funds expended on one element or phase of the project  
6 to be used to meet the non-New Starts share requirement  
7 of any element or phase of the project.

8       SEC. 159. Notwithstanding any other provision of  
9 law, funds made available under “Federal Transit Admin-  
10 istration, Capital Investment Grants” in Public Law 105-  
11 277 for the Cleveland Berea Red Line Extension to the  
12 Hopkins International Airport project may be used for the  
13 Euclid Corridor Transportation Project.

14           SAINT LAWRENCE SEAWAY DEVELOPMENT

15                           CORPORATION

16   SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

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

1                    OPERATIONS AND MAINTENANCE  
2                    (HARBOR MAINTENANCE TRUST FUND)

3            For necessary expenses for operations and mainte-  
4 nance of those portions of the Saint Lawrence Seaway op-  
5 erated and maintained by the Saint Lawrence Seaway De-  
6 velopment Corporation, \$14,400,000, to be derived from  
7 the Harbor Maintenance Trust Fund, pursuant to Public  
8 Law 99–662.

9                    MARITIME ADMINISTRATION  
10                    OPERATIONS AND TRAINING

11           For necessary expenses of operations and training ac-  
12 tivities authorized by law, \$106,000,000, of which  
13 \$13,000,000 shall remain available until expended for cap-  
14 ital improvements at the United States Merchant Marine  
15 Academy, and \$7,063,000 shall remain available until  
16 September 30, 2005 for state maritime schoolship mainte-  
17 nance and repair.

18                    SHIP DISPOSAL

19           For necessary expenses related to the disposal of ob-  
20 solete vessels in the National Defense Reserve Fleet of the  
21 Maritime Administration, \$18,422,000, to remain avail-  
22 able until expended.

23                    MARITIME SECURITY PROGRAM

24           For necessary expenses to maintain and preserve a  
25 U.S.-flag merchant fleet to serve the national security

1 needs of the United States, \$98,700,000, to remain avail-  
2 able until expended.

3 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

4 ACCOUNT

5 For administrative expenses to carry out the guaran-  
6 teed loan program, not to exceed \$4,498,000, which shall  
7 be transferred to and merged with the appropriation for  
8 Operations and Training.

9 GENERAL PROVISIONS—MARITIME ADMINISTRATION

10 SEC. 160. Notwithstanding any other provision of  
11 this Act, the Maritime Administration is authorized to fur-  
12 nish utilities and services and make necessary repairs in  
13 connection with any lease, contract, or occupancy involving  
14 Government property under control of the Maritime Ad-  
15 ministration, and payments received therefore shall be  
16 credited to the appropriation charged with the cost there-  
17 of: *Provided*, That rental payments under any such lease,  
18 contract, or occupancy for items other than such utilities,  
19 services, or repairs shall be covered into the Treasury as  
20 miscellaneous receipts.

21 SEC. 161. No obligations shall be incurred during the  
22 current fiscal year from the construction fund established  
23 by the Merchant Marine Act, 1936, or otherwise, in excess  
24 of the appropriations and limitations contained in this Act  
25 or in any prior appropriation Act.

## 1 RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

## 2 RESEARCH AND SPECIAL PROGRAMS

3 For expenses necessary to discharge the functions of  
 4 the Research and Special Programs Administration,  
 5 \$42,516,000, of which \$645,000 shall be derived from the  
 6 Pipeline Safety Fund, and of which \$3,473,000 shall re-  
 7 main available until September 30, 2006: *Provided*, That  
 8 up to \$1,200,000 in fees collected under 49 U.S.C.  
 9 5108(g) shall be deposited in the general fund of the  
 10 Treasury as offsetting receipts: *Provided further*, That  
 11 there may be credited to this appropriation, to be available  
 12 until expended, funds received from States, counties, mu-  
 13 nicipalities, other public authorities, and private sources  
 14 for expenses incurred for training, for reports publication  
 15 and dissemination, and for travel expenses incurred in per-  
 16 formance of hazardous materials exemptions and approv-  
 17 als functions.

## 18 PIPELINE SAFETY

## 19 (PIPELINE SAFETY FUND)

## 20 (OIL SPILL LIABILITY TRUST FUND)

21 For expenses necessary to conduct the functions of  
 22 the pipeline safety program, for grants-in-aid to carry out  
 23 a pipeline safety program, as authorized by 49 U.S.C.  
 24 60107, and to discharge the pipeline program responsibil-  
 25 ities of the Oil Pollution Act of 1990, \$67,612,000, of  
 26 which \$17,183,000 shall be derived from the Oil Spill Li-

1 ability Trust Fund and shall remain available until Sep-  
2 tember 30, 2006; of which \$50,429,000 shall be derived  
3 from the Pipeline Safety Fund, of which \$22,710,000  
4 shall remain available until September 30, 2006.

5 EMERGENCY PREPAREDNESS GRANTS

6 (EMERGENCY PREPAREDNESS FUND)

7 For necessary expenses to carry out 49 U.S.C.  
8 5127(c), \$200,000, to be derived from the Emergency  
9 Preparedness Fund, to remain available until September  
10 30, 2006: *Provided*, That not more than \$14,300,000 shall  
11 be made available for obligation in fiscal year 2004 from  
12 amounts made available by 49 U.S.C. 5116(i) and  
13 5127(d): *Provided further*, That none of the funds made  
14 available by 49 U.S.C. 5116(i) and 5127(d) shall be made  
15 available for obligation by individuals other than the Sec-  
16 retary of Transportation, or his designee.

17 OFFICE OF INSPECTOR GENERAL

18 SALARIES AND EXPENSES

19 For necessary expenses of the Office of Inspector  
20 General to carry out the provisions of the Inspector Gen-  
21 eral Act of 1978, as amended, \$56,000,000: *Provided*,  
22 That the Inspector General shall have all necessary au-  
23 thority, in carrying out the duties specified in the Inspec-  
24 tor General Act, as amended (5 U.S.C. App. 3) to inves-  
25 tigate allegations of fraud, including false statements to  
26 the government (18 U.S.C. 1001), by any person or entity

1 that is subject to regulation by the Department: *Provided*  
2 *further*, That the funds made available under this heading  
3 shall be used to investigate, pursuant to section 41712 of  
4 title 49, United States Code: (1) unfair or deceptive prac-  
5 tices and unfair methods of competition by domestic and  
6 foreign air carriers and ticket agents; and (2) the compli-  
7 ance of domestic and foreign air carriers with respect to  
8 item (1) of this proviso.

9 SURFACE TRANSPORTATION BOARD

10 SALARIES AND EXPENSES

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

## 1 TITLE II—DEPARTMENT OF THE TREASURY

## 2 DEPARTMENTAL OFFICES

## 3 SALARIES AND EXPENSES

## 4 (INCLUDING TRANSFER OF FUNDS)

5 For necessary expenses of the Departmental Offices  
6 including operation and maintenance of the Treasury  
7 Building and Annex; hire of passenger motor vehicles;  
8 maintenance, repairs, and improvements of, and purchase  
9 of commercial insurance policies for, real properties leased  
10 or owned overseas, when necessary for the performance  
11 of official business; not to exceed \$3,000,000, to remain  
12 available until September 30, 2005 for information tech-  
13 nology modernization requirements; not to exceed  
14 \$150,000 for official reception and representation ex-  
15 penses; not to exceed \$258,000 for unforeseen emer-  
16 gencies of a confidential nature, to be allocated and ex-  
17 pended under the direction of the Secretary of the Treas-  
18 ury and to be accounted for solely on his certificate,  
19 \$174,809,000: *Provided*, That the Office of Foreign As-  
20 sets Control shall be funded at no less than \$21,855,000  
21 and 120 full time equivalent positions: *Provided further*,  
22 That of these amounts, \$2,900,000 is available for grants  
23 to State and local law enforcement groups to help fight  
24 money laundering: *Provided further*, That of these  
25 amounts, \$3,393,000, to remain available until September  
26 30, 2005, shall be for the Treasury-wide Financial State-

1 ment Audit Program, of which such amounts as may be  
 2 necessary may be transferred to accounts of the Depart-  
 3 ment's offices and bureaus to conduct audits: *Provided*  
 4 *further*, That this transfer authority shall be in addition  
 5 to any other provided in this Act.

6 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

7 INVESTMENTS PROGRAMS

8 (INCLUDING TRANSFER OF FUNDS)

9 For development and acquisition of automatic data  
 10 processing equipment, software, and services for the De-  
 11 partment of the Treasury, \$36,928,000, to remain avail-  
 12 able until September 30, 2006: *Provided*, That these funds  
 13 shall be transferred to accounts and in amounts as nec-  
 14 essary to satisfy the requirements of the Department's of-  
 15 fices, bureaus, and other organizations: *Provided further*,  
 16 That this transfer authority shall be in addition to any  
 17 other transfer authority provided in this Act: *Provided fur-*  
 18 *ther*, That none of the funds appropriated shall be used  
 19 to support or supplement the Internal Revenue Service ap-  
 20 propriations for Information Systems or Business Systems  
 21 Modernization.

22 OFFICE OF INSPECTOR GENERAL

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of Inspector  
 25 General in carrying out the provisions of the Inspector  
 26 General Act of 1978, as amended, not to exceed

1 \$2,000,000 for official travel expenses, including hire of  
2 passenger motor vehicles; and not to exceed \$100,000 for  
3 unforeseen emergencies of a confidential nature, to be allo-  
4 cated and expended under the direction of the Inspector  
5 General of the Treasury, \$12,687,000, of which not to ex-  
6 ceed \$2,500 shall be available for official reception and  
7 representation expenses.

8 TREASURY INSPECTOR GENERAL FOR TAX

9 ADMINISTRATION

10 SALARIES AND EXPENSES

11 For necessary expenses of the Treasury Inspector  
12 General for Tax Administration in carrying out the In-  
13 spector General Act of 1978, as amended, including pur-  
14 chase (not to exceed 150 for replacement only for police-  
15 type use) and hire of passenger motor vehicles (31 U.S.C.  
16 1343(b)); services authorized by 5 U.S.C. 3109, at such  
17 rates as may be determined by the Inspector General for  
18 Tax Administration; not to exceed \$6,000,000 for official  
19 travel expenses; and not to exceed \$500,000 for unfore-  
20 seen emergencies of a confidential nature, to be allocated  
21 and expended under the direction of the Inspector General  
22 for Tax Administration, \$128,034,000.

23 AIR TRANSPORTATION STABILIZATION PROGRAM

24 For necessary expenses to administer the Air Trans-  
25 portation Stabilization Board established by section 102  
26 of the Air Transportation Safety and System Stabilization



1 shall remain available until September 30, 2006, for infor-  
2 mation systems modernization initiatives; and of which not  
3 to exceed \$2,500 shall be available for official reception  
4 and representation expenses.

5 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU  
6 SALARIES AND EXPENSES

7 For necessary expenses of carrying out section 1111  
8 of the Homeland Security Act of 2002, including hire of  
9 passenger motor vehicles, \$80,000,000; of which not to ex-  
10 ceed \$6,000 for official reception and representation ex-  
11 penses; not to exceed \$50,000 for cooperative research and  
12 development programs for Laboratory Services; and provi-  
13 sion of laboratory assistance to State and local agencies  
14 with or without reimbursement.

15 UNITED STATES MINT

16 UNITED STATES MINT PUBLIC ENTERPRISE FUND

17 Pursuant to section 5136 of title 31, United States  
18 Code, the United States Mint is provided funding through  
19 the United States Mint Public Enterprise Fund for costs  
20 associated with the production of circulating coins, numis-  
21 matic coins, and protective services, including both oper-  
22 ating expenses and capital investments. The aggregate  
23 amount of new liabilities and obligations incurred during  
24 fiscal year 2004 under such section 5136 for circulating

1 coinage and protective service capital investments of the  
2 United States Mint shall not exceed \$40,652,000.

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 esti-  
16 mated 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, \$4,048,238,000, of which up to  
4 \$3,950,000 shall be for the Tax Counseling for the Elderly  
5 Program, of which \$7,000,000 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; resolving essential  
17 earned income tax credit compliance and error problems;  
18 compiling statistics of income and conducting compliance  
19 research; purchase (for police-type use, not to exceed 850)  
20 and hire of passenger motor vehicles (31 U.S.C. 1343(b));  
21 and services as authorized by U.S.C. 3109, at such rates  
22 as may be determined by the Commissioner,  
23 \$4,172,808,000, of which not to exceed \$1,000,000 shall  
24 remain available until September 30, 2006, for research:  
25 *Provided*, That such sums may be transferred as necessary  
26 from this account to the IRS Processing, Assistance, and

1 Management appropriation or the IRS Information Sys-  
2 tems appropriation solely for the purposes of management  
3 of the Earned Income Tax Compliance program and to  
4 reimburse the Social Security Administration for the cost  
5 of implementing section 1090 of the Taxpayer Relief Act  
6 of 1997 (Public Law 105–33): *Provided further*, That this  
7 transfer authority shall be in addition to any other trans-  
8 fer authority provided in this Act.

9 INFORMATION SYSTEMS

10 For necessary expenses of the Internal Revenue Serv-  
11 ice for information systems and telecommunications sup-  
12 port, including developmental information systems and  
13 operational information systems; the hire of passenger  
14 motor vehicles (31 U.S.C. 1343(b)); and services as au-  
15 thorized by 5 U.S.C. 3109, at such rates as may be deter-  
16 mined by the Commissioner, \$1,590,962,000, of which  
17 \$200,000,000 shall remain available until September 30,  
18 2005.

19 BUSINESS SYSTEMS MODERNIZATION

20 For necessary expenses of the Internal Revenue Serv-  
21 ice, \$429,000,000, to remain available until September 30,  
22 2006, for the capital asset acquisition of information tech-  
23 nology systems, including management and related con-  
24 tractual costs of said acquisitions, including contractual  
25 costs associated with operations authorized by 5 U.S.C.  
26 3109: *Provided*, That none of these funds may be obli-

1 gated until the Internal Revenue Service submits to the  
2 Committees on Appropriations, and such Committees ap-  
3 prove, a plan for expenditure that: (1) meets the capital  
4 planning and investment control review requirements es-  
5 tablished by the Office of Management and Budget, in-  
6 cluding Circular A-11 part 3; (2) complies with the Inter-  
7 nal Revenue Service's enterprise architecture, including  
8 the modernization blueprint; (3) conforms with the Inter-  
9 nal Revenue Service's enterprise life cycle methodology;  
10 (4) is approved by the Internal Revenue Service, the De-  
11 partment of the Treasury, and the Office of Management  
12 and Budget; (5) has been reviewed by the General Ac-  
13 counting Office; and (6) complies with the acquisition  
14 rules, requirements, guidelines, and systems acquisition  
15 management practices of the Federal Government.

16 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

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

21 GENERAL PROVISIONS—INTERNAL REVENUE SERVICE

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

1       SEC. 202. The Internal Revenue Service shall main-  
2       tain a training program to ensure that Internal Revenue  
3       Service employees are trained in taxpayers' rights, in deal-  
4       ing courteously with the taxpayers, and in cross-cultural  
5       relations.

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

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

18           GENERAL PROVISIONS—DEPARTMENT OF THE

19                           TREASURY

20      SEC. 210. Appropriations to the Department of the  
21      Treasury in this Act shall be available for uniforms or al-  
22      lowances therefor, as authorized by law (5 U.S.C. 5901),  
23      including maintenance, repairs, and cleaning; purchase of  
24      insurance for official motor vehicles operated in foreign  
25      countries; purchase of motor vehicles without regard to the

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

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

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

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

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

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

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

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

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

1       SEC. 218. Beginning in fiscal year 2004 and there-  
2 after, there are appropriated to the Secretary of the  
3 Treasury such sums as may be necessary to reimburse fi-  
4 nancial institutions in their capacity as depositaries and  
5 financial agents of the United States for all services re-  
6 quired or directed by the Secretary of the Treasury, or  
7 his designee, to be performed by such financial institutions  
8 on behalf of the Treasury or other Federal agencies, in-  
9 cluding services rendered prior to fiscal year 2004.

10 TITLE III—EXECUTIVE OFFICE OF THE PRESI-  
11       DENT AND FUNDS APPROPRIATED TO THE  
12       PRESIDENT

13       COMPENSATION OF THE PRESIDENT AND THE WHITE  
14                                   HOUSE OFFICE

15                           COMPENSATION OF THE PRESIDENT

16       For compensation of the President, including an ex-  
17 pense allowance at the rate of \$50,000 per annum as au-  
18 thorized by 3 U.S.C. 102, \$450,000: *Provided*, That none  
19 of the funds made available for official expenses shall be  
20 expended for any other purpose and any unused amount  
21 shall revert to the Treasury pursuant to section 1552 of  
22 title 31, United States Code: *Provided further*, That none  
23 of the funds made available for official expenses shall be  
24 considered as taxable to the President.

## 1 SALARIES AND EXPENSES

2 For necessary expenses for the White House as au-  
3 thorized by law, including not to exceed \$3,850,000 for  
4 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;  
5 subsistence expenses as authorized by 3 U.S.C. 105, which  
6 shall be expended and accounted for as provided in that  
7 section; hire of passenger motor vehicles, newspapers,  
8 periodicals, teletype news service, and travel (not to exceed  
9 \$100,000 to be expended and accounted for as provided  
10 by 3 U.S.C. 103); and not to exceed \$19,000 for official  
11 entertainment expenses, to be available for allocation with-  
12 in the Executive Office of the President, \$61,937,000:  
13 *Provided*, That \$8,650,000 of the funds appropriated shall  
14 be available for reimbursements to the White House Com-  
15 munications Agency.

## 16 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

## 17 OPERATING EXPENSES

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

## 24 REIMBURSABLE EXPENSES

25 For the reimbursable expenses of the Executive Resi-  
26 dence at the White House, such sums as may be nec-

1 essary: *Provided*, That all reimbursable operating expenses  
2 of the Executive Residence shall be made in accordance  
3 with the provisions of this paragraph: *Provided further*,  
4 That, notwithstanding any other provision of law, such  
5 amount for reimbursable operating expenses shall be the  
6 exclusive authority of the Executive Residence to incur ob-  
7 ligations and to receive offsetting collections, for such ex-  
8 penses: *Provided further*, That the Executive Residence  
9 shall require each person sponsoring a reimbursable polit-  
10 ical event to pay in advance an amount equal to the esti-  
11 mated cost of the event, and all such advance payments  
12 shall be credited to this account and remain available until  
13 expended: *Provided further*, That the Executive Residence  
14 shall require the national committee of the political party  
15 of the President to maintain on deposit \$25,000, to be  
16 separately accounted for and available for expenses relat-  
17 ing to reimbursable political events sponsored by such  
18 committee during such fiscal year: *Provided further*, That  
19 the Executive Residence shall ensure that a written notice  
20 of any amount owed for a reimbursable operating expense  
21 under this paragraph is submitted to the person owing  
22 such amount within 60 days after such expense is in-  
23 curred, and that such amount is collected within 30 days  
24 after the submission of such notice: *Provided further*, That  
25 the Executive Residence shall charge interest and assess

1 penalties and other charges on any such amount that is  
2 not reimbursed within such 30 days, in accordance with  
3 the interest and penalty provisions applicable to an out-  
4 standing debt on a United States Government claim under  
5 section 3717 of title 31, United States Code: *Provided fur-*  
6 *ther*, That each such amount that is reimbursed, and any  
7 accompanying interest and charges, shall be deposited in  
8 the Treasury as miscellaneous receipts: *Provided further*,  
9 That the Executive Residence shall prepare and submit  
10 to the Committees on Appropriations, by not later than  
11 90 days after the end of the fiscal year covered by this  
12 Act, a report setting forth the reimbursable operating ex-  
13 penses of the Executive Residence during the preceding  
14 fiscal year, including the total amount of such expenses,  
15 the amount of such total that consists of reimbursable offi-  
16 cial and ceremonial events, the amount of such total that  
17 consists of reimbursable political events, and the portion  
18 of each such amount that has been reimbursed as of the  
19 date of the report: *Provided further*, That the Executive  
20 Residence shall maintain a system for the tracking of ex-  
21 penses related to reimbursable events within the Executive  
22 Residence that includes a standard for the classification  
23 of any such expense as political or nonpolitical: *Provided*  
24 *further*, That no provision of this paragraph may be con-  
25 strued to exempt the Executive Residence from any other

1 applicable requirement of subchapter I or II of chapter  
2 37 of title 31, United States Code.

3           WHITE HOUSE REPAIR AND RESTORATION

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

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

11                           SALARIES AND EXPENSES

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

19                           OPERATING EXPENSES

20                                   (INCLUDING TRANSFER OF FUNDS)

21          For the care, operation, refurnishing, improvement,  
22 and to the extent not otherwise provided for, heating and  
23 lighting, including electric power and fixtures, of the offi-  
24 cial residence of the Vice President; the hire of passenger  
25 motor vehicles; and not to exceed \$90,000 for official en-  
26 tertainment expenses of the Vice President, to be ac-

1 counted for solely on his certificate, \$331,000: *Provided*,  
2 That advances or repayments or transfers from this ap-  
3 propriation may be made to any department or agency for  
4 expenses of carrying out such activities.

5 COUNCIL OF ECONOMIC ADVISERS

6 SALARIES AND EXPENSES

7 For necessary expenses of the Council of Economic  
8 Advisors in carrying out its functions under the Employ-  
9 ment Act of 1946 (15 U.S.C. 1021), \$4,502,000.

10 OFFICE OF POLICY DEVELOPMENT

11 SALARIES AND EXPENSES

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

15 NATIONAL SECURITY COUNCIL

16 SALARIES AND EXPENSES

17 For necessary expenses of the National Security  
18 Council, including services as authorized by 5 U.S.C.  
19 3109, \$10,551,000.

20 HOMELAND SECURITY COUNCIL

21 For necessary expenses of the Homeland Security  
22 Council, including services authorized by 5 U.S.C. 3109,  
23 \$8,331,000.

1                                   OFFICE OF ADMINISTRATION  
2                                   SALARIES AND EXPENSES

3           For necessary expenses of the Office of Administra-  
4 tion, including services as authorized by 5 U.S.C. 3109  
5 and 3 U.S.C. 107, and hire of passenger motor vehicles,  
6 \$77,164,000, of which \$20,578,000 shall remain available  
7 until expended for the Capital Investment Plan for contin-  
8 ued modernization of the information technology infra-  
9 structure within the Executive Office of the President:  
10 *Provided*, That the Executive Office of the President shall  
11 submit a report to the Committees on Appropriations that  
12 includes a current description of: (1) the Enterprise Archi-  
13 tecture, as defined in OMB Circular A-130 and the Fed-  
14 eral Chief Information Officers Council guidance; (2) the  
15 Information Technology (IT) Human Capital Plan; (3) the  
16 capital investment plan for implementing the Enterprise  
17 Architecture; and (4) the IT capital planning and invest-  
18 ment control process: *Provided further*, That this report  
19 shall be reviewed and approved by the Office of Manage-  
20 ment and Budget, and reviewed by the General Account-  
21 ing Office.

22                                   OFFICE OF MANAGEMENT AND BUDGET  
23                                   SALARIES AND EXPENSES

24           For necessary expenses of the Office of Management  
25 and Budget, including hire of passenger motor vehicles

1 and services as authorized by 5 U.S.C. 3109,  
2 \$75,417,000, of which not to exceed \$3,000 shall be avail-  
3 able for official representation expenses: *Provided*, That,  
4 as provided in 31 U.S.C. 1301(a), appropriations shall be  
5 applied only to the objects for which appropriations were  
6 made except as otherwise provided by law: *Provided fur-*  
7 *ther*, That none of the funds appropriated in this Act for  
8 the Office of Management and Budget may be used for  
9 the purpose of reviewing any agricultural marketing or-  
10 ders or any activities or regulations under the provisions  
11 of the Agricultural Marketing Agreement Act of 1937 (7  
12 U.S.C. 601 et seq.): *Provided further*, That none of the  
13 funds made available for the Office of Management and  
14 Budget by this Act may be expended for the altering of  
15 the transcript of actual testimony of witnesses, except for  
16 testimony of officials of the Office of Management and  
17 Budget, before the Committees on Appropriations or the  
18 Committees on Veterans' Affairs or their subcommittees:  
19 *Provided further*, That the preceding shall not apply to  
20 printed hearings released by the Committees on Appro-  
21 priations or the Committees on Veterans' Affairs: *Pro-*  
22 *vided further*, That none of the funds appropriated in this  
23 Act may be available to pay the salary or expenses of any  
24 employee of the Office of Management and Budget who  
25 calculates, prepares, or approves any tabular or other ma-

1 terial that proposes the sub-allocation of budget authority  
2 or outlays by the Committees on Appropriations among  
3 their subcommittees.

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

7 For necessary expenses of the Office of National  
8 Drug Control Policy; for research activities pursuant to  
9 the Office of National Drug Control Policy Reauthoriza-  
10 tion Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed  
11 \$10,000 for official reception and representation expenses;  
12 and for participation in joint projects or in the provision  
13 of services on matters of mutual interest with nonprofit,  
14 research, or public organizations or agencies, with or with-  
15 out reimbursement, \$27,996,500; of which \$1,350,000  
16 shall remain available until expended for policy research  
17 and evaluation; and \$1,500,000 for the National Alliance  
18 for Model State Drug Laws: *Provided*, That the Office is  
19 authorized to accept, hold, administer, and utilize gifts,  
20 both real and personal, public and private, without fiscal  
21 year limitation, for the purpose of aiding or facilitating  
22 the work of the Office.

23 COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER  
24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses for the Counterdrug Tech-  
26 nology Assessment Center for research activities pursuant

1 to the Office of National Drug Control Policy Reauthor-  
2 ization Act of 1998 (21 U.S.C. 1701 et seq.),  
3 \$42,000,000, which shall remain available until expended,  
4 consisting of \$18,000,000 for counternarcotics research  
5 and development projects, and \$24,000,000 for the contin-  
6 ued operation of the technology transfer program: *Pro-*  
7 *vided*, That the \$18,000,000 for counternarcotics research  
8 and development projects shall be available for transfer  
9 to other Federal departments or agencies.

10 FEDERAL DRUG CONTROL PROGRAMS

11 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

12 (INCLUDING TRANSFER OF FUNDS)

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

1 Programs designated as of September 30, 2002, shall be  
2 funded at no less than the fiscal year 2002 initial alloca-  
3 tion levels unless the Director submits to the Committees  
4 on Appropriations, and the Committees approve, justifica-  
5 tion for changes in those levels based on clearly articulated  
6 priorities for the High Intensity Drug Trafficking Areas  
7 Programs, as well as published Office of National Drug  
8 Control Policy performance measures of effectiveness: *Pro-*  
9 *vided further*, That a request shall be submitted to the  
10 Committees on Appropriations for approval prior to the  
11 expenditure of funds of an amount in excess of the fiscal  
12 year 2004 budget request: *Provided further*, That such re-  
13 quest shall be made in compliance with the reprogram-  
14 ming guidelines: *Provided further*, That no funds shall be  
15 used for any further or additional consolidation of the  
16 Southwest Border High Intensity Drug Trafficking Area,  
17 except for the operation of an office with a coordinating  
18 role, until the Office submits a report on the structure  
19 of the Southwest Border High Intensity Drug Trafficking  
20 Area.

21 OTHER FEDERAL DRUG CONTROL PROGRAMS

22 (INCLUDING TRANSFER OF FUNDS)

23 For activities to support a national anti-drug cam-  
24 paign for youth, and for other purposes, authorized by the  
25 Office of National Drug Control Policy Reauthorization  
26 Act of 1998 (21 U.S.C. 1701 et seq.), \$174,000,000, to

1 remain available until expended, of which the following  
2 amounts are available as follows: \$100,000,000 to support  
3 a national media campaign, as authorized by the Drug-  
4 Free Media Campaign Act of 1998; \$60,000,000 to con-  
5 tinue a program of matching grants to drug-free commu-  
6 nities, of which \$1,000,000 shall be a directed grant to  
7 the Community Anti-Drug Coalitions of America for the  
8 National Community Anti-Drug Coalition Institute, as au-  
9 thorized in chapter 2 of the National Narcotics Leadership  
10 Act of 1988, as amended; \$1,500,000 for the Counterdrug  
11 Intelligence Executive Secretariat; \$2,000,000 for evalua-  
12 tions and research related to National Drug Control Pro-  
13 gram performance measures; \$1,000,000 for the National  
14 Drug Court Institute; \$7,200,000 for the United States  
15 Anti-Doping Agency for anti-doping activities; and  
16 \$800,000 for the United States membership dues to the  
17 World Anti-Doping Agency: *Provided*, That such funds  
18 may be transferred to other Federal departments and  
19 agencies to carry out such activities.

20 UNANTICIPATED NEEDS

21 For expenses necessary to enable the President to  
22 meet unanticipated needs, in furtherance of the national  
23 interest, security, or defense which may arise at home or  
24 abroad during the current fiscal year, as authorized by  
25 3 U.S.C. 108, \$1,000,000.

## 1 TITLE IV—INDEPENDENT AGENCIES

## 2 ARCHITECTURAL AND TRANSPORTATION BARRIERS

## 3 COMPLIANCE BOARD

## 4 SALARIES AND EXPENSES

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

## 12 COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

## 13 BLIND OR SEVERELY DISABLED

## 14 SALARIES AND EXPENSES

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

## 18 ELECTION ASSISTANCE COMMISSION

19 For necessary expenses of the Election Assistance  
20 Commission, \$500,000,000, for providing grants to assist  
21 State and local efforts to improve election technology and  
22 the administration of Federal elections, as authorized by  
23 the Help America Vote Act of 2002; of which not to exceed  
24 \$1,000,000 shall be available for commission administra-  
25 tive expenses: *Provided*, That no more than  $\frac{1}{10}$  of 1 per-

1 cent of funds available for requirements payments under  
2 Section 257 of the Help America Vote Act of 2002 shall  
3 be allocated to any territory.

4 FEDERAL ELECTION COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses to carry out the provisions  
7 of the Federal Election Campaign Act of 1971, as amend-  
8 ed, \$50,440,000, of which not to exceed \$5,000 shall be  
9 available for reception and representation expenses.

10 FEDERAL LABOR RELATIONS AUTHORITY

11 SALARIES AND EXPENSES

12 For necessary expenses to carry out functions of the  
13 Federal Labor Relations Authority, pursuant to Reorga-  
14 nization Plan Numbered 2 of 1978, and the Civil Service  
15 Reform Act of 1978, including services authorized by 5  
16 U.S.C. 3109, and including hire of experts and consult-  
17 ants, hire of passenger motor vehicles, and rental of con-  
18 ference rooms in the District of Columbia and elsewhere,  
19 \$29,611,000: *Provided*, That public members of the Fed-  
20 eral Service Impasses Panel may be paid travel expenses  
21 and per diem in lieu of subsistence as authorized by law  
22 (5 U.S.C. 5703) for persons employed intermittently in  
23 the Government service, and compensation as authorized  
24 by 5 U.S.C. 3109: *Provided further*, That notwithstanding  
25 31 U.S.C. 3302, funds received from fees charged to non-

1 Federal participants at labor-management relations con-  
 2 ferences shall be credited to and merged with this account,  
 3 to be available without further appropriation for the costs  
 4 of carrying out these conferences.

5 FEDERAL MARITIME COMMISSION

6 SALARIES AND EXPENSES

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

16 GENERAL SERVICES ADMINISTRATION

17 REAL PROPERTY ACTIVITIES

18 FEDERAL BUILDINGS FUND

19 LIMITATIONS ON AVAILABILITY OF REVENUE

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount to be deposited in, and to  
 22 be used for the purposes of, the Fund established pursu-  
 23 ant to section 210(f) of the Federal Property and Admin-  
 24 istrative Services Act of 1949, as amended (40 U.S.C.  
 25 592), \$407,000,000. The revenues and collections depos-  
 26 ited into the Fund shall be available for necessary ex-

1 penses of real property management and related activities  
2 not otherwise provided for, including operation, mainte-  
3 nance, and protection of federally owned and leased build-  
4 ings; rental of buildings in the District of Columbia; res-  
5 toration of leased premises; moving governmental agencies  
6 (including space adjustments and telecommunications re-  
7 location expenses) in connection with the assignment, allo-  
8 cation and transfer of space; contractual services incident  
9 to cleaning or servicing buildings, and moving; repair and  
10 alteration of federally owned buildings including grounds,  
11 approaches and appurtenances; care and safeguarding of  
12 sites; maintenance, preservation, demolition, and equip-  
13 ment; acquisition of buildings and sites by purchase, con-  
14 demnation, or as otherwise authorized by law; acquisition  
15 of options to purchase buildings and sites; conversion and  
16 extension of federally owned buildings; preliminary plan-  
17 ning and design of projects by contract or otherwise; con-  
18 struction of new buildings (including equipment for such  
19 buildings); and payment of principal, interest, and any  
20 other obligations for public buildings acquired by install-  
21 ment purchase and purchase contract; in the aggregate  
22 amount of \$6,717,247,000, of which: (1) \$659,668,000  
23 shall remain available until expended for construction (in-  
24 cluding funds for sites and expenses and associated design

1 and construction services) of additional projects at the fol-  
2 lowing locations:

3 New Construction:

4 Alabama:

5 Anniston, United States Courthouse,  
6 \$4,400,000

7 Tuscaloosa, Federal Building,  
8 \$7,500,000

9 California:

10 Los Angeles, United States Court-  
11 house, \$50,000,000

12 San Diego, Border Station,  
13 \$34,211,000

14 Colorado:

15 Denver Federal Center, site remedi-  
16 ation, \$6,000,000

17 Florida:

18 Orlando, United States Courthouse,  
19 \$7,200,000

20 Maine:

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

22 Maryland:

23 Montgomery County, Food and Drug  
24 Administration Consolidation, \$45,000,000

1                   Suitland, United States Census Bu-  
2                   reau, \$146,451,000  
3                   Michigan:  
4                   Detroit, Ambassador Bridge Border  
5                   Station, \$25,387,000  
6                   New York:  
7                   Champlain, Border Station,  
8                   \$31,031,000  
9                   North Carolina:  
10                  Charlotte, United States Courthouse,  
11                  \$8,500,000  
12                  Ohio:  
13                  Toledo, United States Courthouse,  
14                  \$6,500,000  
15                  Pennsylvania:  
16                  Harrisburg, PA, United States Court-  
17                  house, \$26,000,000  
18                  South Carolina:  
19                  Greenville, United States Courthouse,  
20                  \$11,000,000  
21                  Texas:  
22                  Del Rio, Border Station, \$23,966,000  
23                  Eagle Pass, Border Station,  
24                  \$31,980,000

1                   Houston, Federal Bureau of Inves-  
2                   tigation, \$58,080,000  
3                   McAllen, Border Station, \$17,938,000  
4                   San Antonio, United States Court-  
5                   house, \$8,000,000  
6                   Virginia:  
7                   Richmond, United States Courthouse,  
8                   \$83,000,000  
9                   Washington:  
10                  Blaine, Border Station, \$9,812,000  
11                  Nonprospectus Construction, \$10,000,000:  
12 *Provided*, That each of the foregoing limits of costs on  
13 new construction projects may be exceeded to the extent  
14 that savings are effected in other such projects, but not  
15 to exceed 10 percent of the amounts included in an ap-  
16 proved prospectus, if required, unless advance approval is  
17 obtained from the Committees on Appropriations of a  
18 greater amount: *Provided further*, That all funds for direct  
19 construction projects shall expire on September 30, 2005,  
20 and remain in the Federal Buildings Fund except for  
21 funds for projects as to which funds for design or other  
22 funds have been obligated in whole or in part prior to such  
23 date; (2) \$1,000,939,000 shall remain available until ex-  
24 pended for repairs and alterations, which includes associ-  
25 ated design and construction services: *Provided further*,

1 That funds in the Federal Buildings Fund for Repairs and  
2 Alterations shall, for prospectus projects, be limited to the  
3 amount by project, as follows, except each project may be  
4 increased by an amount not to exceed 10 percent unless  
5 advance approval is obtained from the Committees on Ap-  
6 propriations of a greater amount:

7 Repairs and Alterations:

8 Colorado:

9 Denver, Byron G. Rogers Federal  
10 Building—Courthouse, \$39,436,000

11 District of Columbia:

12 320 First Street, \$7,485,000

13 Eisenhower Executive Office Building,  
14 \$65,757,000

15 Federal Office Building 8,  
16 \$134,872,000

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

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

19 Georgia:

20 Atlanta, Richard B. Russell Federal  
21 Building, \$32,173,000

22 Illinois:

23 Chicago, Dirksen Courthouse &  
24 Kluczynski Federal Building, \$24,056,000

1                   Springfield, Paul H. Findley Federal  
2                   Building—Courthouse, \$6,183,000

3                   Indiana:

4                   Terra Haute Federal Building—Post  
5                   Office, \$4,600,000

6                   Massachusetts:

7                   Boston, John W. McCormack Post  
8                   Office and Courthouse, \$73,037,000

9                   New York:

10                  Brooklyn, Emanuel Celler Courthouse,  
11                  \$65,511,000

12                  North Dakota:

13                  Fargo, Federal Building—Post Office,  
14                  \$5,801,000

15                  Ohio:

16                  Columbus, John W. Bricker Federal  
17                  Building, \$10,707,000

18                  Washington:

19                  Auburn, Building 7, Auburn Federal  
20                  Building, \$18,315,000

21                  Bellingham, Federal Building (de-  
22                  sign), \$2,610,000

23                  Seattle, Henry M. Jackson Federal  
24                  Building, \$6,868,000

25                  Special Emphasis Programs:

1 Chlorofluorocarbons Program, \$5,000,000  
2 Energy Program, \$5,000,000  
3 Glass Fragmentation Program,  
4 \$20,000,000  
5 Design Program, \$34,737,000  
6 Basic Repairs and Alterations,  
7 \$355,000,000:

8 *Provided further,* That funds made available in any pre-  
9 vious Act in the Federal Buildings Fund for Repairs and  
10 Alterations shall, for prospectus projects, be limited to the  
11 amount identified for each project, except each project in  
12 any previous Act may be increased by an amount not to  
13 exceed 10 percent unless advance approval is obtained  
14 from the Committees on Appropriations of a greater  
15 amount: *Provided further,* That additional projects for  
16 which prospectuses have been fully approved may be fund-  
17 ed under this category only if advance approval is obtained  
18 from the Committees on Appropriations: *Provided further,*  
19 That the amounts provided in this or any prior Act for  
20 “Repairs and Alterations” may be used to fund costs asso-  
21 ciated with implementing security improvements to build-  
22 ings necessary to meet the minimum standards for secu-  
23 rity in accordance with current law and in compliance with  
24 the reprogramming guidelines of the appropriate Commit-  
25 tees of the House and Senate: *Provided further,* That the

1 difference between the funds appropriated and expended  
2 on any projects in this or any prior Act, under the heading  
3 “Repairs and Alterations”, may be transferred to Basic  
4 Repairs and Alterations or used to fund authorized in-  
5 creases in prospectus projects: *Provided further*, That all  
6 funds for repairs and alterations prospectus projects shall  
7 expire on September 30, 2005 and remain in the Federal  
8 Buildings Fund except funds for projects as to which  
9 funds for design or other funds have been obligated in  
10 whole or in part prior to such date: *Provided further*, That  
11 the amount provided in this or any prior Act for Basic  
12 Repairs and Alterations may be used to pay claims against  
13 the Government arising from any projects under the head-  
14 ing “Repairs and Alterations” or used to fund authorized  
15 increases in prospectus projects; (3) \$169,745,000 for in-  
16 stallment acquisition payments including payments on  
17 purchase contracts which shall remain available until ex-  
18 pended; (4) \$3,278,187,000 for rental of space which shall  
19 remain available until expended; and (5) \$1,608,708,000  
20 for building operations which shall remain available until  
21 expended: *Provided further*, That funds available to the  
22 General Services Administration shall not be available for  
23 expenses of any construction, repair, alteration and acqui-  
24 sition project for which a prospectus, if required by the  
25 Public Buildings Act of 1959, as amended, has not been

1 approved, except that necessary funds may be expended  
2 for each project for required expenses for the development  
3 of a proposed prospectus: *Provided further*, That funds  
4 available in the Federal Buildings Fund may be expended  
5 for emergency repairs when advance approval is obtained  
6 from the Committees on Appropriations: *Provided further*,  
7 That amounts necessary to provide reimbursable special  
8 services to other agencies under section 210(f)(6) of the  
9 Federal Property and Administrative Services Act of  
10 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to  
11 provide such reimbursable fencing, lighting, guard booths,  
12 and other facilities on private or other property not in  
13 Government ownership or control as may be appropriate  
14 to enable the United States Secret Service to perform its  
15 protective functions pursuant to 18 U.S.C. 3056, shall be  
16 available from such revenues and collections: *Provided fur-*  
17 *ther*, That revenues and collections and any other sums  
18 accruing to this Fund during fiscal year 2004, excluding  
19 reimbursements under section 210(f)(6) of the Federal  
20 Property and Administrative Services Act of 1949 (40  
21 U.S.C. 592(b)(2)) in excess of \$6,717,247,000 shall re-  
22 main in the Fund and shall not be available for expendi-  
23 ture except as authorized in appropriations Acts.

## 1 GENERAL ACTIVITIES

## 2 GOVERNMENT-WIDE POLICY

3 For expenses authorized by law, not otherwise pro-  
4 vided for, for Government-wide policy and evaluation ac-  
5 tivities associated with the management of real and per-  
6 sonal property assets and certain administrative services;  
7 Government-wide policy support responsibilities relating to  
8 acquisition, telecommunications, information technology  
9 management, and related technology activities; and serv-  
10 ices as authorized by 5 U.S.C. 3109, \$61,781,000.

## 11 OPERATING EXPENSES

12 For expenses authorized by law, not otherwise pro-  
13 vided for, for Government-wide activities associated with  
14 utilization and donation of surplus personal property; dis-  
15 posal of real property; telecommunications, information  
16 technology management, and related technology activities;  
17 providing citizens with Internet access to Federal informa-  
18 tion and services; agency-wide policy direction and man-  
19 agement, and Board of Contract Appeals; accounting,  
20 records management, and other support services incident  
21 to adjudication of Indian Tribal Claims by the United  
22 States Court of Federal Claims; services as authorized by  
23 5 U.S.C. 3109; and not to exceed \$7,500 for official recep-  
24 tion and representation expenses, \$85,083,000.

## 1 OFFICE OF INSPECTOR GENERAL

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

## 12 ELECTRONIC GOVERNMENT (E-GOV) FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For necessary expenses in support of interagency  
15 projects that enable the Federal Government to expand  
16 its ability to conduct activities electronically, through the  
17 development and implementation of innovative uses of the  
18 Internet and other electronic methods, \$5,000,000, to re-  
19 main available until expended: *Provided*, That these funds  
20 may be transferred to Federal agencies to carry out the  
21 purposes of the Fund: *Provided further*, That this transfer  
22 authority shall be in addition to any other transfer author-  
23 ity provided in this Act: *Provided further*, That such trans-  
24 fers may not be made until 10 days after a proposed  
25 spending plan and justification for each project to be un-



1 ments: *Provided*, That any proposed transfers shall be ap-  
2 proved in advance by the Committees on Appropriations.

3       SEC. 404. No funds made available by this Act shall  
4 be used to transmit a fiscal year 2005 request for United  
5 States Courthouse construction that: (1) does not meet  
6 the design guide standards for construction as established  
7 and approved by the General Services Administration, the  
8 Judicial Conference of the United States, and the Office  
9 of Management and Budget; and (2) does not reflect the  
10 priorities of the Judicial Conference of the United States  
11 as set out in its approved 5-year construction plan: *Pro-*  
12 *vided*, That the fiscal year 2005 request must be accom-  
13 panied by a standardized courtroom utilization study of  
14 each facility to be constructed, replaced, or expanded.

15       SEC. 405. None of the funds provided in this Act may  
16 be used to increase the amount of occupiable square feet,  
17 provide cleaning services, security enhancements, or any  
18 other service usually provided through the Federal Build-  
19 ings Fund, to any agency that does not pay the rate per  
20 square foot assessment for space and services as deter-  
21 mined by the General Services Administration in compli-  
22 ance with the Public Buildings Amendments Act of 1972  
23 (Public Law 92–313).

24       SEC. 406. Funds provided to other Government agen-  
25 cies by the Information Technology Fund, General Serv-

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

SEC. 407. From funds made available under the heading “Federal Buildings Fund, Limitations on Availability of Revenue”, claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. (a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to acquire, under such terms and conditions as he deems to be in the interests of the United States, approximately 27 acres of land, identified as Site 7 and located at 234 Corporate Drive, Pease International Tradeport, Portsmouth, NH 03801, as a site for the public building needs of the Federal Government, and to design and construct upon the site a new Federal Office Building of approxi-

1 mately 98,000 gross square feet: *Provided*, That the Ad-  
2 ministrator shall not acquire any property under this sub-  
3 section until the Administrator determines that the prop-  
4 erty is in compliance with applicable environmental laws,  
5 and that the property is suitable and available for use as  
6 a site to house the Federal agencies presently located in  
7 the Thomas J. McIntyre Federal Building.

8 (b) For the site acquisition, design, construction, and  
9 relocation, \$11,149,000 shall be available from funds pre-  
10 viously provided under the heading “General Services Ad-  
11 ministration, Real Property Activities, Federal Buildings  
12 Fund” in Public Law 108–7 for repairs and alterations  
13 to the Thomas J. McIntyre Federal Building in Ports-  
14 mouth, New Hampshire, which was included in the plan  
15 for expenditure of repairs and alterations funds as re-  
16 quired by accompanying House Report 108–10.

17 (c) For any additional costs of construction, manage-  
18 ment and inspection of the new facility to house the Fed-  
19 eral agencies relocated from the McIntyre Federal Office  
20 Building, and for the costs of relocating the Federal agen-  
21 cies occupying the McIntyre Federal Office Building,  
22 \$13,669,000 shall be deposited into the Federal Buildings  
23 Fund (40 U.S.C. 592) from the General Fund; which  
24 amount, together with the amount set forth in subsection  
25 (b) of this section shall remain available until expended

1 and shall be subject to such escalation and reprogramming  
 2 authorities available to the Administrator for any other  
 3 new construction projects under the heading “Federal  
 4 Building Fund Limitations on Availability of Revenue”.

5 (d) The Administrator is authorized and directed to  
 6 convey, without consideration, the Thomas J. McIntyre  
 7 Federal Office Building to the City of Portsmouth, New  
 8 Hampshire for economic development purposes subject to  
 9 the following conditions: (i) that all Federal agencies cur-  
 10 rently occupying the McIntyre Building except the United  
 11 States Postal Service are completely relocated to the new  
 12 Federal Building for so long as those agencies have con-  
 13 tinuing mission needs for that new location, (ii) that the  
 14 requirements of the McKinney-Vento Homeless Assistance  
 15 Act (42 U.S.C. 11411 et seq.) shall not apply to this con-  
 16 veyance; and (iii) that the Administrator may include in  
 17 the conveyance documents such terms and conditions as  
 18 the Administrator determines in the best interest of the  
 19 United States.

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-  
 26 form Act of 1978, including services as authorized by 5

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

9 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN  
 10 NATIONAL ENVIRONMENTAL POLICY FOUNDATION  
 11 MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN  
 12 NATIONAL ENVIRONMENTAL POLICY TRUST FUND

13 For payment to the Morris K. Udall Scholarship and  
 14 Excellence in National Environmental Policy Trust Fund,  
 15 pursuant to the Morris K. Udall Scholarship and Excel-  
 16 lence in National Environmental and Native American  
 17 Public Policy Act of 1992 (20 U.S.C. 5601 et seq.),  
 18 \$1,996,000, to remain available until expended: *Provided*,  
 19 That up to 60 percent of such funds may be transferred  
 20 by the Morris K. Udall Scholarship and Excellence in Na-  
 21 tional Environmental Policy Foundation for the necessary  
 22 expenses of the Native Nations Institute.

23 ENVIRONMENTAL DISPUTE RESOLUTION FUND

24 For payment to the Environmental Dispute Resolu-  
 25 tion Fund to carry out activities authorized in the Envi-

1 ronmental Policy and Conflict Resolution Act of 1998,  
2 \$1,309,000, to remain available until expended.

3 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

4 OPERATING EXPENSES

5 For necessary expenses in connection with the admin-  
6 istration of the National Archives (including the Informa-  
7 tion Security Oversight Office) and archived Federal  
8 records and related activities, as provided by law, and for  
9 expenses necessary for the review and declassification of  
10 documents, and for the hire of passenger motor vehicles,  
11 \$258,191,000: *Provided*, That the Archivist of the United  
12 States is authorized to use any excess funds available from  
13 the amount borrowed for construction of the National Ar-  
14 chives facility, for expenses necessary to provide adequate  
15 storage for holdings.

16 REPAIRS AND RESTORATION

17 For the repair, alteration, and improvement of ar-  
18 chives facilities, and to provide adequate storage for hold-  
19 ings, \$13,483,000, to remain available until expended, of  
20 which \$2,025,000 is for land acquisition for a site in An-  
21 chorage, Alaska to construct a new regional archives and  
22 records facility and of which \$5,000,000 is for the repair  
23 and restoration of the plaza that surrounds the Lyndon  
24 Baines Johnson Presidential Library and that is under the  
25 joint control and custody of the University of Texas: *Pro-*  
26 *vided*, That such funds may be transferred directly to the

1 University and used, together with University funds, for  
2 repair and restoration of the plaza and remain available  
3 until expended for this purpose: *Provided further*, That the  
4 same transfer authority shall extend to funds previously  
5 appropriated in Public Law 108–7 for this purpose.

6 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

7 COMMISSION

8 GRANTS PROGRAM

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

13 NATIONAL TRANSPORTATION SAFETY BOARD

14 SALARIES AND EXPENSES

15 For necessary expenses of the National Transpor-  
16 tation Safety Board, including hire of passenger motor ve-  
17 hicles and aircraft; services as authorized by 5 U.S.C.  
18 3109, but at rates for individuals not to exceed the per  
19 diem rate equivalent to the rate for a GS–15; uniforms,  
20 or allowances therefor, as authorized by law (5 U.S.C.  
21 5901–5902) \$72,170,000, of which not to exceed \$2,000  
22 may be used for official reception and representation ex-  
23 penses.

24 EMERGENCY FUND

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

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

5 OFFICE OF GOVERNMENT ETHICS

6 SALARIES AND EXPENSES

7 For necessary expenses to carry out functions of the  
8 Office of Government Ethics pursuant to the Ethics in  
9 Government Act of 1978, as amended and the Ethics Re-  
10 form Act of 1989, including services as authorized by 5  
11 U.S.C. 3109, rental of conference rooms in the District  
12 of Columbia and elsewhere, hire of passenger motor vehi-  
13 cles, and not to exceed \$1,500 for official reception and  
14 representation expenses, \$10,738,000.

15 OFFICE OF PERSONNEL MANAGEMENT

16 SALARIES AND EXPENSES

17 (INCLUDING TRANSFER OF TRUST FUNDS)

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

1 bursements to applicable funds of the Office of Personnel  
2 Management and the Federal Bureau of Investigation for  
3 expenses incurred under Executive Order No. 10422 of  
4 January 9, 1953, as amended; and payment of per diem  
5 and/or subsistence allowances to employees where Voting  
6 Rights Act activities require an employee to remain over-  
7 night at his or her post of duty, \$118,748,000, of which  
8 \$2,000,000 shall remain available until expended for the  
9 cost of the enterprise human resources integration project,  
10 and \$2,500,000 shall remain available until expended for  
11 the cost of leading the government-wide initiative to mod-  
12 ernize the Federal payroll systems and service delivery and  
13 \$2,500,000 shall remain available through September 30,  
14 2005 to coordinate and conduct program evaluation and  
15 performance measurement; and in addition \$135,914,000  
16 for administrative expenses, to be transferred from the ap-  
17 propriate trust funds of the Office of Personnel Manage-  
18 ment without regard to other statutes, including direct  
19 procurement of printed materials, for the retirement and  
20 insurance programs, of which \$36,700,000 shall remain  
21 available until expended for the cost of automating the re-  
22 tirement recordkeeping systems: *Provided*, That the provi-  
23 sions of this appropriation shall not affect the authority  
24 to use applicable trust funds as provided by sections  
25 8348(a)(1)(B), 8909(g), and 9004(f)(1)(A) and (2)(A) of

1 title 5, United States Code: *Provided further*, That no part  
2 of this appropriation shall be available for salaries and ex-  
3 penses of the Legal Examining Unit of the Office of Per-  
4 sonnel Management established pursuant to Executive  
5 Order No. 9358 of July 1, 1943, or any successor unit  
6 of like purpose: *Provided further*, That the President's  
7 Commission on White House Fellows, established by Exec-  
8 utive Order No. 11183 of October 3, 1964, may, during  
9 fiscal year 2004, accept donations of money, property, and  
10 personal services in connection with the development of  
11 a publicity brochure to provide information about the  
12 White House Fellows, except that no such donations shall  
13 be accepted for travel or reimbursement of travel expenses,  
14 or for the salaries of employees of such Commission.

15 OFFICE OF INSPECTOR GENERAL

16 SALARIES AND EXPENSES

17 (INCLUDING TRANSFER OF TRUST FUNDS)

18 For necessary expenses of the Office of Inspector  
19 General in carrying out the provisions of the Inspector  
20 General Act, as amended, including services as authorized  
21 by 5 U.S.C. 3109, hire of passenger motor vehicles,  
22 \$1,498,000, and in addition, not to exceed \$14,427,000  
23 for administrative expenses to audit, investigate, and pro-  
24 vide other oversight of the Office of Personnel Manage-  
25 ment's retirement and insurance programs, to be trans-  
26 ferred from the appropriate trust funds of the Office of

1 Personnel Management, as determined by the Inspector  
2 General: *Provided*, That the Inspector General is author-  
3 ized to rent conference rooms in the District of Columbia  
4 and elsewhere.

5 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES  
6 HEALTH BENEFITS

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

12 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE  
13 LIFE INSURANCE

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

18 PAYMENT TO CIVIL SERVICE RETIREMENT AND  
19 DISABILITY FUND

20 For financing the unfunded liability of new and in-  
21 creased annuity benefits becoming effective on or after Oc-  
22 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-  
23 nuities under special Acts to be credited to the Civil Serv-  
24 ice Retirement and Disability Fund, such sums as may  
25 be necessary: *Provided*, That annuities authorized by the  
26 Act of May 29, 1944, as amended, and the Act of August

1 19, 1950, as amended (33 U.S.C. 771–775), may here-  
2 after be paid out of the Civil Service Retirement and Dis-  
3 ability Fund.

4 OFFICE OF SPECIAL COUNSEL

5 SALARIES AND EXPENSES

6 For necessary expenses to carry out functions of the  
7 Office of Special Counsel pursuant to Reorganization Plan  
8 Numbered 2 of 1978, the Civil Service Reform Act of  
9 1978 (Public Law 95–454), as amended, the Whistle-  
10 blower Protection Act of 1989 (Public Law 101–12), as  
11 amended, Public Law 103–424, and the Uniformed Serv-  
12 ices Employment and Reemployment Act of 1994 (Public  
13 Law 103–353), including services as authorized by 5  
14 U.S.C. 3109, payment of fees and expenses for witnesses,  
15 rental of conference rooms in the District of Columbia and  
16 elsewhere, and hire of passenger motor vehicles;  
17 \$13,504,000.

18 UNITED STATES POSTAL SERVICE

19 PAYMENT TO THE POSTAL SERVICE FUND

20 For payment to the Postal Service Fund for revenue  
21 forgone on free and reduced rate mail, pursuant to sub-  
22 sections (c) and (d) of section 2401 of title 39, United  
23 States Code, \$65,521,000, of which \$36,521,000 shall not  
24 be available for obligation until October 1, 2004: *Provided*,  
25 That mail for overseas voting and mail for the blind shall

1 continue to be free: *Provided further*, That 6-day delivery  
2 and rural delivery of mail shall continue at not less than  
3 the 1983 level: *Provided further*, That none of the funds  
4 made available to the Postal Service by this Act shall be  
5 used to implement any rule, regulation, or policy of charg-  
6 ing any officer or employee of any State or local child sup-  
7 port enforcement agency, or any individual participating  
8 in a State or local program of child support enforcement,  
9 a fee for information requested or provided concerning an  
10 address of a postal customer: *Provided further*, That none  
11 of the funds provided in this Act shall be used to consoli-  
12 date or close small rural and other small post offices in  
13 fiscal year 2004.

14 UNITED STATES TAX COURT

15 SALARIES AND EXPENSES

16 For necessary expenses, including contract reporting  
17 and other services as authorized by 5 U.S.C. 3109,  
18 \$40,187,000: *Provided*, That travel expenses of the judges  
19 shall be paid upon the written certificate of the judge.

20 WHITE HOUSE COMMISSION ON THE NATIONAL

21 MOMENT OF REMEMBRANCE

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

## 1 TITLE V—GENERAL PROVISIONS

## 2 THIS ACT

3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 501. During the current fiscal year applicable  
5 appropriations to the Department of Transportation shall  
6 be available for maintenance and operation of aircraft;  
7 hire of passenger motor vehicles and aircraft; purchase of  
8 liability insurance for motor vehicles operating in foreign  
9 countries on official department business; and uniforms,  
10 or allowances therefor, as authorized by law (5 U.S.C.  
11 5901–5902).

12 SEC. 502. Such sums as may be necessary for fiscal  
13 year 2004 pay raises for programs funded in this Act shall  
14 be absorbed within the levels appropriated in this Act or  
15 previous appropriations Acts.

16 SEC. 503. Appropriations contained in this Act for  
17 the Department of Transportation shall be available for  
18 services as authorized by 5 U.S.C. 3109, but at rates for  
19 individuals not to exceed the per diem rate equivalent to  
20 the rate for an Executive Level IV.

21 SEC. 504. None of the funds in this Act shall be avail-  
22 able for salaries and expenses of more than 106 political  
23 and Presidential appointees in the Department of Trans-  
24 portation: *Provided*, That none of the personnel covered  
25 by this provision or political and Presidential appointees

1 in an independent agency funded in this Act may be as-  
2 signed on temporary detail outside the Department of  
3 Transportation or such independent agency.

4       SEC. 505. None of the funds in this Act shall be used  
5 for the planning or execution of any program to pay the  
6 expenses of, or otherwise compensate, non-Federal parties  
7 intervening in regulatory or adjudicatory proceedings  
8 funded in this Act.

9       SEC. 506. None of the funds appropriated in this Act  
10 shall remain available for obligation beyond the current  
11 fiscal year, nor may any be transferred to other appropria-  
12 tions, unless expressly so provided herein.

13       SEC. 507. The expenditure of any appropriation  
14 under this Act for any consulting service through procure-  
15 ment contract pursuant to section 3109 of title 5, United  
16 States Code, shall be limited to those contracts where such  
17 expenditures are a matter of public record and available  
18 for public inspection, except where otherwise provided  
19 under existing law, or under existing Executive order  
20 issued pursuant to existing law.

21       SEC. 508. None of the funds in this Act shall be used  
22 to implement section 404 of title 23, United States Code.

23       SEC. 509. (a) No recipient of funds made available  
24 in this Act shall disseminate personal information (as de-  
25 fined in 18 U.S.C. 2725(3)) obtained by a State depart-

1 ment of motor vehicles in connection with a motor vehicle  
2 record as defined in 18 U.S.C. 2725(1), except as provided  
3 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.  
4 2721.

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

8 SEC. 510. Funds received by the Federal Highway  
9 Administration, Federal Transit Administration, and Fed-  
10 eral Railroad Administration from States, counties, mu-  
11 nicipalities, other public authorities, and private sources  
12 for expenses incurred for training may be credited respec-  
13 tively to the Federal Highway Administration's "Federal-  
14 Aid Highways" account, the Federal Transit Administra-  
15 tion's "Transit Planning and Research" account, and to  
16 the Federal Railroad Administration's "Safety and Oper-  
17 ations" account, except for State rail safety inspectors  
18 participating in training pursuant to 49 U.S.C. 20105.

19 SEC. 511. Notwithstanding any other provision of  
20 law, rule or regulation, the Secretary of Transportation  
21 is authorized to allow the issuer of any preferred stock  
22 heretofore sold to the Department to redeem or repur-  
23 chase such stock upon the payment to the Department of  
24 an amount determined by the Secretary.

1       SEC. 512. None of the funds in title I of this Act  
2 may be used to make a grant unless the Secretary of  
3 Transportation, or the Secretary of the department in  
4 which the Transportation Security Administration is oper-  
5 ating, notifies the House and Senate Committees on Ap-  
6 propriations not less than 3 full business days before any  
7 discretionary grant award, letter of intent, or full funding  
8 grant agreement totaling \$1,000,000 or more is an-  
9 nounced by the department or its modal administrations  
10 from: (1) any discretionary grant program of the Federal  
11 Highway Administration other than the emergency relief  
12 program; (2) the airport improvement program of the  
13 Federal Aviation Administration; or (3) any program of  
14 the Federal Transit Administration other than the for-  
15 mula grants and fixed guideway modernization programs:  
16 *Provided*, That no notification shall involve funds that are  
17 not available for obligation.

18       SEC. 513. Rebates, refunds, incentive payments,  
19 minor fees and other funds received by the Department  
20 of Transportation from travel management centers,  
21 charge card programs, the subleasing of building space,  
22 and miscellaneous sources are to be credited to appropria-  
23 tions of the Department of Transportation and allocated  
24 to elements of the Department of Transportation using

1 fair and equitable criteria and such funds shall be avail-  
2 able until expended.

3       SEC. 514. None of the funds in this Act may be obli-  
4 gated for the Office of the Secretary of Transportation  
5 to approve assessments or reimbursable agreements per-  
6 taining to funds appropriated to the modal administra-  
7 tions in this Act, except for activities underway on the  
8 date of enactment of this Act, unless such assessments  
9 or agreements have completed the normal reprogramming  
10 process for Congressional notification.

11       SEC. 515. Funds appropriated or limited in title I  
12 of this Act shall be subject to the terms and conditions  
13 stipulated in section 350 of Public Law 107–87, including  
14 that the Secretary submit a report to the House and Sen-  
15 ate Appropriations Committees annually on the safety and  
16 security of transportation into the United States by Mex-  
17 ico-domiciled motor carriers.

18       SEC. 516. None of the funds made available in this  
19 Act may be transferred to any department, agency, or in-  
20 strumentality of the United States Government, except  
21 pursuant to a transfer made by, or transfer authority pro-  
22 vided in, this Act or any other appropriations Act.

23       SEC. 517. Funds provided in this Act for the Working  
24 Capital Fund shall be reduced by \$17,816,000, which lim-  
25 its fiscal year 2004 Working Capital Fund obligational au-

1 thority for elements of the Department of Transportation  
2 funded in this Act to no more than \$98,899,000: *Provided*,  
3 That such reductions from the budget request shall be al-  
4 located by the Department of Transportation to each ap-  
5 propriations account in proportion to the amount included  
6 in each account for the Working Capital Fund.

7       SEC. 518. AMENDMENTS TO PRIOR SURFACE TRANS-  
8 PORTATION LAWS. (a) ISTEA HIGH PRIORITY COR-  
9 RIDORS.—

10           (1) Section 1105(c) of the Intermodal Surface  
11       Transportation Efficiency Act of 1991 (105 Stat.  
12       2032–2033) as amended, is further amended by in-  
13       serting after paragraph (44) the following:

14           “(45) U.S. 78 from Tupelo, Mississippi, to  
15       Memphis, Tennessee.”.

16           (2) Section 1105(e)(5)(A) of such Act as amended  
17       is further amended by striking “and subsection (c)(42)”  
18       and inserting after “(c)(40),” the following: “in subsection  
19       (c)(42), and in subsection (c)(45)”.

20           (3) Section 1105(e)(5)(B)(i) of such Act is amended  
21       by adding at the end the following: “The portion of the  
22       route referred to in subsection (c)(45) and the portion of  
23       the route referred to in subsection (c)(42) between Tupelo,  
24       Mississippi, and Birmingham, Alabama, are designated as  
25       Interstate Route I–22.”.

1       SEC. 519. Amounts made available in this or any  
2 other Act that the Secretary determines represent im-  
3 proper payments by the Department of Transportation to  
4 a third party contractor under a financial assistance  
5 award, which are recovered pursuant to law, shall be  
6 available—

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

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

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

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

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

5           SEC. 520. The Secretary of Transportation is author-  
6           ized to transfer the unexpended balances available for the  
7           bonding assistance program from “Office of the Secretary,  
8           Salaries and expenses” to “Minority Business Outreach”.

9           SEC. 521. The expenditure of any appropriation  
10          under this Act for any consulting service through procure-  
11          ment contract, pursuant to 5 U.S.C. 3109, shall be limited  
12          to those contracts where such expenditures are a matter  
13          of public record and available for public inspection, except  
14          where otherwise provided under existing law, or under ex-  
15          isting Executive order issued pursuant to existing law.

16          SEC. 522. In conducting the rulemaking mandated by  
17          Section 352 of Public Law 108–7, the Department of  
18          Transportation and any other agencies involved in the  
19          rulemaking shall ensure that the proposed rules fully and  
20          accurately reflect the findings in the General Accounting  
21          Office. The study concerns the adequacy of the Depart-  
22          ment’s procedures used prior to the passage of Public Law  
23          108–7 in order to ensure the security of facilities and ac-  
24          tivities described in Section 352.

1        SEC. 523. No part of any appropriation contained in  
2 this Act shall be available to pay the salary for any person  
3 filling a position, other than a temporary position, for-  
4 merly held by an employee who has left to enter the Armed  
5 Forces of the United States and has satisfactorily com-  
6 pleted his period of active military or naval service, and  
7 has within 90 days after his release from such service or  
8 from hospitalization continuing after discharge for a pe-  
9 riod of not more than 1 year, made application for restora-  
10 tion to his former position and has been certified by the  
11 Office of Personnel Management as still qualified to per-  
12 form the duties of his former position and has not been  
13 restored thereto.

14        SEC. 524. No funds appropriated pursuant to this  
15 Act may be expended by an entity unless the entity agrees  
16 that in expending the assistance the entity will comply  
17 with sections 2 through 4 of the Act of March 3, 1933  
18 (41 U.S.C. 10a–10c, popularly known as the “Buy Amer-  
19 ica Act”).

20        SEC. 525. (a) PURCHASE OF AMERICAN-MADE  
21 EQUIPMENT AND PRODUCTS.—In the case of any equip-  
22 ment or products that may be authorized to be purchased  
23 with financial assistance provided under this Act, it is the  
24 sense of the Congress that entities receiving such assist-

1 ance should, in expending the assistance, purchase only  
2 American-made equipment and products.

3 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In  
4 providing financial assistance under this Act, the Sec-  
5 retary of the Treasury shall provide to each recipient of  
6 the assistance a notice describing the statement made in  
7 subsection (a) by the Congress.

8 SEC. 526. If it has been finally determined by a court  
9 or Federal agency that any person intentionally affixed a  
10 label bearing a “Made in America” inscription, or any in-  
11 scription with the same meaning, to any product sold in  
12 or shipped to the United States that is not made in the  
13 United States, such person shall be ineligible to receive  
14 any contract or subcontract made with funds provided  
15 pursuant to this Act, pursuant to the debarment, suspen-  
16 sion, and ineligibility procedures described in sections  
17 9.400 through 9.409 of title 48, Code of Federal Regula-  
18 tions.

19 SEC. 527. Except as otherwise specifically provided  
20 by law, not to exceed 50 percent of unobligated balances  
21 remaining available at the end of fiscal year 2004 from  
22 appropriations made available for salaries and expenses  
23 for fiscal year 2004 in this Act, shall remain available  
24 through September 30, 2005, for each such account for  
25 the purposes authorized: *Provided*, That a request shall

1 be submitted to the Committees on Appropriations for ap-  
2 proval prior to the expenditure of such funds: *Provided*  
3 *further*, That these requests shall be made in compliance  
4 with reprogramming guidelines.

5 SEC. 528. None of the funds made available in this  
6 Act may be used by the Executive Office of the President  
7 to request from the Federal Bureau of Investigation any  
8 official background investigation report on any individual,  
9 except when—

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

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

16 SEC. 529. The cost accounting standards promul-  
17 gated under section 26 of the Office of Federal Procure-  
18 ment Policy Act (Public Law 93-400; 41 U.S.C. 422)  
19 shall not apply with respect to a contract under the Fed-  
20 eral Employees Health Benefits Program established  
21 under chapter 89 of title 5, United States Code.

22 SEC. 530. For the purpose of resolving litigation and  
23 implementing any settlement agreements regarding the  
24 nonforeign area cost-of-living allowance program, the Of-  
25 fice of Personnel Management may accept and utilize

1 (without regard to any restriction on unanticipated travel  
2 expenses imposed in an Appropriations Act) funds made  
3 available to the Office pursuant to court approval.

4       SEC. 531. No funds appropriated or otherwise made  
5 available under this Act shall be made available to any  
6 person or entity that has been convicted of violating the  
7 Buy American Act (41 U.S.C. 10a–10e).

8       SEC. 532. Notwithstanding any other provision of  
9 law, any bridge that is owned and operated by a state  
10 agency (1) whose toll revenues are administered by a Met-  
11 ropolitan Planning Organization (MPO), and (2) whose  
12 toll revenues provide for subsidizing of non-capital trans-  
13 portation costs, shall be eligible for assistance under this  
14 section but the amount of toll revenues expended for non-  
15 capital transportation costs shall in no event exceed the  
16 cumulative amount of local toll revenues used for federal  
17 interstate and federal-aid highway construction and im-  
18 provement projects in the toll bridge corridors. Before au-  
19 thorizing an expenditure of funds under this subsection,  
20 the Secretary shall determine that the cumulative amount  
21 of toll revenues used for construction and improvement to  
22 the federal interstate and federal-aid highway system is  
23 greater than the cumulative amount of toll revenue used  
24 for non-capital transportation projects not directly related

1 to the on-going operation and maintenance of the toll  
2 bridges.

3 SEC. 533. Notwithstanding any other provision of  
4 this Act, amounts appropriated or limited in this Act are  
5 hereby reduced by \$128,076,000. Such reductions shall—

6 (1) be administered by the Director, Office of  
7 Management and Budget;

8 (2) be assessed by the Director within 30 days  
9 of enactment of this Act;

10 (3) be derived solely from funds appropriated or  
11 limited for activities under:

12 (A) Object Class 21.0—Travel and Trans-  
13 portation of Persons, with the exception of  
14 funds provided for the travel of safety inspec-  
15 tors within the Department of Transportation  
16 and enforcement personnel within the Depart-  
17 ment of the Treasury;

18 (B) Object Class 22.0—Transportation of  
19 Things;

20 (C) Object Class 23.3—Communications,  
21 Utilities, and Miscellaneous Charges, with the  
22 exception of the telecommunication costs associ-  
23 ated with the FAA air traffic control system  
24 and the Internal Revenue Service;

1 (D) Object Class 24.0—Printing and Re-  
2 production, with the exception of such expenses  
3 within the Internal Revenue Service;

4 (E) Object Class 25.1—Advisory and As-  
5 sistance Services;

6 (F) Object Class 26.0—Supplies and Ma-  
7 terials, with the exception of such expenses in  
8 the United States Mint;

9 (G) Object Class 31.0—Equipment, with  
10 the exception of such expenses under the Inter-  
11 nal Revenue Service and the FAA Facilities and  
12 Equipment account.

13 (4) be assessed by the Director on a pro-rata  
14 basis against all agencies funded in this Act with ad-  
15 justments necessitated by the exceptions cited under  
16 subsection (3); and

17 (5) not be assessed against the Department of  
18 Transportation’s Working Capital Fund.

19 SEC. 534. None of the funds appropriated or limited  
20 in title I of this Act may be used to change weight restric-  
21 tions or prior permission rules at Teterboro Airport.

22 SEC. 535. Section 414(h) of title 39, United States  
23 Code, is amended by striking “2003” and inserting  
24 “2005”.

1           SEC. 536. After the last section of the Federal Tran-  
2 sit Act, 49 U.S.C. Chapter 53, add the following section:

3   **“SEC. \_\_\_\_ . UTAH TRANSPORTATION PROJECTS.**

4           “(a) COORDINATION.—FTA and FHWA are directed  
5 to work with the Utah Transit Authority and the Utah  
6 Department of Transportation to coordinate the develop-  
7 ment regional commuter rail and the northern segment of  
8 I–15 reconstruction located in the Wasatch Front corridor  
9 extending from Brigham City to Payson, Utah. Coordina-  
10 tion includes integration of preliminary engineering and  
11 design, a simplified method for allocating project costs  
12 among eligible FTA and FHWA funding sources, and a  
13 unified accounting and audit process.

14           “(b) GOVERNMENTAL FUNDING.—For purposes of  
15 determining and allocating the nongovernmental and gov-  
16 ernmental share of costs, the following projects comprise  
17 a related program of projects: regional commuter rail, the  
18 TRAX light rail system, TRAX extensions to the Medical  
19 Center and to the Gateway Intermodal Center, and the  
20 northern segment of I–15 reconstruction. The govern-  
21 mental share of project costs appropriated from the Sec-  
22 tion 5309 New Start program shall conform to the share  
23 specified in the extension or reauthorization of TEA21.”.

## 1 TITLE VI—GENERAL PROVISIONS

## 2 DEPARTMENTS, AGENCIES, AND CORPORATIONS

3 SEC. 601. 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. 602. 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. 603. 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 ceeded 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. 604. 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. 605. 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 quali-  
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. 606. 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. 607. 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. 608. 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. 609. 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. 610. 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. 611. 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. 612. 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. 613. (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 previous fiscal years until the normal effec-  
24 tive date of the applicable wage survey adjustment  
25 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. 614. 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. 615. Notwithstanding section 1346 of title 31,  
25 United States Code, or section 610 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. 616. (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;

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

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

14          (7) the Director of Central Intelligence.

15          SEC. 617. No department, agency, or instrumentality  
16          of the United States receiving appropriated funds under  
17          this or any other Act for the current fiscal year shall obli-  
18          gate or expend any such funds, unless such department,  
19          agency, or instrumentality has in place, and will continue  
20          to administer in good faith, a written policy designed to  
21          ensure that all of its workplaces are free from discrimina-  
22          tion and sexual harassment and that all of its workplaces  
23          are not in violation of title VII of the Civil Rights Act  
24          of 1964, as amended, the Age Discrimination in Employ-  
25          ment Act of 1967, and the Rehabilitation Act of 1973.

1        SEC. 618. 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, reassigns, transfers, disciplines, or dis-  
22 criminate 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. 619. (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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ment and agency is hereby authorized to transfer to or  
2 reimburse the “Policy and Citizen Services” account, Gen-  
3 eral Services Administration, with the approval of the Di-  
4 rector of the Office of Management and Budget, funds  
5 made available for the current fiscal year by this or any  
6 other Act, including rebates from charge card and other  
7 contracts. These funds shall be administered by the Ad-  
8 ministrator of General Services to support Government-  
9 wide financial, information technology, procurement, and  
10 other management innovations, initiatives, and activities,  
11 as approved by the Director of the Office of Management  
12 and Budget, in consultation with the appropriate inter-  
13 agency groups designated by the Director (including the  
14 Chief Financial Officers Council and the Joint Financial  
15 Management Improvement Program for financial manage-  
16 ment initiatives, the Chief Information Officers Council  
17 for information technology initiatives, and the Procure-  
18 ment Executives Council for procurement initiatives). The  
19 total funds transferred or reimbursed shall not exceed  
20 \$12,250,000. 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. 628. None of the funds made available in this  
25 or any other Act may be used by the Office of Personnel

1 Management or any other department or agency of the  
2 Federal Government to (a) operate an online employment  
3 information service for the Federal Government under any  
4 contract awarded under the request for quotations number  
5 SOLO30000003 issued by the Office of Personnel Man-  
6 agement unless the Office of Personnel Management com-  
7 plies with the recommendations of the Comptroller Gen-  
8 eral in the General Accounting Office decision of April 29,  
9 2003, referred to as Symplicity Corporation, B-291902;  
10 or (b) prohibit any agency from using appropriated funds  
11 as they see fit to independently contract with private com-  
12 panies to provide online employment applications and  
13 processing services.

14 SEC. 629. Notwithstanding any other provision of  
15 law, a woman may breastfeed her child at any location  
16 in a Federal building or on Federal property, if the woman  
17 and her child are otherwise authorized to be present at  
18 the location.

19 SEC. 630. Notwithstanding section 1346 of title 31,  
20 United States Code, or section 610 of this Act, funds  
21 made available for the current fiscal year by this or any  
22 other Act shall be available for the interagency funding  
23 of specific projects, workshops, studies, and similar efforts  
24 to carry out the purposes of the National Science and  
25 Technology Council (authorized by Executive Order No.

1 12881), which benefit multiple Federal departments,  
2 agencies, or entities: *Provided*, That the Office of Manage-  
3 ment and Budget shall provide a report describing the  
4 budget of and resources connected with the National  
5 Science and Technology Council to the Committees on Ap-  
6 propriations, the House Committee on Science; and the  
7 Senate Committee on Commerce, Science, and Transpor-  
8 tation 90 days after enactment of this Act.

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

17       SEC. 632. Subsection (f) of section 403 of Public Law  
18 103–356 (31 U.S.C. 501 note) is amended by striking  
19 “October 1, 2003” and inserting “October 1, 2004”.

20       SEC. 633. (a) PROHIBITION OF FEDERAL AGENCY  
21 MONITORING OF PERSONAL INFORMATION ON USE OF  
22 INTERNET.—None of the funds made available in this or  
23 any other Act may be used by any Federal agency—

24               (1) to collect, review, or create any aggregate  
25       list, derived from any means, that includes the col-

1       lection of any personally identifiable information re-  
2       lating to an individual's access to or use of any Fed-  
3       eral Government Internet site of the agency; or

4           (2) to enter into any agreement with a third  
5       party (including another government agency) to col-  
6       lect, review, or obtain any aggregate list, derived  
7       from any means, that includes the collection of any  
8       personally identifiable information relating to an in-  
9       dividual's access to or use of any nongovernmental  
10      Internet site.

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

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

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

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

20           (4) any action described in subsection (a)(1)  
21      that is a system security action taken by the oper-  
22      ator of an Internet site and is necessarily incident  
23      to the rendition of the Internet site services or to the  
24      protection of the rights or property of the provider  
25      of the Internet site.

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

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

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

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

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

18 (1) any of the following religious plans:

19 (A) Personal Care’s HMO; and

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

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

24 (c) In implementing this section, any plan that enters  
25 into or renews a contract under this section may not sub-

1 ject any individual to discrimination on the basis that the  
2 individual refuses to prescribe or otherwise provide for  
3 contraceptives because such activities would be contrary  
4 to the individual's religious beliefs or moral convictions.

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

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

11 SEC. 636. (a) The adjustment in rates of basic pay  
12 for employees under the statutory pay systems that takes  
13 effect in fiscal year 2004 under sections 5303 and 5304  
14 of title 5, United States Code, shall be an increase of 4.1  
15 percent, and this adjustment shall apply to civilian em-  
16 ployees in the Department of Defense and the Department  
17 of Homeland Security and such adjustments shall be effec-  
18 tive as of the first day of the first applicable pay period  
19 beginning on or after January 1, 2004.

20 (b) Notwithstanding section 713 of this Act, the ad-  
21 justment in rates of basic pay for the statutory pay sys-  
22 tems that take place in fiscal year 2004 under sections  
23 5344 and 5348 of title 5, United States Code, shall be  
24 no less than the percentage in paragraph (a) as employees  
25 in the same location whose rates of basic pay are adjusted

1 pursuant to the statutory pay systems under section 5303  
2 and 5304 of title 5, United States Code. Prevailing rate  
3 employees at locations where there are no employees whose  
4 pay is increased pursuant to sections 5303 and 5304 of  
5 title 5 and prevailing rate employees described in section  
6 5343(a)(5) of title 5 shall be considered to be located in  
7 the pay locality designated as “Rest of US” pursuant to  
8 section 5304 of title 5 for purposes of this paragraph.

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

13 SEC. 637. Not later than 6 months after the date of  
14 enactment of this Act, the Inspector General of each appli-  
15 cable department or agency shall submit to the Committee  
16 on Appropriations a report detailing what policies and pro-  
17 cedures are in place for each department or agency to give  
18 first priority to the location of new offices and other facili-  
19 ties in rural areas, as directed by the Rural Development  
20 Act of 1972.

21 SEC. 638. None of the funds made available under  
22 this or any other Act for fiscal year 2004 shall be ex-  
23 pended for the purchase of a product or service offered  
24 by Federal Prison Industries, Inc. unless the agency mak-  
25 ing such purchase determines that such offered product

1 or service provides the best value to the buying agency  
2 pursuant to governmentwide procurement regulations,  
3 issued pursuant to section 25(c)(1) of the Office of Fed-  
4 eral Procurement Act (41 U.S.C. 421(c)(1)) that impose  
5 procedures, standards, and limitations of section 2410n of  
6 title 10, United States Code.

7 SEC. 639. Notwithstanding any other provision of  
8 law, funds appropriated for official travel by Federal de-  
9 partments and agencies may be used by such departments  
10 and agencies, if consistent with Office of Management and  
11 Budget Circular A-126 regarding official travel for Gov-  
12 ernment personnel, to participate in the fractional aircraft  
13 ownership pilot program.

14 SEC. 640. Each Executive department and agency  
15 shall evaluate the creditworthiness of an individual before  
16 issuing the individual a government purchase charge card  
17 or government travel charge card. The department or  
18 agency may not issue a government purchase charge card  
19 or government travel charge card to an individual that ei-  
20 ther lacks a credit history or is found to have an unsatis-  
21 factory credit history as a result of this evaluation: *Pro-*  
22 *vided*, That this restriction shall not preclude issuance of  
23 a restricted-use charge, debit, or stored value card made  
24 in accordance with agency procedures to (a) an individual  
25 with an unsatisfactory credit history where such card is

1 used to pay travel expenses and the agency determines  
2 there is no suitable alternative payment mechanism avail-  
3 able before issuing the card, or (b) an individual who lacks  
4 a credit history. Each Executive department and agency  
5 shall establish guidelines and procedures for disciplinary  
6 actions to be taken against agency personnel for improper,  
7 fraudulent, or abusive use of government charge cards,  
8 which shall include appropriate disciplinary actions for use  
9 of charge cards for purposes, and at establishments, that  
10 are inconsistent with the official business of the Depart-  
11 ment or agency or with applicable standards of conduct.  
12 Disciplinary actions may include, but are not limited to,  
13 the review of the security clearance of the individual in-  
14 volved and the modification or revocation of such security  
15 clearance in light of the review.

16       SEC. 641. Notwithstanding any other provision of  
17 law, no executive branch agency shall purchase, construct,  
18 and/or lease any additional facilities, except within or con-  
19 tiguous to existing locations, to be used for the purpose  
20 of conducting Federal law enforcement training without  
21 the advance approval of the Committees on Appropria-  
22 tions, except that the Federal Law Enforcement Training  
23 Center is authorized to obtain the temporary use of addi-  
24 tional facilities by lease, contract, or other agreement for

1 training which cannot be accommodated in existing Center  
2 facilities.

3 SEC. 642. Not later than December 31 of each year,  
4 the head of each agency shall submit to Congress a report  
5 on the competitive sourcing activities performed during  
6 the previous fiscal year by Federal Government sources  
7 that are on the list required under the Federal Activities  
8 Inventory Reform Act of 1998 (Public Law 105–270; 31  
9 U.S.C. 501 note). The report shall include—

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

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

14 (3) the costs attributable to paying outside con-  
15 sultants and contractors to carry out the agency’s  
16 competitive sourcing program;

17 (4) the costs attributable to paying agency per-  
18 sonnel to carry out its competitive sourcing program;

19 and

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

22 This Act may be cited as the “Transportation, Treas-  
23 ury, and General Government Appropriations Act, 2004”.



Calendar No. 277

108<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1589**

[Report No. 108-1461]

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## **A BILL**

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

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SEPTEMBER 8, 2003

Read twice and placed on the calendar